



MEMORANDUM

DATE: November 24, 2012

TO: Mayor Romero and City Council Members
City Employees and Members of the Public

FROM: Steve Duran, City Manager

SUBJECT: City Manager's Weekly Report

PLANNING UPDATES

Upcoming Hearings:

We anticipate the following project hearings at the Planning Commission meeting on Dec. 3:

- **Proposal to enclose a 239-sq.-ft. second-story deck at 136 Hemlock.**
At the Design Review Subcommittee meeting on Tuesday, Oct. 30, Commissioner Bowermaster recommended the project for full Planning Commission consideration, without changes or additional conditions. (Commissioner Mitchell recused himself due to work-related relationships with both the applicant and the applicant's representative.)
- **Proposal to relocate "Aguirre Fitness" to 718 & 720 Alfred Nobel Dr. (North Shore Business Park)** from its current location at 1581 Sycamore Ave. (Creekside Shopping Center).
- **Proposal by Verizon Wireless to install antennas to the existing PG&E lattice tower on the open space land south of the intersection of the Falcon Way & Refugio Valley Road.**
The Design Review Subcommittee reviewed the plans this week, but without the project representative present. The project is contingent on Verizon agreeing to the City's lease terms for installing ground-based equipment on City-owned land (\$2,000/month, similar to an existing lease agreement with AT&T for the same location).

Housing Element:

The State requires that the Housing Element of every City's General Plan be updated every five years. Two years ago (Sept. 2010), the City submitted its [*Preliminary Draft of the Housing Element Update for 2009-2014*](#) to the [California Department of Housing and Community Development](#) (HCD) for 60-day public review of compliance with state laws. However, due to various uncertainties (elimination of redevelopment, disposition of City-owned properties, turnover in leadership and staff, resource limitations, etc.), the City has

not—until now—followed up on certifying the Housing Element. To achieve HCD certification, and thus ensure the legitimacy of the City’s General Plan and to remain eligible for certain funding opportunities, we anticipate completing the Housing Element Update along this schedule:

- Staff to finish revising the Housing Element to respond to prior HCD comments and to address policy and development changes that have occurred over the past two years (mid-November);
- Present the revised Housing Element to the Planning Commission and City Council (late Nov./early December);
- Resubmit by December the revised Housing Element to HCD for 60-day review;
- Complete the requisite CEQA review for the Housing Element by January 2013;
- Anticipate receiving from HCD by February 2013 a letter with Finding of Substantial Compliance;
- Adopt the Housing Element in March 2013;
- Send the adopted Housing Element back to HCD for final certification in April 2013;

REAL PROPERTY PROJECT UPDATES

Market Hall/Red Barn Site: No updates. Palo Alto based McNellis Partners, led by John McNellis, has purchased the Market Hall/Red Barn Site bordered by Interstate 80, Highway 4, San Pablo Avenue and Sycamore. This approximately 6.5 acre site is one of two premier retail sites in Hercules, the other being Sycamore Crossing. McNellis is a well regarded developer of retail centers and is one of several developers that were vying for this site. You can find out more about McNellis Partners at www.mcnellis.com.

Sycamore Crossing: No updates. A Purchase and Sale Agreement (PSA) was entered into with Property Development Centers (PDC) in January. PDC is a wholly owned subsidiary of Safeway and plans to build a 55,000 to 65,000 Safeway store and gas station near San Pablo Avenue, with another junior anchor, restaurant and shop space to compliment the supermarket.

Staff and legal counsel completed a mediation session with Save-Mart, which is the beneficiary of the deed restriction under their lease for the Lucky’s supermarket in Hercules. Considerable progress was made in the mediation discussions and a second round is scheduled for January 11, 2013. City legal counsel and PDC legal counsel concur that the deed restriction does not impact the smaller 3+ acre portion of the site on the east side of the creek at the corner of San Pablo and Sycamore, which is a separate parcel. Thus, PDC is developing an alternative plan for the site.

One plan is for a traditional one story Safeway close to Tsushima Drive and the other is for a more urban Safeway in either a podium style or roof-top parking style on the corner three acre site that is not subject to the deed restriction. With the podium style, the store is on the second level with parking at street level below the store. With the roof-top parking style, parking is on the roof with the store on the first level off a smaller parking lot on the ground level. If the deed restriction can be removed, the traditional store provides more flexibility for leasing, but either plan will work for Safeway.

Final site plans will be influenced by the status of the deed restriction, key tenants, and the design review and entitlement process. DPC is actively seeking tenants that will compliment the Safeway supermarket. Two or three story residential units on Sycamore facing Sycamore North are being considered for the site, but there is a potential for a 100% retail project.

Sala Restaurant Site: No updates. Under ABx26, assets of the former Redevelopment Agency not used for civic purposes and not under contract for a redevelopment project must be sold and the proceeds used to pay obligations of the former Redevelopment Agency. The City as Successor Agency is required to move expeditiously to dispose of such assets. AB 1484, however, does provide for a property management plan that could include transferring qualified assets to the City for Civic Uses. 1991 Railroad Avenue, the Civic Art Building, which is leased to Sala Restaurant, is an asset of the former Redevelopment Agency that the City as Successor Agency will have to determine a use for, subject to the approval of the Redevelopment Oversight Board and the State Department of Finance.

November 29 has been set for a community meeting to get input of the future use of the Sala Restaurant site and building. Ideas expressed to date include selling the property, continuing to lease it as a restaurant and returning the property to a civic use.

Bayfront – ITC Project: No updates. This project will develop a 42.36 acre portion of the Hercules Waterfront District master Plan (WDMP) area with the “Hercules Bayfront Project,” a transit-oriented, mixed-use neighborhood that includes a variety of dwelling unit types with businesses, an associated system of walkable streets, pedestrian interconnections, and public plazas with bay views. The City portion of the project includes the Intermodal Transit Center (ITC) and other public improvements, including the extension of John Muir Parkway and the construction of a major Bay Trail segment.

The Water Board has requested additional information to supplement the application submitted on September 7, 2012 for water quality certification of the ITC plans. In order for the Water Board to issue waste discharge requirements and water quality certification, they must (1) verify that impacts to wetlands and other waters have been avoided to the maximum extent possible, (2) verify that the proposed mitigation design is sustainable and that it provides adequate compensation for the impacts, and, (3) ensure that storm water runoff impacts have been addressed. While the application submitted provided a substantial amount of information, the Water Board has requested more specific detail on some elements of the plan in order to make these determinations.

Upcoming significant milestones:

- Obtain water quality certification.
- Advance and finalize construction permitting efforts for the ITC Project.
- Finalize design for the initial ITC construction bid packages.

Parcel C: The property will be transferred and the Purchase and Sale Agreement with DeNova Homes will be assigned to the City as Successor Agency to the Hercules Redevelopment Agency. DeNova is proposing up to 350 high-quality, high-amenity residential apartments with a condo map and is considering the feasibility of some retail on the site. Two to three acres of the site will be used for a bio-retention area and a sewer lift station. This transit oriented

development will provide support for the Intermodal Transit Center and the planned retail/restaurant node on Bayfront Boulevard adjacent to the ITC.

The Agreement is currently in its due diligence phase. Staff and legal counsel are working to remove and modify certain outdated easements that encumber this property and other properties, including a number of Bayfront-ITC parcels, and to deal with impacts of AB 1484, which places additional administrative burden on the disposition of former redevelopment agency properties. These issues will require an amendment to the Purchase and Sale Agreement, which staff and legal counsel are preparing. First, an amendment will be recommended to extend the feasibility period to February 1, 2013 and a second amendment will be recommended in January to deal with issues related to AB 1484.

Parcel C and Victoria Crescent are the two properties being sold under a court approved \$6.5 million writ of attachment to settle the Ambac lawsuit, so time is of the essence in order to fulfill the requirements of the court sealed settlement to pay Ambac, as well as to pay Oliver & Company nearly \$2 million secured by Parcel C. The Oliver payment is due by March 31, 2013. Staff is in discussions with Oliver to renegotiate the schedule.

Victoria Crescent: The Redevelopment Oversight Board approved the Purchase and Sale Agreement with City Ventures, which has proposed detached residential homes for the site, On Monday, November 19.

MUNICIPAL SERVICES UPDATE

Building Permits:

- Number of permits issued-----6
- Building permit fees collected-----\$2,023.60
- Number of inspections-----11
- Code Enforcement inspections-----3

Sewer Lateral Inspection Program:

- Applications received-----4
- Inspection fees collected-----\$500.00
- Number of Certificates issued-----2
- Number of deficiency notices-----1
- Number of condominium waivers issued-----1

Other Permits:

- Wide-load permits-----0
- Encroachment permits-----2
- Grading permits-----0

Other Activities:

- Landscape irrigation has been shut down for the winter city wide.
- Landscape mulching continues by Contractor.
- Staff repaired numerous streetlights within the City.
- Staff continues repainting of red curbs city-wide.
- Staff has been working on the John Muir Parkway extension and Bayfront Bridge documents.
- Staff continues to work on documents for the Bay Trail.
- Staff has reviewed and commented on the Promenade lift station removal drawings and specifications.
- Staff continues to work with the pre-design engineers on the Pinole/Hercules wastewater treatment plant improvements.
- Staff has completed documents necessary to demolish two homes on Carson Street. The City Attorney and Municipal Services Director will deliver the documents to the Court on December 4th subject to the availability of the judge. The contractor will start work immediately thereafter.
- A small sinkhole was reported on Santa Fe Avenue. (The sinkhole is a storm drain inlet that appears to have been paved over in the original construction of the street. Staff will be contacting a contractor to make repairs.)
- Staff is working on Holiday coverage schedule.
- A power outage occurred on 11/14/12 in Pinole that affected the Bayside lift station. Backup system functioned normally. The traffic signal at Sycamore and Creekside Avenues did not reset. Police and public works staff were able to reset the signals to flash red and notified Contra County Signal Maintenance for repairs. Repairs completed before morning commute.

On-going Library Repairs

This is the current timeline for making repairs to the wavy wall at the Hercules Library. These dates are weather dependant, but should the weather look promising during the Thanksgiving holiday, the work will begin as outlined below.

- Monday (11/26) – R. Avelar to perform precision demo of exterior brick veneer.
- Tuesday (11/27) – R. Avelar to perform precision demo of exterior brick veneer - Complete
- Wednesday (11/28) – R. Avelar to cut-out cement backer board and expose flashing-tie. Van Mulder to remove flashing and field measure for replacement flashing. Fabricate flashing at shop.
- Thursday (11/29) – Van Mulder to install new flashing saddle. R. Avelar to install new cement board backer and “tape” joints. Cover and protect opening for the weekend.

- Monday (12/3) – American Tile & Brick Veneer to install new C-Cure waterproofing membrane
- Tuesday (12/4) – American Tile & Brick Veneer to install new brick veneer
- Wednesday (12/5) – American Tile & Brick Veneer to grout new brick veneer

PARKS AND RECREATION UPDATES

Currently the Park & Recreation Department offers a wide variety of recreation classes and programs that cater to all ages and help to promote a healthy lifestyle. The classes & programs provide a great opportunity to have fun and exercise while interacting with others in a safe environment. You can go online to www.ci.hercules.ca.us to get more information or to register for classes.

Winter Camp 2012- Register Now!

Dates: December 17, 2012-December 21, 2012. We are a Licensed Child Care program with staff that are all over age of 18 years old and have the training in school-age programming through accredited colleges. All staff is First Aid and CPR certified and have all passed a live scan/background check. We will provide your child with a safe and nurturing environment. Our camp will extend the holiday season for a few more days while keeping your children active and entertained during their winter break from school. Activities will include arts and crafts, sports (both indoor and outdoor), games and a chance to meet some new friends. The cost of this camp includes two daily snacks (please be sure to send a bagged lunch for your child). Late registration forms will be subject to a \$15.00 late fee. All camp fees are to be paid in full at the time of registration. For questions call 799-8230.

		3-Day	4-Day	5-Day
Resident	7-8:30am	\$16.00	\$21.00	\$26.00
Non-Resident	7-8:30am	\$20.00	\$26.00	\$33.00
Resident	8:30am-5:30pm	\$95.00	\$126.00	\$158.00
	8:30am-6:30pm	\$105.00	\$140.00	\$175.00
Non-Resident	8:30am-5:30pm	\$119.00	\$158.00	\$198.00
	8:30am-6:30pm	\$131.00	\$175.00	\$219.00

Licensed Before & After School Child Care

Sign up for Fall Child Care, please make sure to register early so you get your space. For more information please call 245-4803. What are the benefits of our licensed programs?

- Provides a safe and nurturing environment
- Provides qualified and matured staff
- All lead Staff have training in school age programming through accredited colleges
- Provides a 1 staff to 14 ratio, not to exceed 28 children per classroom
- All staff have passed a Livescan/Background check

Aquatics:

- CRAB FEED!! January 19th, 2013. Buy your tickets NOW!!
- EBSD All Year Round Membership! Taking sign-ups NOW!!
- Swim Passes available for Lap Swim/Water Walking (Monday-Friday 6-7pm)

- Water Polo Conditioning starts on 11/5/12-2/1/13, Time: 5-6:30pm, Days: Monday-Friday, Fees: \$200, Ages 5-18
- EBSD Swim Clinics starts on 1/2/13-1/31-13, Times: 5-6:30pm, Days: Monday-Friday, Fees: \$60, Ages 5-18

Teens:

Sign up for our SPOT Before and After school program for grades 6th -9th.

- We currently have 30 participants signed up for the Before and After school program.

Facilities:

Are you looking for a hall to rent to hold a meeting, party, wedding reception, graduation, birthday, retirement or baptisms. Check out our many facilities we have to offer by going online to www.ci.hercules.ca.us or call 799-8291 for more information.

- Community Center is fully rented out for Saturdays for the month of November.

Recreation Classes:

We are now taking registration for many new and exciting classes. Classes include Tutoring, Math Tutoring, Oil Painting, Chinese, Dog Obedience, Ballet, Gymnastics, Belly Dance, Guitar, Karate, Ab Lad, Zumba & Jazzercise. Make sure to register early before they fill up or get canceled for low enrollment.

Parks & Recreation Activity Guide & Banner Programs:

We are accepting applications to advertise in the next edition of the Parks and Recreation activity guide which come out December. If you have specific questions feel free to give Andrea Mendez a call at (510) 799-8290 or email amendez@ci.hercules.ca.us.

- Look for the Guide in your household by the end of November

Sports:

We are now taking registration for many new and exciting sports classes and programs that we are offering: Pee Wee Basketball, Tennis, Adult 3 on 3 basketball, Youth Flag Football, Gymnastic, Tiny Tot Sports: 10 participants, Functionally Fit, Table Tennis: 5 participants, Co-ed Adult Dodge ball, Co-ed Kick Ball. Make sure to register early before they fill up or get canceled for low enrollment.

- Open Gym Basketball Mondays/Tuesday/ Thursdays from 8:15pm-10:15pm \$5res/\$6nres

Tiny Tots & Little Learners:

A great introduction to your child's "First Learning Experiences". They will have fun making their first school friends, learning through play, games, arts, crafts, and healthy snacks. Our loving and qualified staff will guide them with socialization and self-help skills. Children have so much fun, they do not realize they are learning! Our program runs along with the school year from September-June. Come see what keeps our children smiling! Children must be completely toilet trained (no pull-ups).

- We are currently full. Tiny Tots has 2 classrooms running at Hanna with a total of 48 for MWF and one class for T/Th with 24 participants.

Seniors/50+:

Come to the Senior Center Programs to enjoy: CC Café, Art Class, Card Club, Ping Pong, Tai Chi, Zumba Gold, Low Impact Exercise Classes, Dance Club, and a Hula Dance. Become a Member for \$20.00, your membership gives you access to over 30 classes and programs at a discounted rate.

WEEKLY POLICE REPORT - As of November 22, 2012

Stolen Vehicle: On November 16, 2012, at 8:25am, an officer was dispatched to the 300 block of South Wildwood for a report of a stolen vehicle. The victim reported that sometime between 11/15/12 at 7:00pm and 8:00am on 11/16/12 someone stole his 1999 Chevy Camaro (6UNL304) which was parked on Village Parkway. The Camaro was entered into SVS.

Collision: On November 16, 2012, at 12:04pm, an Officer responded to Sycamore at Civic for traffic collision. One of the parties complained of pain but refused medical treatment. Both vehicles were driven away by the owners.

Threats: On November 16, 2012, at 5:16pm an Officer was dispatched to HPD for a lobby detail. The victim reported that her husband told his mother if she came home tonight, he would blow her head off. Officers attempted to locate the husband with negative results. This case is under investigation.

Driving Under the Influence: On November 17, 2012 at 1:50 a.m. an Officer stopped a Silver '05 Chrysler 300 (CA LP# 6NZJ721) for a DUI investigation. The driver, Shavonne Williams of Concord displayed objective symptoms of being intoxicated. After SFST's Williams blew into the PAS device twice with results of .117% & .113%. Williams was arrested for DUI and the vehicle was towed. Williams was later cited and released after a blood draw at HPD.

Stored Vehicle: On November 17, 2012 at 9:04am Volunteer Parking Enforcement Officer towed a blue 2007 Nissan Altima (5ZHH569) from Refugio Valley Park for expired registration. The Nissan was towed/stored by Certified Towing.

Theft: On November 17, 2012, at 9:16am, An Officer was dispatched to 116 Scotts Valley for a theft report. The victim reported that sometime between 8:00pm last night and 8:00am this morning someone stole all four rims and tires from her vehicle The vehicle has been parked in the driveway of 116 Scotts Valley for the past two weeks.

Stored Vehicle: On November 17, 2012 at 2:23pm Volunteer Parking Enforcement Officer towed a black 2002 Jaguar X Type (5TPK624) from IFO 124 Oriole Court for expire registration. The Jag was towed/stored by Freemans Towing.

Unlicensed Driver: On November 17, 2012, at 4:45am an Officer stopped a vehicle on San Pablo Ave and John Muir for a vehicle code violation. The driver, Cameo McGee of Antioch was cited for driving with a suspended license.

Auto Burglary: On November 17, 2012, an Officer responded to Franklin Canyon Golf Course for an auto burglary report.

Domestic Violence: On November 17, 2012 at 8:00 p.m. an Officer responded to the 400 block of Forest Park and contacted the victim who said that her boyfriend grabbed her by the wrist during an argument, causing injury. The case will be forward to the DA's Office for review.

Stored Tow: On November 17, 2012 at 10:54 p.m. An Officer towed a Copper '00 Chevy Suburban (CA LP# 6HNX958) from the parking lot of Chase Bank, 3600 San Pablo Avenue. The Suburban had expired registration dated January 2012. The last fees that were paid were in 2011. A& D Tow responded and towed the Suburban.

Non-Injury Collision: On November 18, 2012 at 5:00 a.m. Hercules Officers were dispatched to a roll-over collision on Willow Avenue near Sycamore Avenue. Officers arrived and found the driver standing on the shoulder near her overturned vehicle. The driver said she fell asleep at the wheel causing her vehicle to veer to the right and subsequently roll over. The vehicle slid upside down on the roof for approximately 200 feet before coming to rest. The driver did not have any injuries and arranged for a private party tow.

Outside Assist: On November 18, 2012, at about 11:40 am, Pinole PD requested assistance regarding a residential burglary in progress in the 200 block of Buckskin Ct. Hercules Officers assisted with a perimeter position; however the suspects reportedly fled on foot prior to arrival and were not located. It was determined that the suspects had not gained entry into the residence and there was no other suspect information available at this time.

Domestic Battery: On November 18, 2012, at about 12:14 pm, Officers responded to the 90 building of Glenwood for a reported domestic dispute. At the same time, the reporting person, who was the daughter of the two subjects involved in the dispute came to the Hercules Police department and stated that her father pulled her mother's hair pushed her and then slapped her with an open hand across her face. After further investigation, the husband was placed under arrest for domestic violence. An emergency protective order was issued and served. The husband was transported to the Martinez Detention Facility without incident.

Unlicensed Driver: On Nov. 19, 2012 at 12:49am an Officer conducted traffic stop on 1993 Toyota Camry 4 Dr. LP # 3EFN957 at 4000 San Pablo Ave. The driver, Selvin Lopez was found to be an unlicensed driver. Lopez was cited and released.

Driving under the influence On November 19 at 8:36 pm, an Officer conducted a traffic stop on a 97 Lincoln town car at the Park and Ride on Willow Ave. The driver Benjamin Estrada of Hercules was found to be driving under the influence of alcohol and was placed under arrest. His PAS results were 17 & .19. A blood draw was conducted at HPD and Estrada was cited as released to a responsible person.

Located a Missing Juvenile: On November 20 at 1:15 am, Officers contacted a juvenile on Sycamore Ave. near Redwood. During their contact it was determined that the juvenile was a reported as a runaway on November 6, 2012 to the Contra Costa Sheriff's Office. The juvenile was given a ride home to Rodeo.

Outside Assist: On November 20, 2012, at about 2:20 pm, Officers were dispatched to a report of a traffic collision involving multiple cars on I-80 E/B prior to the Willow Ave exit. Upon arrival it was determined that at least six vehicles were involved in the collision. An unresponsive female (from Vallejo) was found on the asphalt with multiple injuries. Rodeo/ Hercules Fire department and AMR arrived on scene and attempted to revive the subject which met with negative results, she was pronounced deceased. Other injured parties were treated and transported to local hospitals. CHP arrived and assumed all investigative responsibility. HPD Officers remained on scene and assisted with traffic control, A Hercules PD Chaplain responded to support family members who were present during the collision and who responded to the scene.

Unlicensed Driver 12500a CVC: On November 20, 2012 at 7:25 pm an officer conducted a traffic stop on 1996 Chrysler Cirrus 4 Dr. LP # 3XKA876 on San Pablo Ave. at State route 4 for no license plate light. The driver Perez, Miguel was found to be an unlicensed driver. Perez was cited and released.

Outside assist for Pinole Police: On November 21, 2012 9:35 pm Hercules Officers were dispatched to a vehicle accident at San Pablo Ave at Hercules Ave. Officers were waved down by Burlington Northern Railroad employees who pointed out a truck near the tracks north of the San Pablo Ave. overcrossing in Pinole. The truck was found stuck in the mud and rocks and was occupied by an unresponsive male. CPR was performed which met with negative results. The driver was pronounced deceased at the scene.

Tree Down on San Pablo Ave.: On November 21, 2012 at 3:09 am, an Officer located a large tree branch down on San Pablo Ave. between Victoria Crescent and Willow Ave. blocking both southbound lanes. Public Works responded and removed the tree from the roadway.

Stolen Vehicle: On November 21, 2012, at about 1:17 pm, a resident from the 200 block of S. Wildwood reported that their black 1998 Honda Civic (Ca License # 6RER479) was stolen from the area of Village Pkwy and Hercules Ave sometime between last Saturday 11/17/2012 and Monday 1/19/12.

Possession for Sales: On November 22, 2012 at 1:18 a.m. an Officer stopped a White '04 Porsche Cayenne for having no license plates. The driver was identified as Dana Rajeski of El Granada. Rajeski initially identified herself and claimed to have no identification. Rajeski then told the Officer she had identification in her purse in the back of the vehicle. A subsequent search for the ID revealed a large amount of suspected Crystal Methamphetamine. Also found a digital scale and packaging. No identification was found for Rajeski but the Officer located a San Francisco County Jail inmate bracelet with Rajeski's name and photo. Rajeski was transported to MDF. Rajeski is currently out on bail from San Francisco for multiple charges.