



MEMORANDUM

DATE: November 30, 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

Housing Element. At the Planning Commission meeting on Monday, December 3rd the City Council meeting on Tuesday, December 4th, staff will be presenting latest revisions to the draft Housing Element Update 2009–2014. Neither the Planning Commission nor City Council need to take any action on the Housing Element at this time. The draft Housing Element Update was previously submitted to the California Department of Housing & Community Development (HCD) in September 2010. The revisions are responses to comments from the HCD and also reflect subsequent changes in local and state policy, and current demographics, economics, and other relevant statistics. After the HCD completes its review of the Housing Element Update for compliance with State laws, staff will convene Planning Commission and City Council hearings (anticipated in early 2013) to consider adoption of the final Housing Element Update 2009–2014.

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:

- 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

Sala Restaurant Site: A community meeting to get input on future uses of 1991 Railroad Avenue, also known as the Civic Art Building or Sala Restaurant, was held at the City Council Chamber on November 29th. The meeting was fairly well attended and about 25 community members provided ideas, insights and thoughtful questions regarding the future use or uses of this facility. Most felt that an experienced restaurateur could succeed at the location and several types of food venues were suggested. Other ideas included: culinary arts that also provided a restaurant; an event facility; daycare, pre-school or private educational facility. One theme was that the location is not optimum for a restaurant and that some way finding signage is needed to direct people to waterfront district restaurants, shops and businesses. A complete list of the ideas recorded will be provided by staff and put on the City's web-site.

Parcel C: This 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 in accordance with an ABx1 26 directive from the State Controller. A First Amendment to the Purchase and Sale Agreement (PSA) will be considered by the City Council on December 4th in order to extend the Feasibility Period under the PSA to February 1, 2013 in order to provide time to craft a second, more substantive amendment to deal with bureaucratic delays caused by AB 1484. Staff has targeted January 24th for Council consideration of the Second Amendment.

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.

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.

Sycamore Crossing: 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.

Bayfront – ITC Project: 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.

Efforts to advance and finalize permitting efforts for the ITC Project continue. The City met with Bay Conservation and Development Commission (BCDC) on September 24th and received comments on the City’s permit application on October 4th. Department of Fish & Game (DFG) met with the City for a site walk on October 2nd and issued a Complete Application Notification on October 5th; a draft Streambed Alteration Agreement is anticipated in early December. The City conducted a site walk with Regional Water Quality Control Board (RWQCB) on October 29th who issued their comments on November 2nd; a follow-up meeting is being scheduled in early December. Coordination efforts with the US Army Corp of Engineers (USACE) have been hampered due to the point of contact being deployed to the East Coast to address the impacts of Hurricane Sandy.

In June 2012, the City envisioned issuing the design in three bid packages. This included a single bid package for the construction of the rail related improvements and the San Francisco Bay Trail. The Federal Transit Administration (FTA) is the lead agency for the ITC Project while the Federal Highway Administration (FHWA) is the lead for the SF Bay Trail Project. During subsequent discussions with FHWA and Caltrans, it was determined that the City should split this bid package into two separate bid packages. Constructing this as two separate bid packages has added some complexity to the design delivery that the City is working through with HDR. The City is also finalizing easements necessary for the contemplated work to occur. Additionally, BKF’s design package for John Muir Parkway / Bayfront Boulevard Bridge / Refugio Creek work will be finalized with resolution of the agency permits.

As a result, drawings are being finalized into four bid packages:

1. Promenade Lift Station Removal and Sanitary Sewer Line Replacement
2. Path to Transit (John Muir Parkway / Bayfront Blvd. Bridge / Refugio Creek)
3. San Francisco Bay Trail

4. Track Preparation (Track Preparation / Retaining Walls / Utility Lines)

The City met with Hercules Bayfront, LLC on November 14th as part of their quarterly updates described in the Implementing Development Agreement and to discuss the current project phasing plan and schedule.

HERCULES MUNICIPAL UTILITY

The formal Request for Proposal for the sale of the Hercules Municipal Utility was released to the public on November 16th. Proposals are due back to the City by January 9, 2013. In the meantime, interested buyers will be touring the Utility's facilities and talking with staff to learn more about operations. Once proposals are received in January, they will be reviewed by city staff, Bodington and Company (the city's investment banker/broker) and the City Council temporary advisory committee. The team will then move to begin negotiations with the best and highest bidder.

POTENTIAL GARBAGE RATE INCREASE

Over the past few months, staff has been working with a consultant to review Richmond Sanitary Services' (RSS) application for an 11% rate increase. The initial review was completed last week and staff will be meeting with RSS to discuss the findings. Once any issues have been resolved, staff will be bringing forward a recommendation to City Council for consideration. The City is required to hold a public hearing on the matter, prior to a rate adjustment.

PLASTIC BAG ORDINANCE

RecycleMore, (aka West Contra Costa Integrated Waste Management Authority - WCCIWMA) the Joint Power Authority to which the City belongs has prepared an Initial Study to evaluate the environmental impacts of a proposed ordinance that would prohibit the free distribution of single-use carryout paper and plastic bags at the point of sale for all retail establishments except restaurants and non-profit charitable reuse organizations. The proposed ordinance would be considered for adoption within each city's own jurisdiction including Richmond, Hercules, San Pablo, Pinole, El Cerrito, and the areas of unincorporated Contra Costa County that surround these five cities. The Board of Directors of RecycleMore will be holding a public hearing on the model ordinance in the near future. For more information please visit www.recyclemore.com.

RECYCLEMORE – POST-COLLECTION STATEMENT OF INTEREST

RecycleMore (discussed above) is currently reviewing Statements of Interest from waste haulers to provide post-collection handling services (disposal of waste once it is in the truck) for solid waste, recycling, organics, and other material. Currently, Republic Services (aka Richmond Sanitary Services – RSS) receives about \$20 million dollars annually to process and dispose of over 130,000 tons of material. The contract with RSS is expiring in 2014. RecycleMore staff will be presenting the results of the process at its next meeting, which has yet to be scheduled.

MUNICIPAL SERVICES UPDATE

Building Permits:

- Number of permits issued-----2
- Building permit fees collected-----\$656.90
- Number of inspections-----7
- Code Enforcement inspections-----1

Sewer Lateral Inspection Program:

- Applications received-----0
- Inspection fees collected-----\$0
- Number of Certificates issued-----1
- Number of deficiency notices-----0
- Number of condominium waivers issued-----0

Other Permits:

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

Other Activities:

- Contra Costa County signal maintenance crews were in town completing regular maintenance on traffic signals.
- Large tree branch at city limits knocked down by storm necessitating a late night callout to public works staff.
- Plugged sewer line located by Olympian Hills identified and cleared without incident.
- Plugged storm drain cleared by Olympian Hills and Duck Pond Park.
- City Hall Federal and State flags damaged by high winds (replacement flags on order).

Library Work Updates:

- 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.

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)
- 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.

- Finished up a session of oil painting classes with 13 participants enrolled
- Currently we have gymnastics classes with 16 participants enrolled

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 this weekend
- We have now sold all banner space for the month of December

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.

- CC Café 95 meals served \$190 in revenue for this week
- 55 participants in classes & programs - \$110 in revenue for this week
- Approximately 150 people served this week. An average of 37 people per day.

WEEKLY POLICE REPORT - As of November 28, 2012

Mental Health Evaluation: On November 22, 2012, at 11:25 a.m., Officers were dispatched to Maple court regarding a male subject in his underwear, ringing resident's doorbell. The 32 year old male of Hercules was contacted. The male was evaluated and met the criteria for a mental

health evaluation. He was transported to Contra Costa County Regional Medical Center by ambulance.

Runaway Juvenile Located: On November 22, 2012 at 9:17 p.m., an Officer saw two suspicious persons near the dumpsters in the 1500 block of Sycamore. One of the subjects contacted is a local adult Hercules resident and the other was determined to be a reported missing juvenile. The juvenile was returned to his home, in Rodeo, and removed from the missing persons' system.

Theft: On November 23, 2012, at 10:36 a.m., an Officer was dispatched to the 200 block of Starling for a report of a theft. The victim said sometime last week, a voice recorder, a hard drive, and some jewelry was stolen from his home. The victim said he suspects it was day laborers (he hired to move boxes within his home) who stole the property.

Lost Property: On November 23, 2012, at 2:39 p.m., an Officer was dispatched to the 100 block of Wadi Run for a report of a lost or stolen wallet. The victim said she either lost her wallet or it was picked from her pocket while she was shopping in the 1500 block of Sycamore. The wallet contained her CDL, SS card, credit cards and cash.

Court Order Violation: On November 23, 2012, at 3:34 p.m., an Officer was flagged down in a parking lot in the 1500 block of Sycamore. The reporting party wanted to report that his ex-girlfriend had not shown up for their court ordered child custody exchange. A report was taken to be forwarded to the District Attorneys' Office.

Fraudulent Registration: On November 23, 2012 at 11:51 p.m., an Officer stopped a BMW 530i for expired registration on Parker Avenue. Affixed to the rear license plate was a current year tab. The driver was identified as 51 year old Steven Valdivieso of El Cerrito. Valdivieso was issued a citation for fraudulent registration and his vehicle was towed.

Mental Health Evaluation: On November 24, 2012 at 7:39 a.m., Officers were dispatched to the 100 block of Civic regarding a cabbie in a dispute with a passenger. Officers contacted a 24 year old male who was woozy and disoriented. He did not remember getting into the cab in Suisun City and was unable to care for himself. He was transported to Contra Costa County Regional Medical Center by ambulance.

Domestic Assault: On November 24, 2012, at 9:29 a.m., Officers were dispatched to the 100 block of Watermark Terrace regarding a physical altercation between 20 year old Rashaan Wadley and his 23 year old brother. Rashaan fled the scene prior to Officers arrival. Rashaan and his girlfriend (the mother of his child) argued over a phone conversation she was having, during which he assaulted her. Rashaan's parents and brother intervened and removed him from the residence. Rashaan entered the house again, assaulted his brother, and fled on foot. Rashaan was located by police inside an apartment in the 100 block of Paradise and was taken into custody without incident. He was transported to the police station for interview and later transported to Martinez Detention Facility.

Assault with a Deadly Weapon: On November 24, 2012, at 10:34 a.m., dispatch received a CHP transfer from a caller requesting medical assistance to a residence in the 200 block of Compass

Point and then hung up. Officers arrived on scene and located two victims of a stabbing, a 22 year old male of Los Angeles and a 21 year old transient male. A female witness was also contacted. Initially both victims and witness were uncooperative and gave false information about what happen and who was responsible for the assault. During the investigation one of the victims identified 24 year old Demarie Simmons (Transient) as the responsible. Simmons was arguing with the 23 year old female witness, of Fairfield. When the two males intervened, a fight started. During the fight Demarie pulled out a small folding knife and stabbed one male in the left rib area and cut the second male on his left forearm. Demarie left the area on foot prior to us arriving. All the subjects are associated with the residence on Compass Point. A protective sweep of the residence was done for more victims, but no one was located. In one of the bedrooms, a shotgun, an assault rifle, and an old hand gun were located. One victim was transported to John Muir Hospital by AMR. The other victim declined assisted and planned to take himself to the hospital. This case is still under investigation.

Vandalism: On November 24, 2012, at 5:52 p.m., a resident from Topaz Court submitted an online report for vandalism. The resident said on November 8th at 7:00 p.m. she discovered the cable box, she shares with three of her neighbors, had been damage by an unknown suspect.

Vandalism: On November 24, 2012, at 5:54 p.m., a resident from Dome Court submitted an online report for vandalism. The victim reported that sometime between September 30th at 6:00 p.m. and October 1st at 7:00 p.m. someone deflated all four tires on her vehicle. The victim said this is the second time someone has done this to her vehicle.

Identity Theft: On November 24, 2012, at 5:57 p.m., a resident from Terrace submitted an online report for identity theft. The victim said on November 22nd someone made several unauthorized purchases on her credit card.

Recovered Stolen Vehicle: On November 25, 2012 at 4:36 p.m., a resident from the 1000 block of Shorebird Drive reported a suspicious unoccupied green 1996 Dodge Caravan that was been parked across the street from their residence. The van was reported as a carjacked vehicle to Vallejo PD on November 7th. A rental company owns the vehicle and a representative was notified and responded to recover the van.

Auto Burglary: On November 25, 2012 at 4:59 p.m., a citizen reported that the rear passenger side window on her 2012 Toyota Camry was smashed and an I-pad was taken from the back seat while she was at a business in the 800 block of Willow Avenue.

Residential Burglary: On November 25, 2012 between 6:20 p.m. and 6:30 p.m., a Forest Run resident took her dog for a walk around the area of her residence. She was gone approximately 10 minutes walking her dog and did not lock the door to her residence. When she returned she found her Toshiba lap top missing from on top of her bedroom dresser. No other items were missing but the doors on her empty jewelry cabinet were opened. She did not hear or see anybody in the area. At approximately 10:30 p.m. San Francisco PD called and asked us to attempt contact with the Forest Run burglary victim, because they had her laptop. SFPD explained they were conducting surveillance when they watched two males attempt to sell a laptop. SPFD arrested 21 year old Duane Hooper of Forest Run and 19 year old Eddie Robinson of Rodeo with the stolen laptop.

Suspicious Circumstance: On November 26, 2012, at 11:39 a.m., a resident from Orange County telephoned regarding an alleged sexual abuse involving his six year old son and eight year old daughter that occurred at his ex-wife's residence in Hercules. A case was taken for investigation and there is also a custody battle occurring.

Residential Burglary: On November 26, 2012 at 4:18 p.m., a resident from the 200 block of Pepperwood reported that someone entered into his residence yesterday sometime between 10:30 a.m. and 2:30 p.m. and took several items. The resident stated that he saw a suspicious unfamiliar male in the area that appeared to be watching him as he left. On November 27th a juvenile was contacted in the 200 block of Pepperwood, matching the description of the suspicious male seen by the victim. The juvenile had a cell phone in his possession that was taken from the burglary. The juvenile was arrested and transported to Juvenile Hall.

Possession of Stolen Property, Unauthorized Use of ID, Possession of Controlled Substance: On November 27, 2012 at 1:55 a.m., an Officer observed a suspicious black Kia leave the area of Kensington Circle at a high rate of speed. 42 year old Demetrius Trim, of Rodeo, was stopped and determined to be on felony probation. During a search the officer located stolen mail belonging to four separate residences on Kensington Circle. A small bag of methamphetamine was also located. The passenger, 48 year old Renee Bean and Demetrius Trim were arrested and transported to Martinez Detention Facility.

Burglary/ Vandalism/ Possession of Stolen Property:

On November 27, 2012, at about 2:05 p.m., Officers conducted a security check of a vacant unsecure residence located in the 200 block of Pepperwood. The check was initiated by a tip that someone was trespassing at the residence. Officers entered the residence and saw that several walls had been vandalized with graffiti. While checking the residence Lejuan Thomas voluntarily walked downstairs. In his possession was two cans of spray paint which were the same color used to graffiti the walls. Thomas also had in his possession items which had been stolen from the residential burglary on November 26th. Thomas was arrested for burglary, vandalism, and possession of stolen property and transported to Martinez Detention Facility.

Vandalism: On November 27, 2012, at 4:45 p.m., a resident from the 1200 block of Willow reported that someone etched a deep horizontal scratch across the front passenger door of her vehicle sometime between November 26th at 7:00 p.m. and November 27th at 7:00a.m. The victim believed the responsible may have been her ex-boyfriend, who she has a current restraining order against.

Mental Health Evaluation: On November 27, 2012 at 10:30 p.m., a resident in the 100 block of Paradise to report that her 19 year old brother, of Vallejo, was out of control. Upon arrival officers determined he needed a mental health evaluation. He had been hearing voices and had become violent with family members. He was transported to Contra Costa County Regional Medical Center by ambulance.