



MEMORANDUM

DATE: May 17, 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 FOR
May 20, 2013 through June 5, 2013**

Date and Time	Event	Location
Monday, May 20, 2013 6:00 p.m. – Regular Meeting 7:00 p.m. – Workshop	Planning Commission Meeting	Hercules City Hall – Council Chambers 111 Civic Drive, Hercules, CA 94547
Thursday, May 23, 2013 6:00 p.m.	Redevelopment Oversight Board	Hercules City Hall – Council Chambers 111 Civic Drive, Hercules, CA 94547
Monday, May 27, 2013	CITY OFFICES CLOSED IN OBSERVANCE OF THE MEMORIAL DAY HOLIDAY	
Tuesday, May 28, 2013 6:00 p.m. – Closed Session 7:00 p.m. – Open Session	City Council Meeting	Hercules City Hall – Council Chambers 111 Civic Drive, Hercules, CA 94547
Tuesday, June 4, 2013	Special Election for Measure A Remember to Vote	Your Polling Place
Wednesday, June 5, 2013	Joint Meeting of Finance Subcommittee, Citizens Finance Committee and Measure O Oversight Committee	Hercules City Hall – Council Chambers 111 Civic Drive, Hercules, CA 94547

MEASURE A – UTILITY USER TAX

On its editorial page, the Contra Costa Times has endorsed Measure A, Hercules’ proposed Utility Users Tax update and increase. The City is projecting a \$1.2 million structural deficit for fiscal year 2013-2014 due to low property tax revenues, state money grabs and increased cost of employee pensions and health insurance. The City of Hercules Fiscal Accountability/Services Protection Measure will be Measure A on the June 4, 2013 Special Election ballot. If passed, the funds generated will be adequate for the City to balance its annual budget and maintain our own Police Department. For additional information, check the City website, call the City at 799-8200 or e-mail the City Manager at sduran@ci.hercules.ca.us. Also, if you would like to have someone

answer questions at your HOA, club or other group setting, please e-mail the City Manager.

BUDGET DISCUSSIONS CONTINUE WITH FINANCE COMMITTEES AND CITY COUNCIL

The first draft of the fiscal year 2013-2014 budget was presented to the City Council on May 14 for discussion and direction to staff. Budget Plan A assumes the passage of Measure A on June 4th and maintains the Police Department at present staffing levels. Budget Plan B assumes that Measure A fails and provides for contracting for police services with the County Sheriff and reducing sworn and unsworn police staffing. Under Plan B, a number of Parks & Recreation programs will also have to be eliminated.

The fiscal year 2012-2013 budget was balanced using \$1.2 million of one-time money that will not be available for fiscal year 2013-2014, as funds for replacement of vehicles and IT equipment is running dangerously low. Although revenues and expenses for 2012-2013 are right on track and unemployment insurance costs will be trimmed in 2013-2014, retirement and health insurance costs will increase, offsetting other savings efforts.

CIVIC ARTS BUILDING A.K.A. SALA RESTAURANT COMMUNITY MEETING HELD ON MAY 16TH

About 30 members of the community attended a marketing information meeting to receive an update, ask questions and provide input on the marketing of the vacant Civic Arts Building, also known as Sala Restaurant, at 1991 Railroad Avenue. The biggest concerns expressed were noise from the exhaust fan and noise from music. The marketing suggestions included getting a restaurant that will serve the kind of food people will return to enjoy often and top-notch quality and service. Also discussed was the need for way-finding signs directing people to waterfront restaurants and businesses. Deborah Perry of Colliers international is marketing the property for lease and was on hand provide information and hear from the community.

MEETINGS WITH STATE AND FEDERAL OFFICIALS

In recent weeks, City representatives have meet with our County, State and Federal officials to advance Hercules interests. This isn't unusual, but the last few weeks have been more active than usual. Vice Mayor deVera met with Congressman Thompson in Washington DC when she was there in connection with her business. William Silva and I also met with our Congressman regarding the Intermodal Transit Center (ITC) when he was here in Hercules. Council Member McCoy met with Congressman Thompson's staff in DC when she was there on personal business. I discussed the support for the ITC with County Supervisor Glover this week and today, Mayor Delgado and I met with State Senator Loni Hancock and Assembly Member Nancy Skinner to discuss a number of issues that are important to Hercules.

REAL PROPERTY PROJECT UPDATES

Parcel C: This 17 acre parcel located about ¼ mile from the proposed Intermodal Transit Center site is one of three 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 approved settlement to pay Ambac, as well as to pay Oliver & Company nearly \$2 million secured by Parcel C. The Oliver payment was due by March 31, 2013, but Oliver has not initiated foreclosure. Staff is in discussions with Oliver to renegotiate the schedule as well as with other potential lenders to restructure the debt.

This site had been in contract, but the buyer did not choose to go beyond its extended due diligence period because of uncertainties created by the need for state Department of Finance approval under AB 1484. The property has been re-marketed for all potential uses, again, for the last couple of months. With direction the City Council, given in closed session under “real estate negotiations” staff will be following up with the potential buyers.

HERCULES MUNICIPAL UTILITY DISPOSITION SCHEDULE

The City’s negotiations with Pacific Gas & Electric Company for the sale of Hercules Municipal Utility are proceeding close to schedule and staff anticipates having an Agreement on the City Council agenda for consideration on May 28, 2013.

MUNICIPAL SERVICES UPDATES

Building Permits:

- Number of permits issued-----3
- Building permit fees collected-----\$521.46
- Number of inspections-----9
- Code Enforcement inspections-----4

Sewer Lateral Inspection Program:

- Number of application received: 5
- Sewer Lateral Inspection Fees Collected: \$625.00
- Number of Certifications issued: 5
- Number of Deficiency Notices issued: 0
- Number of Condominium Waivers issued: 0

Other Activities:

- Wide Load/Transportation Permits Issued: 0
- Encroachment Permits Issued: 2
- ITC SF Bay Trail Project.
- Promenade Lift Station Removal and Sanitary Sewer Line Replacement Project.
- Bay Trail/Path-to-Transit – Site Preparation Project.

- Mass Grading Project.
- Staff met with the consultant for the Metropolitan Transportation Commission regarding the MTC P-TAP Round 14 – Pavement Condition Survey Grant. This will help the City update its street conditions and will generate a priority list of streets and the repairs necessary to keep them in good condition.
- Staff submitted an OBAG application for Pavement Rehabilitation of Refugio Valley Road.
- Staff continues to work on the State Revolving Loan Fund Application for Pinole/Hercules Wastewater Treatment Plant Upgrade.
- Staff is developing a Title VI program to ensure compliance with Federal and State Regulations.
- Small sinkhole reported on Santa Fe. The sinkhole is a storm drain inlet that appears to have been overlooked during the original construction of the street. Small sinkhole reported at corner of Victoria Crescent & Dockside Bay. Since neither of these 2 items present an immediate hazard they will be combined as a future project for possible cost savings.
- Staff continues to work on FY 13/14 budget preparation.
- The Bayside lift station continues to require extra time and maintenance while waiting completion of new control system. (New primary operating system complete)
- Staff met with contractor to request quotes for removal and replacement of the wooden rebound wall at Refugio Tennis Facility. (Staff continues to collect quotes for this project)
- All irrigation systems have been brought back on line for summer season. Sudden summer warm up caused significant “browning” of turf in several areas. Staff and contractors are working to resolve the problem.
- Staff continues to meet with clean water program staff to develop trash load reduction plans. The City must demonstrate a 40% reduction in trash by next year.
- Staff continues to meet with Recyclemore and Richmond Sanitary regarding collection and post-collection contracts.
- Staff continues to meet with Pinole Staff to discuss plant upgrades at the Pinole/Hercules Wastewater Treatment Plant. The Hercules City Council approved a Resolution identifying HDR as the only responsive bidder for phase two engineering.
- Staff is continuing its dialogue with Ducks Unlimited regarding the Chelsea Wetlands Restoration Project.

Hercules Municipal Utility Activities:

- Performed visual inspections of equipment: 145
- Pumped water out of vaults: 4
- Meter reads: Entire system
- Meters installed: 3
- Meters pulled: 2
- Red tag postings for non-payment: 1
- Caulked equipment: 4
- Installation of hold down bolts: 8

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.

Upcoming Events:

Texas Hold ‘Em Fundraiser: Friday, June 21, 2013. The Friends of the Hercules Senior Center and Parks & Recreation is bringing you Texas Hold ‘Em Fundraiser! It will be held at the Hercules Community Center, 2001 Refugio Valley Rd. \$60.00 Buy-in, \$20.00 Re-buys, raffle prizes. Dinner/Happy Hour 6-6:45p Tournament 6:45-11p. Cash Bar (Beer & wine will be available for purchase). Funds raised will help support Senior/50+ services and programs. For more information please call: (510) 799-8291

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.

- \$848.31 in revenue for this week for the nutrition Café, donation and classes.

Licensed Before & After School Child Care and Seasonal Camps: Sign up for Child Care and Summer Camp, 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
- \$2,866.50 in revenue for this week child care programs.

Aquatics: We are now offering the following programs:

- **EBSD Year Round Membership**
 - USA Registration fee: Year Round Swimmer \$80 (made payable to EBSD)
 - Code: 52200
 - Spinners: M-TH, 6:30-7pm, \$66
 - Intermediate: M-F, 5-6:15pm, \$83
 - Advanced: M-F, 5-6:30/7pm, \$94

- **Lap Swim/Water Walking: Swim Passes are available!**
 - Ages: 14+
 - Days: M-F
 - Times: 7-8pm (until 6/10 then times will change)
 - Fees: Resident- Youth & Senior \$4/Adults \$5
Non-Resident- Youth & Senior \$5/Adults \$6
- **Swim Passes:**
 - 10 Visit Swim Pass Res- \$40 Adults/\$30 Youth Non-Res-\$50 Adults/\$40 Youth
 - 25 Visit Swim Pass Res- \$100 Adults/\$75 Youth Non-Res- \$125 Adults/\$100 Youth
- **Hercules Piranhas- has 103 participants registered! Still taking signups!**
 - 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 \$404 Deposit \$200
 - 2 Swimmers Registration \$707 Deposit \$200
 - 3 Swimmers Registration \$909 Deposit \$200
 - 4 Swimmers Registration \$1145 Deposit \$200
 - 5 Swimmers Registration \$1345 Deposit \$200

(PAYMENT ARRANGEMANTS ARE AVAILABLE UPON REQUEST. Times are subject to change depending on enrollment. No proration's for late enrollment.)
- **Monthly Zumba Classes and Passes Include:**
- Fees: \$45 Residents / \$50 Non-Residents
- Drop in: \$10 per class
 - Zumba (Mondays, 7-8pm)
 - Zumba Gold (Wednesdays, 9:30am-10:30am)
 - Aqua Zumba (Wednesdays, 7-8pm)
 - Zumba Sentao (Fridays, 5:45pm,-6:45pm)
 - Zumba (Fridays, 7-8pm)
 - Zumba Toning (Sundays, 9-10am)
 - Aqua Zumba Gold (Starting in June, Sundays, 11am-12pm)
- \$7,241.75 in revenue for this week

Teens:

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

- \$1,844 in revenue for this week

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.

- \$3,504.50 in revenue for this week

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.

- \$1,553.25 in revenue for this week

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 in July 2013. For the Banner Program we have a few spots open for May 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 7-10 Junior Pee Wee Basketball League. The league will run from April through July, 6 days per week with practices being held Monday through Thursday and games on Fridays and Saturdays. We currently have 96 kids enrolled.

- Offering a Basketball Leagues of 3 on 3 with 6 teams on Thursday night.
- Softball Leagues at Fernandez Park we have 7 Men's teams on Monday nights and 6 Co-Ed teams on Tuesday Nights
- Golf League at Franklin Canyon has 8 teams
- \$2,893 in revenue for this week

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.

- For next Fall our Tiny Tot program has a 5 day Jr. kindergarten program, A MWF Pre K program and a T/TH Little Learner which are full already!
- \$658.50 in revenue for this week

WEEKLY POLICE REPORT – Week ending May16, 2013

Possession of Marijuana: On May 9, 2013, at 10:51am, an officer stopped a white 1997 Toyota Tercel, for a vehicle code violation. During a consent search of the vehicle, the officer located marijuana inside the vehicle. The driver said he had a medical marijuana card, but it was not in his possession. The marijuana was taken for safekeeping until the owner can produce his prescription card.

Warrant Arrest: On May 9 2013 at 2:08pm, an officer stopped a gray Honda Civic, on Vaqueros at Hawthorn, for no license plates. The driver, 23 year old Sirpaul Flagler, of Oakland, was determined to have a \$100,000 felony warrant. Flagler was transported to the Martinez Detention Facility.

Petty Theft /Vehicle: On May 9, 2013, at 4:48pm, an officer was dispatched to the 1400 block of Chelsea. The reporting party said that sometime between, 8:00pm last night and 8:00am this morning, an unknown suspect stole miscellaneous item from her unlocked Honda Pilot.

Recovered Stolen Vehicle: On May 10, 2013 at 2:51 AM a green Acura Integra was located, parked in the street, in the 1000 block of Canterbury. The vehicle was reported stolen, to Richmond PD, on 3/28/13. The vehicle was unlocked and the lower portion of the steering column was pulled off exposing the ignition system.

Warrant Arrests: On May 10, 2013, at 10:00am, an officer responded to the Alameda County Jail and took custody of 49 year old Marcus Peppard, of Rodeo, and 28 year old Alexander Mason, Hercules, for outstanding local warrants. Both subjects were transported to the Martinez the Detention Facility.

Fraud: On May 10, 2013, at, 11:18pm, an officer was dispatched to the 100 block of Larkspur Bay. The reporting party said an unknown suspect made two purchases using his bank account information. The reporting party believes one of his checks was stolen from his mailbox earlier this month.

Traffic Collision: On May 10, 2013 at, 3:10pm, officers were dispatched to Hercules Ave, at San Pablo Ave, for a report of a non-injury accident. Involved vehicles were a 2005 Honda Civic and a Lexus RX330. The collision caused minor damage to both vehicles

Child Endangerment: On May 10, 2013, at 10:17 p.m., HPD officers were dispatched to the 1000 block of Crepe Mrytle. The reporting party said a 24 year old male hit two male juveniles. When the Officers arrived, the suspect had left the residence. The suspect hit a ten year old male juvenile in the mouth, causing his tooth to fall out, and slapped the 11 year old male. Both juveniles declined medical attention, and parents want to press charges. An area check was conducted, for the suspect, with negative results.

Warrant Arrest: On May 10, 2013, at 11:15 p.m. an officer checked a suspicious occupied vehicle, parked on the side of a business, in the 800 block Willow Avenue. One of the occupants, 40 year old Zeeus Gheevarghese, of Oakland, had a citable misdemeanor traffic out of Santa Clara County. The subject was issued a citation, with a new court date, and released

Warrant Arrest: On May 12th, 2013, at 12:58 am, an officer stopped 22 year old Roland Simmons, of American Canyon, for a vehicle code violation. Simmons had an outstanding \$5,000.00 “No cite” warrant issued by Benicia PD. Simmons was transported to Martinez Detention Facility.

Mental Health Evaluation: On May 12th, 2013, at 1:59 am, HPD Officers responded to the 100 block of Fir Court. The caller stated an adult male had intentionally taken an unknown amount of pills. The officers contacted the male and determined he met the criteria for a Mental Health Evaluation. The subject was transported, by ambulance, to the Contra Costa County Regional Medical Center.

Residential Burglary: On May 12, 2013, at about 11:26 am, Officers responded to the 1800 block Lupine Rd for a reported residential alarm. Officers found the front door had been forced in. A search of the residence was conducted and one was located inside the residence. The front door was secured and the homeowner was notified and responded home. The homeowner later reported there was jewelry missing.

Criminal Threats: On May 13, 2013, at about 5:39 pm, Officers responded to the 1300 block of Forest Run for a reported neighbor dispute. The reporting party said an adult male entered his garage and made derogatory statements, in front of his family. The subject walked 30 feet out of the garage, then turned and said he was going to kill the victim’s wife. The suspect was holding a large pair of scissors at the time of the threat. The suspect was gone when the officers arrived. 32 year old Cedric Calub was located, about a half hour later, in front of the 1400 building of Forest Run. He was still holding the scissors. Calub was placed under arrest for Making Criminal Threats. He was transported to the Martinez Detention Center.

Missing Person: On May 12, 2013 at 6:42 PM, a resident of Rio Vista contacted an officer at HPD to report her adult granddaughter missing. The reporting party stated she received the missing persons California DL and credit card in the mail, from the Giants Stadium. The reporting party has not been able to contact her granddaughter, so she wanted to report her missing. The Officer left a message on door of the missing person. A short time later a female called stating she was missing person and that she was OK. The phone disconnected before the person could be positively ID’d. The missing person report will remain in the system, until party re-contacts the police and verifies her identity.

Vandalism: On May 13, 2013, at about 2:11 pm, Officers responded to the tennis courts located in the 1500 block of Refugio Valley Rd. The reporting party said males were smoking Marijuana and drinking alcohol. Seven males, juveniles and adults, subjects were contacted. A table and bench had been marked with a black sharpie. The vandalism appeared recent. A black sharpie was located underneath the table and two subjects had black ink on their hands. Two subjects were temporarily detained and later released, pending further investigation.

Theft: On May 13, 2013, at about 2:32 pm, Officers responded to a restaurant in the 800 block of Willow Ave. The reporting party said a male juvenile stole her purse. The victim was eating outside the restaurant when an African American male, about 16-17 years old, grabbed her purse, which was on a chair next to her. The suspect ran to a green Chrysler that was waiting at the rear of the 76 gas station. The Chrysler was being driven by an African American female. The suspects were not located.

Missing Person Locate: On May 13, 2013 at 7:15 PM an adult female came to HPD to verify she is not a missing person. Her name was removed from the Missing and Unidentified Persons System.

Mental Health Evaluation: On May 13, 2013 at 7:13 PM Hercules units were dispatched to the 200 block of Elderberry Ct. for a resident who was out of control. Officers contacted an adult female, who was cussing and screaming. She did not appear to be able to care for herself and met the criteria for a Mental Health Evaluation. The female was transported, by ambulance, to the County Regional Health Center.

Identity Theft PC: On May 13, 2013 at 8:34 PM an officer responded to the 1100 block of Waverly Circle. The reporting party stated when she did not receive her state tax refund she called the Franchise Tax Board. She was told her that it appeared another person used her social security number to claim her tax return.

Warrant Arrest: On May 13, 2013 at 9:56 PM an officer contacted and arrested 19 year old Sean Marquis, for an outstanding \$3000 no cite misdemeanor warrant. The male was transported to the Martinez Detention Facility.

Vehicle Theft: On May 14, 2013 at 2:40 AM Hercules units were dispatched to a vehicle theft, which had just occurred, in the 100 block of Sequoia. The vehicle was described as a white 2007 Ford F250 Pick-up truck. A perimeter was set up on Sycamore Ave. but officers were unable to locate the truck.

Locate Missing Juvenile/ Probation Violation: On May 14, 2013 at 1554 hours, Officers were advised that missing female juvenile, reported to Richmond PD, was walking on Refugio Valley Rd, toward Refugio Valley Park. The reporting party said the juvenile was on probation and cut off her ankle monitor earlier in the day. Officers located the female on Refugio Valley Rd, at Country Run. She initially gave a false name, but a Hercules High School ID positively identified the female as the missing juvenile. Contra Costa Juvenile probation requested the female be transported to Juvenile Hall. The missing person report was removed from the Missing and Unidentified Person System (MUPS).

Residential Burglary Alarm - Unfounded: On May 14, 2013 at 6:48 PM, Officers responded to a residential alarm in the 1200 block Canterbury. Officers found damage to the side fence gate; and the side garage door was ajar, and had some damage. The garage door was held closed by a security chain. Officers gained entry into the garage and determined was no one in the garage, and it appeared undisturbed. The interior door, to the residence, was locked. The resident arrived and

provided keys for the residence. Officers checked the interior of the residence. It was clear, and appeared undisturbed. The resident stated the damage on the garage door was old. He checked his security system and it did not indicate anyone had been on his property.

Warrant Arrest: On May 15, 2013, at 2:24pm, officers were dispatched to the 100 block of Starling for a report of loud argument. Officers contacted a male adult near a residence on Starling Way. 39 year old Robert Price, of Oakland, had two felony warrants; one out of Berkeley for \$160,000, and one out of Hayward for 50,000. Price was taken into custody and transported to the Martinez Detention Facility.

Warrant Arrest: On May 15, 2013, HPD Officers went to Amber Court, in Hercules, and arrested 38 year old Tamas Tothpapp for a \$10,000.00 misdemeanor warrant, out of Pinole. Tothpapp was taken into custody and transported to the Martinez Detention Facility.

Public Intoxication: On May 15, 2013, at 11:09 p.m., HPD Officers were dispatched to the 400 block of Olympus, for the report of a female banging on a front door of and possibly breaking out a front window. Officers contacted 40 year old Rhonda Walker in front of the residence. The front window of the residence was broken out and Walker had a cut to one of her hands, with fresh blood on it. No one at the residence was home. Officer secured the residence. Walker displayed objective signs of intoxication. She was arrested for Public Intoxication and was transported to the Martinez Detention Facility.