



MEMORANDUM

DATE: February 2, 2013

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

MEETING SCHEDULE

Date and Time	Event	Location
February 7, 2013 - 6:00 to 8:00 p.m.	Victoria Crescent Neighborhood Open House	Ohlone Community Center
February 12, 2013 – 7:00 p.m.	City Council Meeting	Hercules City Hall – City Council Chamber
February 26, 2013 – 7:00 p.m.	City Council Meeting	Hercules City Hall – City Council Chamber
March 2, 2013 – 10:00 a.m. to noon	Sycamore Crossing Safeway Community Outreach Meeting	Hercules Senior Center
March 7, 2013 – 6:30 p.m. – 8:30 p.m.	Sycamore Crossing Safeway Community Outreach Meeting	Hercules Senior Center

DOREEN MATHEWS HAS ANNOUNCED HER RETIREMENT

Doreen Mathews, Administrative Services Director and City Clerk, employed by the City for 19 years, has announced her retirement from public service effective June 30, 2013. Doreen has been an exceptionally valuable and productive employee and, especially the last few tumultuous years, has gone well above and beyond the call of duty. She has worked enumerable extra hours, planning, managing and supporting an excessive number of after hours and weekend meetings, assisting with never-ending audits, investigations and public records requests, and overseeing the City's administrative, contact management, risk management and other administrative functions. A recruitment will be conducted to fill the City Clerk functions of the position and other functions will be reassigned, depending on organizational experience and skill sets.

POTENTIAL GARBAGE RATE INCREASE

Over the past few months, staff has been working with a consultant to review Richmond Sanitary Services' (RSS) application for a rate increase. A public hearing was conducted on January 22 and staff will be bringing forward a recommendation to City Council for contract terms on February 12.

SINGLE-USE BAG ORDINANCE DRAFT EIR

RecycleMore released a Draft Environmental Impact Report (EIR) for a Single-Use Bag Ordinance for 45-day comment period. Public Review Period commenced on January 18, 2013, and will end on March 4, 2013 for interested individuals and public agencies to submit written comments on the document.

The proposed ordinance (which covers the Cities of El Cerrito, Hercules, Pinole, Richmond and San Pablo and the proximate areas of unincorporated Contra Costa County) would prohibit the free distribution of single-use carryout paper and plastic bags at the point of sale (i.e., check-out) for all retail establishments except restaurants and nonprofit charitable reuse organizations. The ordinance as proposed would apply to all other businesses that put purchases into single-use carryout bags, either paper or plastic, at the point of sale except at stores operated by nonprofit charitable reuse organizations. Single-use plastic bags provided free to customers at the check-out stand for the purpose of holding the customer's purchases would be prohibited by the ordinance. Plastic carryout bags would be allowed by the ordinance if the bags are intended to be and are identified as reusable. An exception to the ban on single-use bags would be made for paper bags containing at least 40 percent recycled content, as long as the retail establishment charges at least five cents for each bag.

Copies of the Draft EIR are available for review at the RecycleMore offices, the Contra Costa County Planning Department, and at the planning departments of the following cities: El Cerrito, Hercules, Pinole, Richmond, and San Pablo.

REVENUE ENHANCMENT DISCUSSION AND DIRECTION

Staff brought forth a list on revenue enhancement measures that were compiled from previous public discussions, as well as staff recommendations, for City Council consideration and direction to staff on January 29. The most significant and immediate next steps are for staff to bring back a resolution of a fiscal emergency for Council consideration on February 12, 2013, to begin drafting a ballot measure for a 2% increase in the Utility User Tax (UUT) and to bring back a contract with Lew Edwards & Associates to assist with the ballot measure to be placed on a ballot for voter consideration. Staff is recommending that we go for a June 4, 2013 election, as the West Contra Costa Unified School District and, perhaps, the City of Richmond, are planning for ballot measures at that time and the consolidation of the election will save money. In addition, knowing whether or not the ballot measure is successful in June will determine whether or not severe cost cutting measures will be necessary for fiscal year 2013-2014.

The reason for the fiscal emergency is a projected structural deficit in the City's general fund for FY2013-14 of \$1 million to \$1.2 million. This is not new news. About \$1.2 million of one-time money was used to balance the FY2012-13 budget, and while an additional sales tax revenues of about \$250,000 is projected for FY2013-2014 and some costs can be reduced, projected increases in retirement and health care benefit costs will offset those impacts. Since there is only about \$600,000 of unbudgeted general fund cash remaining and any unexpected expenses will further reduce that sum, one time monies will not be available to balance next year's budget avoid severe cost cutting measures. With retail development in the cue, it will still be two years before a new Safeway and other stores and restaurants can provide additional sales tax and UUT.

REAL PROPERTY PROJECT UPDATES

Sala Restaurant Site: Sala Restaurant has closed. The City has possession and is finalizing a termination agreement with the tenant. 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 be placing this topic on a City Council agenda on February 12 for discussion and direction.

Victoria Crescent: The City Council, acting as the Successor Agency to the Hercules Redevelopment Successor Agency Board, and the Redevelopment Oversight Board have approved an Amendment to the Purchase and Sale Agreement with City Ventures, which has extended the Feasibility period to March 31, 2013. No other dates or terms are affected. City Ventures, the Victoria Crescent buyer/developer, is holding a community meeting at the Ohlone Community Center on Thursday, February 7th from 6-8 pm. This will be an open house style meeting. Informational cards were mailed to the immediate neighborhoods, but the public at large is welcome. A second meeting for the community at large will be scheduled soon.

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.

Negotiations for removal of the deed restriction on a portion of the site are still in progress; but at this point Safeway, PDC and the City are focusing on a podium design for the store on the non-deed restricted portion of the site and PDC is marketing future retail and restaurant space as well as discussing residential options for the Sycamore Avenue frontage, which could be retail or residential depending on site constraints and leasing efforts.

Two community meetings have been scheduled to provide a status on the site planning and get input on same. PDC has arranged for these meetings at Hercules Senior Center on Saturday morning, March 2 at 10:00 am and Thursday evening, March 7 at 6:30 pm.

MUNICIPAL SERVICES UPDATE

Building Permits:

- Number of permits issued-----5
- Building permit fees collected-----\$2505.89
- Number of inspections-----31
- Code Enforcement inspections-----3

Sewer Lateral Inspection Program:

- Number of application received: 2
- Sewer Lateral Inspection Fees Collected: \$250.00
- Number of Certifications issued: 3
- Number of Deficiency Notices issued: 0
- Number of Condominium Waivers issued: 0

Other Permits:

- Wide Load/Transportation Permits Issued: 0
- Encroachment Permits Issued: 1

Other Activities:

- Staff repaired numerous streetlights within the city.
- Staff repaired numerous potholes throughout the city.
- PG&E repaired numerous streetlights.
- Pump failure at the Victoria Lift Station due to bad transformer. No spill.
- Staff removed and cleaned up several dump sites. The public is asked to report any suspicious activity.
- Staff removed nearly fifty illegally posted signs throughout the City.
- Staff continues to work with PGE LED streetlight exchange program in an effort to reduce costs.
- Staff continues to work on the State Revolving Loan Fund Application for Pinole/Hercules Wastewater Treatment Plant Upgrade.
- Staff worked on pedestrian/bicycle traffic counters for the San Francisco Bay Trail project.
- A welfare check was conducted by Code Enforcement and Police on a property with previous activity. The property was found to be empty and secure although follow up will be required for appliances and other materials left in the front yard.
- EBMUD will no longer be inspecting restaurants for clean water compliance. Therefore staff is working on other options with El Cerrito, Richmond, Pinole (possibly), and the West County Sanitation District. It appears that WCSD will provide the same services to all involved at no additional cost.

Library Repair Update:

- There was a very small damp spot found during the January 18th water test. Further repair work is scheduled for Monday January 28th with water test scheduled for February 1st.

- Thursday (1/31) – Upon completion of replacement of exterior, we will perform a water test of the area of repair, again, to ensure there is no water intrusion. Should this test be successful, we will schedule drywall repairs for Monday (2/4).
- Monday (2/4) – 7:30 am to 12:00 pm – Replace sheet rock at areas that had been removed and tape joints. Remove scaffold at building exterior.
- Tuesday (2/5) – 7:30 am to 12:00 pm – Top, skim and sand joints.
- Friday (2/8) – 7:30 am to 2:00 pm – Sand, touch-up and paint walls and clean-up.

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.

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.

- We had 3 new members join this month bringing out total to 149 members. 138 are Hercules residents and 11 are non-residents. Each member has paid a \$20 annual membership; we have received \$60 in memberships this month.
- Monday 23 in attendance and made \$45 for CC Café and 40 for classes
- Tuesday 19 in attendance and made \$30 CC Café and 38 for classes
- Wednesday 24 in attendance and made \$45 CC Café 38 and for classes
- Thursday 25 in attendance and made \$39 CC Café and 39 for classes
- Friday projected 41 in attendance and made \$70 CC Café and 41 for classes
- 132 participants for CC Café and with a revenue of \$229
- 195 people attended classes and programs with \$195 in classes revenue
- A total of **\$424** in revenue for the week

Licensed Before & After School Child Care

Sign up for 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:

- **EBSD Spring Membership**
- Dates: 2/4/13-5/3/13

- Fees: \$255
- USA Registration fee: Seasonal Swimmer \$55 (made payable to EBSD)
- Code: 52201-O
- Spinners: M-TH, 6:30-7pm, \$66
- Intermediate: M-F, 5-6:15pm, \$83
- Advanced: M-F, 5-6:30/7pm, \$94

EBSD Year Round Membership:

- Dates: 10/1/12-9/31/13
- USA Registration fee: Year Round Swimmer \$80 (made payable to EBSD)
- Code: 52200-D-L
- Spinners: M-TH, 6:30-7pm, \$66
- Intermediate: M-F, 5-6:15pm, \$83
- Advanced: M-F, 5-6:30/7pm, \$94

EBSD Monthly Swim Clinics:

- Ages: 5-18
- Days: M/W/F
- Fees: \$65
- Dates: 2/1-2/29 Code: 52202-B
- Dates: 3/2-3/30 Code: 52202-C
- Dates: 4/4-4/30 Code: 52202-D

Lap Swim/Water Walking: Swim Passes are available:

- Ages: 14+
- Days: M-F
- Times: 6-7pm (until 4/30 then times will change)
- Fees: Resident- Youth & Senior \$4/Adults \$5
- Non-Resident- Youth & Senior \$5/Adults \$6
- **Swim Passes:**
- 10 Visit Swim Pass Resident- \$40 Adults/\$30 Youth Non-Resident-
\$50 Adults/\$40 Youth
- 25 Visit Swim Pass Resident- \$100 Adults/\$75 Youth Non-Resident-
\$125 Adults/\$100 Youth

Hercules Piranhas

- Registration Period: 3/4/13-6/21/13
- Spring Season (4/30-6/9) Minimum: 21 Swimmers/Summer Season (6/11-8/12) Minimum 85 Swimmers
- Beginners: Spring Season Hours: M-TH, 6:30-7pm Summer Hours:
M-TH, 6:30pm-7:15pm
- Intermediate: Spring Season Hours: M-F, 5:15-6:30pm Summer Hours:
M-F, 7:15-8:45pm
- Advanced: Spring Season Hours: M-F, 5-7pm Summer Hours:
M-F, 7-9pm

- 1 Swimmer Registration Fee \$384 Deposit \$200
- 2 Swimmers Registration \$673 Deposit \$200
- 3 Swimmers Registration \$865 Deposit \$200
- 4 Swimmers Registration \$1090 Deposit \$200
- 5 Swimmers Registration \$1281 Deposit \$200
- (PAYMENT ARRANGEMANTS ARE AVAILABLE UPON REQUEST. Times are subject to change depending on enrollment. No proration's for late enrollment.)

Individual Swim Lessons:

- Ages: 3+
- Days: M/T/TH/F

- Dates: 3/4-3/15 Times: 6-6:30pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-H
- Dates: 3/4-3/15 Times: 6:30-7pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-I
- Dates: 3/4-3/15 Times: 7-7:30pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-J
- Dates: 3/18-3/29 Times: 6-6:30pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-K
- Dates: 3/18-3/29 Times: 6:30-7pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-L
- Dates: 3/18-3/29 Times: 7-7:30pm Fees: Res-\$150/Non-Res-\$163 Code: 51307-M

- **Aqua Zumba:**
- Ages: 8+
- Dates: 4/3-4/24
- Days: Wednesdays
- Times: 7-8pm
- Fees: \$40/\$52
- Drop-in Fee: \$15/class
- Codes: 51333-J
- Instructor: Nannette Vides

Teens:

- Sign up for our SPOT Before and After school program for grades 6th -9th.
- TYC is planning on holding a Ice Cream Social for Valentine's day which will take place at the teen center. We are also in the beginning stages of planning our workshops for the Easter Egg hunt event.

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.

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.

Sports:

We have started our Co-Ed 10-13 Junior Warriors Elementary Basketball League. The league will run from January through March, 6 days per week with practices being held Monday through Thursday and games on Fridays and Saturdays. We currently have 98 kids enrolled. As a part of the Junior Warriors Basketball League we received discounted tickets and we are selling those tickets to the general public to help raise funds for the Parks & Recreation Sports Department. We have tickets remaining for Monday March 4, 2013 vs the Toronto Raptors. Ticket prices are \$9 per ticket.

We are offering a Fundamentals Basketball Clinic on Tues & Thursdays ages 10 and under. We have 20 kids registered in that program.

Looking into offering the following Adult leagues for this upcoming Spring:

2 Basketball Leagues of 3 on 3 (a 35 & older league and a 6 foot and under league).

Softball Leagues in conjunction with the City of Pinole at Fernandez Park (Mondays & Friday Nights) Golf League at Franklin Canyon (Potentially Wednesday late afternoon). For More Information please call 799-8293.

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).

WEEKLY POLICE REPORT – Week ending January 30, 2013

Hit and Run Collision: On January 25, 2013, 8:21am an Officer was dispatched to the area of the Hercules Middle High School. The reporting party said she was involved in a traffic collision with the driver of a white Ford Flex, on Redwood near Refugio Valley Road. The reporting party said the driver of the Ford fled the scene before any information was exchanged.

Fraud: On January 25, 2013, at 11:04am, an Officer was dispatched to the 500 block of Alfred Nobel for a report of possible prescription fraud. The reporting party said on 01/11/13 he assessed a patient for an ankle injury and prescribed her some pills for pain. On 01/21/13, the patient called back and requested a refill stating she dropped her medication in the toilet. The reporting party had the patient schedule a follow up appointment for January 25th at 10:30 am. When the patient did not keep her appointment he became suspicious that the patient may be committing prescription fraud. He then checked the patient's /prescription history and when he noticed numerous prescriptions, to the same patient, for the same pain medication. The reporting party called the police.

Burglary: On January 25, 2013, 12:56pm, an Officer was dispatched to the 2100 block of Tsushima for a report of a theft of a water heater from the vacant home. The reporting party, who is the listing Agent, said the theft occurred sometime between 1/19/13 and time of call today.

Traffic Collision/Driving Under the Influence of Alcohol: On January 26, 2013, at 4:45 a.m., HPD officers were dispatched to the 2200 block of Pheasant for the report of a vehicle that hit a parked car. Officers arrived on scene and found a white Toyota in the north bound lane of traffic facing west. The Toyota had major front end damage, and the windshield was lying in the front yard of a nearby home. The walkway and brick wall to the property, of the same home, was damaged. A second vehicle, a white Mitsubishi, was parked along the curb of Pheasant facing north. There was major damage to the front passenger side of the Mitsubishi. Both vehicles were unoccupied. The Toyota had both windows down and was warm to the touch. The Mitsubishi was cold, locked, and all the windows were up. An Officer located two males, walking south on Pheasant near Malachite. One of the males admitted to driving the Toyota and he displayed objective symptoms of being intoxicated. Both males had injuries and were transported to a local hospital. The driver was arrested for Driving Under the Influence of Alcohol, but he was released at the hospital, due to his injuries.

Vandalism: On January 26, 2013, 8:30am, an Officer responded to the 100 block of Topaz. The reporting party said sometime between 0100 hours this morning and time of call, someone slashed all four tires on his vehicle.

Hit and Run Collision/Driving Under the Influence Of Alcohol: On January 26, 2013, 6:10pm, officers were dispatched to the 2100 block of Railroad regarding a hit and run collision. The suspect vehicle, a tan Nissan Quest, was last seen southbound on Railroad Ave., after hitting two parked cars, causing major damage to one of them. The Quest was located stalled on San Pablo Ave. at Hercules Ave. The driver, was contacted, in the driver's seat, and displayed objective symptoms of intoxication. The Quest was identified by a witness as the vehicle that caused the collision on Railroad. 53 year old Gregory Retherford, of Pinole was arrested for Driving Under the Influence of Alcohol and Hit and Run. He was transported to the Martinez Detention Facility.

Stolen License Plate: On January 26, 2013 at 8:38 p.m. an Officer responded to the 300 North Wildwood. The reporting party said an unknown suspect(s) removed the rear license plate from her '98 Chrysler Sebring while it was parked on Village Parkway.

Domestic Violence – Corporal Injury to a Spouse: On January 26, 2013 at 10:01 p.m. Hercules Officers were dispatched to the 200 block of Starling Way for a report of a domestic violence incident. A male subject called dispatch to report that he and his wife got into a verbal argument and that his wife struck him in the face. Officers interviewed both parties. 44 year old male was determined to be the primary aggressor and caused visible injury to the female. The male was arrested for Felony Spousal Abuse and transported to the Martinez Detention Facility.

Auto Burglary: On January 27, 2013, at about 7:20 am, an Officer was dispatched to the 100 block of Poppy Ct. The victim stated that sometime between 6 pm yesterday and 7 am this morning, someone smashed the front driver's side window on his 2012 Mazda, which was parked in the driveway in front of his home. Items were stolen from the console.

Burglary: On January 27, 2013, at about 8:32 am, Officers responded to the 1600 block of Pheasant Drive, Ohlone Elementary School, for a reported alarm. When Officer arrived they noticed a 2008 Chevy Impala parked along the north/ east side of the school near the drop off / pickup area. When Officer searched the school they located 39 year old Conrad Montuya Jr. walking downstairs from a building still under construction. Montuya was in possession of numerous items which had been removed from the building. Montuya was placed under arrest for Burglary and Possession of stolen property. Montuya was transported to the Martinez Detention Facility.

Identity Theft: On January 28, 2013, at about 1:18 pm, a citizen reported that someone made four separate unauthorized on-line transactions using their personal checking account information. The transactions occurred between 11/23/12 – 1/22/13.

Mental Health Evaluation: On January 28, 2013, at about 2:43 pm, Officers were dispatched to the area of the Creekside shopping Center for a report of a subject loitering in front of a business. The subject was located and was determined to meet the criteria for a Mental Health Evaluation. The subject was transported, by ambulance, to the Regional Medical Center.

Driving Under the Influence of Alcohol : On January 28, at 9:57 PM an Officer conducted a traffic stop on Oxford at Canterbury. The Officer determined the driver met the criteria of a person Driving Under the Influence of Alcohol. 35 year old Maria Yan, of Pinole was arrested and transported to the Martinez Detention Facility.

Attempted Sexual Assault/ Burglary/ False Imprisonment: On January 29, 2013, at about 11:34 am, Officers responded the area of the 100 block of Paradise. A female adult victim stated an African American male had just pushed her inside a restroom, locked the door, and attempted to sexually assault her. The victim screamed several times which apparently scared the suspect away. The victim was able to give a detailed description of the suspect. A witness in the area saw a male, who matched the description, go towards one of the apartments. Officers contacted the male, 19 year old Christopher Barnette. He was positively identified and arrested for False Imprisonment, Burglary, and Attempted Sexual Assault. He was transported to the Martinez Detention Facility.

Residential Burglary: On January 29, at 9:36 PM the resident of the 1000 block if Craftsman Dr. reported that he confronted a subject walking up the inside steps, to the second story, of his residence. He could not provide a good description because the lights were off and the suspect was wearing a head lamp. Entry into residence was made via the kitchen window. A complete area check was completed with assistance of Pinole PD and San Pablo Pd's K9 unit. The suspect was not located.

Mental Health Evaluation: On January 30, 2013, at 9:07 p.m., Officers were dispatched to the 300 block of North Wildwood for a welfare check. The reporting party stated that her adult brother had been calling her and their mother threatening to hurt himself or others. Officers contacted the subject and it was determined he met the criteria for a mental health evaluation. He was transported, by ambulance, to the County Regional Medical Center.