



## MEMORANDUM

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DATE: December 15, 2012

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

FROM: Steve Duran, City Manager

SUBJECT: City Manager's Weekly Report

### **HOLIDAY SCHEDULE**

City Offices will be closed from Friday, December 21 until Wednesday January 2. The next City Council meeting is scheduled for Tuesday, January 8. Enjoy the Holidays!

### **REAL PROPERTY PROJECT UPDATES**

**Market Hall Site:** 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 in November and has, in coordination with the City, scheduled a community meeting for Saturday, January 12 at 10:00 am at the Senior Center to get community input and discuss ideas for retail development on the Market Hall site. 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](http://www.mcnellis.com).

**Sala Restaurant Site:** Sala Restaurant has closed. The City has possession and is negotiating a termination agreement with the tenants. The restaurant was losing money and unable to meet its financial obligations. Staff has received inquiries from a number of chefs interested in leasing the building and will confer with the City Council on January 8 in closed session, as well as place the subject on the regular City Council meeting agenda for discussion and direction. Staff will also follow up with the Contra Costa College culinary program.

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 29<sup>th</sup>. 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.

## **HERCULES MUNICIPAL UTILITY**

**Promenade Rate Increase:** The subsidized Hercules Municipal Utility (HMU) rates that Promenade residents have been receiving in accordance with the Development Agreement governing the original development of the subdivision will cease at the end of this month. The Development Agreement included a provision that guaranteed HMU rates 10% lower than PG&E rates for 10 years. Since HMU residential rates are approximately 30% higher than PG&E rates, HMU rates for Promenade residential customer rates will be going up approximately 40%. Staff will be asking the City Council to consider phasing in this rate increase and this will be a discussion item on a January City Council agenda.

**Disposition of HMU:** 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. Mayor Delgado and Vice Mayor deVera are representing the City Council on the temporary advisory committee. The team will begin negotiations with the best and highest bidder after the bids are analyzed.

## **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](http://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 presented the results of the process at its last meeting, and was directed to negotiate for 60 days with Richmond Sanitary Service.

**MUNICIPAL SERVICES UPDATE**

**Building Permits:**

- Number of permits issued-----7
- Building permit fees collected-----\$2,132.78
- Number of inspections-----7
- Code Enforcement inspections-----0

**Sewer Lateral Inspection Program:**

- Applications received-----7
- Inspection fees collected-----\$875.00
- Number of Certificates issued-----6
- Number of deficiency notices-----2
- Number of condominium waivers issued-----1

**Other Permits:**

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

**Other Activities:**

- Streetlights on San Pablo Avenue from John Muir Parkway to the Rodeo limits and on Linus Pauling from San Pablo Avenue to Alfred Nobel Drive went out suddenly Tuesday night. After an investigation by staff it was determined to be a PGE transformer problem. They have been notified of the outage.
- Inspection/abatement warrants were obtained from the Superior Court to demolish 221 and 227 Carson Street. Demolition began on Tuesday and should be complete by the end of the week.
- Staff has been working on documents for the San Francisco Bay Trail, John Muir Parkway extension, railroad track preparation documents, and Bayfront Bridge.
- Staff has been answering questions and collecting documents for the sale of the Hercules Municipal Utility.

**Library Repair Updates:** Interior drywall repairs will begin on Friday, December 14th. Work will continue in the mornings of Monday and Tuesday in order to keep disruption to the library at a minimum.

## 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](http://www.ci.hercules.ca.us) to get more information or to register for classes.

**The Community Center office will be closed from December 21 – January 1 for the Holidays. The Senior Center & Child Care will be closed December 24 - January 1.**

### Parks & Recreation Daily Attendance

Title	Date	Attendance
EBSD Swim Team	7-Dec	75
Gui/Samara Tai chi-Sr Program	7-Dec	15
Senior Center – Senior Program 40/40	7-Dec	80
Senior Center Zumba	7-Dec	10
Jazzercise Class-Teen Center	7-Dec	30
Ohlone Table Tennis	7-Dec	2
Tiny tots	7-Dec	44
Child Care- Ohlone	7-Dec	33
Child Care-Hanna	7-Dec	48
Child Care-Lupine	7-Dec	36
SPOT-Middle School-4/9	7-Dec	13
10-12 Basketball League games	8-Dec	100
Rental CSC-xmas party Chinese Assoc	8-Dec	300
Tiny Tot Sports	8-Dec	3
Foxboro Rental-1 <sup>st</sup> birthday	8-Dec	48
Sr Ctr Rental-Baptism	8-Dec	100
Jazzercise Class-Teen Center	8-Dec	30
Foxboro Gymnastic classes	8-Dec	16
Ohlone Table Tennis	8-Dec	10
CSC Dynamite Church Group	9-Dec	25
CSC Gym Bball Rental	9-Dec	20
Library Rental Church Group Sm room	9-Dec	10
Library Rental Church Group Lrg room	9-Dec	30
Ohlone Rental Church Group	9-Dec	40
Zumba Class-Sr Ctr	9-Dec	9
Senior Center Rental- church Group	9-Dec	40
Gui/Samara Rental –church Group 10a	9-Dec	20
Jazzercise Class-Teen Center	9-Dec	25

Gui/Samara Rental –church Group 3pm	9-Dec	30
Foxboro –rental 1st Birthday	9-Dec	48
CSC Rental Tree Lighting	9-Dec	300
10-12 Basketball League practice	10-Dec	60
EBSD Swim Team	10-Dec	75
Open Gym	10-Dec	12
Press Room Rental	10-Dec	10
Ohlone Rental Troop 76	10-Dec	20
Senior Center – Senior Program	10-Dec	66
Senior Center Zumba Class	10-Dec	25
Jazzercise Class-Teen Center	10-Dec	25
Senior –Craft room dance practice	10-Dec	10
Tiny tots	10-Dec	46
Child Care- Ohlone	10-Dec	30
Child Care-Hanna	10-Dec	41
Child Care-Lupine	10-Dec	28
SPOT-Middle School	10-Dec	18
10-12 Basketball League practice	11-Dec	40
EBSD Swim Team	11-Dec	75
Bball Clinic	11-Dec	18
Press Room class oil painting	11-Dec	5
Ohlone Rental Karate	11-Dec	20
Senior Center – Senior Program	11-Dec	56
Senior Center Karate	11-Dec	10
Jazzercise Class-Teen Center	11-Dec	30
Library Rental HOA mtg Lrg room	11-Dec	20
Library Rental HOA sm. room	11-Dec	15
Bball Rental Gym futsal	11-Dec	35
Volleyball Open Gym	11-Dec	10
open gym pm	11-Dec	5
Tiny Tots	11-Dec	22
Child Care- Ohlone	11-Dec	33
Child Care-Hanna	11-Dec	48
Child Care-Lupine	11-Dec	35
SPOT-Middle School	11-Dec	23
10-12 Basketball League practice	12-Dec	60
EBSD Swim Team	12-Dec	75
Bball Rental Gym	12-Dec	35
Foxboro Rental HOA	12-Dec	20
Library Rental Library Class Lrg. room	12-Dec	

Senior Center Karate	12-Dec	20
Senior Center – Senior Program	12-Dec	57
Senior Center -Rotary	12-Dec	10
Jazzercise Class-Teen Center	12-Dec	30
Press room HOA Meeting	12-Dec	15
Lap Swim	12-Dec	1
Senior Center Zumba Gold	12-Dec	20
Gui/Samara Sr Class	12-Dec	10
Tiny Tots	12-Dec	46
Child Care- Ohlone	12-Dec	38
Child Care-Hanna	12-Dec	50
Child Care-Lupine	12-Dec	36
SPOT-Middle School	12-Dec	27
10-12 Basketball League practice	13-Dec	40
EBSD Swim Team	13-Dec	75
Bball Clinic	13-Dec	18
Press Room Rental	13-Dec	20
Ohlone - Karate	13-Dec	
Gui/Samara – Police Meeting	13-Dec	15
Senior Center – Senior Program	13-Dec	70
Senior Center Zumba	13-Dec	10
Jazzercise Class-Teen Center	13-Dec	30
Press Room Class –Math Tutor	13-Dec	12
Bball Rental Gym futsal	13-Dec	35
Volleyball Open Gym	13-Dec	10
Tiny Tots	13-Dec	46
Child Care- Ohlone	13-Dec	36
Child Care-Hanna	13-Dec	48
Child Care-Lupine	13-Dec	37
SPOT-Middle School	13-Dec	24
Tiny tots	13-Dec	46
Child Care- Ohlone	13-Dec	36
Child Care-Hanna	13-Dec	48
Child Care-Lupine	13-Dec	37
SPOT-Middle School	13-Dec	22

Total  
Weekly  
Attendance                      3828

### Winter Camp

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. We currently have 37 registered for the camp.

### **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 19<sup>th</sup>, 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 6<sup>th</sup> -9<sup>th</sup>.

- The TYC assisted in the Holiday Tree Lighting Event on Sunday night where they handed out holiday pages to color and draw on and also did a letter to Santa. They also tried to help promote the TYC and our Teen Center. Had 50 kids complete a letter to Santa.

### **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](http://www.ci.hercules.ca.us) or call 799-8291 for more information.

### **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 will come out March 2013. For the Banner Program we have a few spots open for February 2013. If you have specific questions feel free to give Andrea Mendez a call at (510) 799-8290 or email [amendez@ci.hercules.ca.us](mailto:amendez@ci.hercules.ca.us).

**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: Functionally Fit, Table Tennis: Make sure to register early before they fill up or get canceled for low enrollment.

**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).

- Santa visited on Wednesday December 12<sup>th</sup> and passed out candy canes to the Pre-Kinder class.

**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.

- Revenue \$257 in CC Café and \$178 in classes for a total of \$435 in revenue for the week

**WEEKLY POLICE REPORT - As of December 13, 2012**

**Mental Health Evaluation:** On December 6, 2012 7:00 a.m., Officers were dispatched to the 3600 block of San Pablo Avenue for a report of an aggressive panhandler. An officer contacted a 23 year old female of East Palo Alto. The female was incoherent and was unable to say how she got to Hercules. She was determined to need a mental health evaluation and was transported to Contra Costa County Regional Medical Center by ambulance.

**Arson:** On December 6, 2012, at 2:17 p.m., The School Resource Officer (SRO) at HMHS requested Hercules/Rodeo fire department respond to a classroom on the high school side for a report of a fire. An unknown suspect lit five different small fires inside the empty chemistry classroom. The fires were extinguished before causing major damage. This case is being investigated jointly with Fire Investigators.

**Assault on School Grounds:** On December 6, 2012, at 2:51 p.m., Officers were notified of a fight in the parking lot of the high school. The fight was initially between two teenage females (16yrs and 17yrs). During the fight, the 14 year old brother (of one of the female's) pulled the other female off his sister and threw her into a parked car. The female that was thrown into the vehicle complained of pain to the left side of her head. She was evaluated by Paramedics and released to her mother. The case is under investigation.

**Vandalism:** On December 7, 2012, at, 7:17 a.m., an Officer was dispatched to the 1200 block of Willow Avenue for a report of vandalism. The victim reported that sometime between December 6th at 7:00 p.m. and 7:00 a.m. someone keyed her 2011 Toyota Prius.

**Vandalism:** On December 7, 2012, at 9:53 a.m., an Officer was dispatched to the 1200 block of Canterbury for a report of vandalism. The victim reported that sometime between December 6<sup>th</sup> at 8:15 p.m. and 10:30 p.m. someone shattered the front driver's side window of his 1987 Acura.

**Mental Health Evaluation:** On December 8, 2012 at 8:18 a.m., Officers were dispatched to the 800 block of Orion Court for a report of a female heard screaming "I'm going to kill myself if you leave". An Officer contacted a 23 year old female and her 42 year old boyfriend at a residence. She was determined to need a mental health evaluation and was transported to Contra Costa County Regional Medical Center by ambulance.

**Suspicious Circumstance:** On December 9, 2012 at 7:06 a.m., a citizen reported that she was approached by an unfamiliar male subject driving a white unknown make or model vehicle as she was walking to the bus stop at San Pablo Avenue and Tsushima. The subject repeatedly asked the female if she wanted a ride and she repeatedly declined. The citizen stated the subject matched the description of a subject that she saw on the news recently that is wanted for rape. The vehicle was last seen heading N/B on San Pablo Avenue.

**Missing Person:** On December 9, 2012, at about 10:38 a.m., a citizen reported that his adult daughter is Bi-Polar, has not been taking her prescribed medication and has been missing since yesterday afternoon. She is possibly in Sacramento and was entered into the missing persons' system.

**Physical Altercation:** On December 9, 2012, at about 11:08 am, Officers responded to the 1500 block of Sycamore Avenue for a report of a physical altercation between two subjects. Upon arrival both subjects were being separated by several other patrons. After further investigation, it was determined that one subject had intervened in a verbal dispute he witnessed between a man, his wife, and their 11 year old son. The two males then engaged in a verbal dispute that ended up in a tussle on the ground. Both involved males declined prosecution against the other and a case was taken for documentation.

**Fraud:** On December 10, 2012, at about 8:46 a.m., a citizen from the 1000 block of Baywood reported fraudulent activity to her credit accounts. A case was taken for investigation.

**Hit and Run:** On December 10, 2012, at about 2:30 pm, a citizen reported that he parked his 1996 Toyota pickup in the parking lot, at 1511 Sycamore Avenue. When he returned about an hour later someone caused a large dent to the right rear quarter panel. A witness who was in the area at that time stated he saw a white Ford pickup pull up next to the victim's vehicle and later heard a crashing sound when the truck pulled out of the stall. A case was taken for a hit and run collision.

**Battery:** On December 11, 2012, at about 5:32 p.m., a citizen from the 2200 block of Lupine reported that her 13 year old son had punched and choked her. The victim did not have any visible injuries and didn't desire prosecution. The juvenile had fled prior to the Officers' arrival. He was located later by Officers and returned home.

**Possession of Methamphetamine and Heroin for Sale:** On December 11, 2012 at 2:42 a.m. an Officer checked a suspicious vehicle in Hercules. Two subjects were contacted and one was

determined to be on probation. During a search of the occupants and vehicle, a substantial amount of methamphetamine, heroin, as well as drug packaging material was located. During the investigation one of the subjects was arrested and transported to Martinez Detention Facility. This is a continuing investigation.

**Mental Health Evaluation:** On December 11, 2012, at 11:30 a.m., Officers responded to an address on Lompico for a female that was reportedly threatening to harm her parents and that was punching herself. The female is also diagnosed as being bi-polar and took an unknown amount of unknown pills earlier today. She was transported to Contra Costa Regional Medical Center for a mental health evaluation.

**Battery:** On December 11, 2012, at 4:47 p.m., Officers responded to a report of an alleged assault that just occurred in the 100 block of Paradise. The reporting party stated that another resident from one of the other complexes slapped in her in the face and wanted the incident documented. The reporting party did not have any visible injuries. The other subject was identified and the incident was documented, with no prosecution desired.

**Residential Burglary:** On December 12, 2012, at 12:10 a.m., a resident in the 600 block of Nike reported a residential burglary that occurred between 7:09 p.m. and the time of call. The front door had pry marks above and below the door handle and it also appears the door has forced open with a kick. Items noticed missing were a 55" LED TV, IPAD, two dell lap tops, four IPHONES and her back pack. A case was taken for investigation.

**Hit and Run Collision:** On December 12, 2012, at 9:07 a.m., Officers were dispatched to the 3000 block of San Pablo Avenue for a report of a vehicle collision. Both vehicles were gone when Officers arrived. Officers were redirected a parking lot in the 1500 block of Sycamore. Officers made contact with the sister of one of the involved parties, who told Officers her sister was involved in a hit and run collision and had followed the suspect vehicle to Emeryville. The license plate for the suspect vehicle was provided and the investigation is ongoing to identify the driver.

**Mental Health Evaluation:** On December 12, 2012 at 2:49 p.m., Officers were dispatched to the lobby of the Police Department for a 24 year old subject who was reporting being chased by aliens. Officers arrived and determined he was in need of a mental health evaluation. He was transported by AMR to Contra Costa Regional Medical Center.

**Domestic Battery:** On December 12, 2012 at 3:45 p.m., a resident from the 100 block of Civic came to the lobby of the Police Department and reported that her husband had slapped her during an argument, and then left the residence. An Emergency Protective Order (EPO) was obtained and the incident was documented. At 6:17 p.m. the victim called to report her husband was back and attempting to get into the residence. Officers arrived and arrested the husband, transported him to Martinez Detention Facility, and served him with the EPO.

**Identity Theft:** On December 13, 2012 at 6:16 a.m. a resident from Baywood reported being a victim of Identity Theft. Her personal information was used to compromise several of her credit cards.