

March 9, 2011
Agenda Item 15c

CONTRA COSTA TIMES

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Tuesday, February 8, 2011

Pinole questions Hercules' wastewater decisions

By Tom Lochner
Contra Costa Times

Posted: 02/07/2011 02:51:52 PM PST

Updated: 02/08/2011 12:29:07 PM PST

Pinole is questioning Hercules' apparent decision to quit the two cities' joint wastewater treatment plant and contract with the West County Wastewater District, reiterating its long-held view that Hercules' move is driven by false assumptions.

During a presentation last month, Pinole administrative officials told the Pinole City Council that wet-weather flows, not Hercules' projected growth, are the principal reason for the need to upgrade the shared plant.

At a board meeting of the Pinole/Hercules wastewater Joint Powers Authority in March 2010, Hercules' then-City manager, Nelson Oliva, announced his city would quit the Pinole-Hercules plant and move Hercules' sewage over to the West County Wastewater treatment plant in North Richmond. Almost a year earlier, a Hercules brochure sent to residents had announced that redirecting the city's wastewater flow to West County would be "the most viable option" to handle future growth. Hercules' current population, 24,500 according to the most recent census data, will grow to almost 35,000 by 2035, according to a 2009 biennial projection by the Association of Bay Area Governments.

According to Pinole, the capacity of the plant, currently about 3.5 million gallons a day (MGD), is adequate on dry days. But during the wettest days, the flow can be as high as 22 MGD, forcing the plant to release partially-treated wastewater into the Bay. The wastewater released into the Bay meets all of the plant's

permit requirements except for dilution, officials say.

The solution, according to Pinole, would be to build an "equalization tank" to collect excess water during intense rains, to be fed slowly into the treatment system. If Hercules departs to West County, Pinole would need to build a 500,000 gallon tank, enough for a wet-weather capacity of about 12 or 13 MGD, at a cost of about \$2.5 million, Pinole Public Works Director Dean Allison said last year.

The Hercules City Council will discuss the wastewater situation on Tuesday. Interim City Manager Fred Deltorchio said he has invited officials from Pinole and West County Wastewater to participate.

According to Pinole's latest projections, the Pinole-Hercules plant would need about \$44 million in upgrades by 2015, to be shared equally, if both cities stick with it. Studies have projected a cost to Hercules of \$59 million to \$73 million to move to West County, depending on whether both cities move or Hercules moves alone. The Pinole City Council decided in July not to move, after Allison said monthly sewer service charges would be much lower under a Pinole-only option, at least until 2025. Under Pinole's latest projections, the single-family rate would be \$64.43 a month in 2015 under the Pinole-only option and \$86.64 a month if the two cities move to West County. The two rates would be approximately equal by 2035, approaching \$120 a month, according to Pinole's PowerPoint

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presentation.

As of July, the single-family sewer service charge in Hercules was \$42 a month. Rates will go up each year for eight years by the rate of increase of the Consumer Price Index, plus \$2 a month.

In September, Hercules gave West County Wastewater a notice to proceed with a \$1.2 million first phase of a Wastewater Regionalization and Reuse Project; Hercules' share would be about \$900,000, said West County Wastewater's general manager, E.J. Shalaby. As of late last month, Hercules had paid about \$200,000, Shalaby said; the bills are periodic.

Last week, the West County district filed a notice of preparation of an Environmental Impact Report for the project, which would involve building a pump station and a 7-miles-long sewer pipeline through parts of Hercules, Pinole, San Pablo, Richmond and unincorporated Contra Costa County. There will be a public scoping meeting on Feb. 23.

Pinole officials said they are concerned about their ability to meet deadlines for upgrades imposed by the Regional Water Quality Control Board if Hercules changes its mind, and the more so the longer Hercules takes to decide.

Contact Tom Lochner at 510-262-2760.

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Meeting to focus on Hercules sewage move to West County treatment plant

By **Tom Lochner**
Contra Costa Times

Posted: 02/08/2011 04:16:30 PM PST

Updated: 02/09/2011 05:39:10 PM PST

A project involving an approximately 7-mile-long underground sewer pipeline from Hercules through parts of Pinole, San Pablo, Richmond and unincorporated Contra Costa County will be discussed at a public meeting later this month hosted by the West County Wastewater District.

The district is holding the meeting to help determine the scope of an environmental impact report related to a proposal by Hercules to redirect its sewage flow to the West County district's North Richmond treatment plant.

One possible alignment would be mostly along the Union Pacific and Burlington Northern Santa Fe railroads' right-of-ways and East Bay Regional Park District land. An alternative routing would be under city streets.

The meeting, at which the district will gather public comments, will be at 7 p.m. Feb. 23 at the West County Wastewater District office, 2910 Hilltop Drive, Richmond.

A written public comment period ends at 5 p.m. March 7. Comments should be sent by mail to the

district office to the attention of Environmental Review Officer Ken Cook, 2910 Hilltop Drive, Richmond CA 94806; by fax to 510-222-3277; or by e-mail to kcook@wcwd.org.

Contact Tom Lochner at 510-262-2760.

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Agency approves Antioch's request to provide water services for power plant

By Paul Burgarino
Contra Costa Times

Posted: 02/09/2011 05:26:45 PM PST

MARTINEZ -- In a move that will keep construction of a \$650 million power plant on track, a Contra Costa County land-planning agency agreed Wednesday that Antioch can provide water and wastewater services outside its jurisdiction before annexing the property.

GenOn Energy is constructing a 760-megawatt natural gas-fired facility just east of the Antioch border. The company needs water hookups to start construction, which it hopes to start in April.

Before voting 6-1 in favor of Antioch's request, the Local Agency Formation Commission expressed frustration that Antioch and the county had not reached a deal on how to share property taxes after more than three years of discussions. County Supervisor Gayle Uilkema of Lafayette was the lone dissenting vote.

Antioch City Manager Jim Jakel told the commission that the two sides have been working on a tax-sharing deal but has had to overcome several hurdles, including the cost of annexing a neighborhood off Viera Avenue that drew international attention in 2009 because of the Jaycee Dugard kidnapping saga.

"It's been a very complicated process," said county Supervisor Federal Glover of Pittsburg, who also sits on the commission.

As an incentive to get a deal done, GenOn President John Chillemi told the commission that his company would give \$1 million to Antioch and \$1 million to the county if annexation is completed by the end of 2012.

The decision went against the recommendation

of commission staff to have an agreement on property tax sharing in place as an assurance that annexation would take place.

The local agency commission also asked for monthly progress reports from the city and county on negotiations in Wednesday's decision.

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GOVERNMENT

Hercules' Field of Broken Dreams

City strikes out on costly ballpark plan.

February 17, 2011

By [Jackie Ginley](#) February 17, 2011

The city of Hercules has paid almost \$2 million for a ball field that does not exist and continues to pay a consultant \$6,000 a month to grease the skids for what remains, as its name suggests, little more than a dream.

The idea for a “Big League Dreams (<http://www.bigleaguedreams.com>)” ballpark in Hercules was born more than two years ago in conversations between former City Manager Nelson Oliva and Pat Kight, who handled new park development for the Southern California company.

The plan was for six lighted ball fields—three of them to be replicas of famous parks like Yankee Stadium—a field house, two children’s playgrounds, an eight-station batting cage, food and booze concessions and more.

Big League Dreams, which runs similar parks in [Manteca](http://manteca.bigleaguedreams.com) (<http://manteca.bigleaguedreams.com>), [Redding](http://redding.bigleaguedreams.com) (<http://redding.bigleaguedreams.com>) and [nine other cities](http://www.bigleaguedreams.com/parks/locations) (<http://www.bigleaguedreams.com/parks/locations>), books tournament play, drawing players from throughout a region, and that traffic translates into bookings at local hotels and spinoff retail and restaurant traffic.

Hercules was supposed to foot the bill for building the park, and Big League Dreams would run it, giving the city 5 percent of its gross, or a minimum of \$100,000 a year, and putting another 1 percent into a maintenance fund.

Big League Dreams said it needed about 40 acres. So the city set its sights on the rolling hills north of Highway 4 next to the smokestacks of the ConocoPhillips carbon plant.

There was just one problem: The city doesn’t own the land; the oil company does. ConocoPhillips failed to return several requests for comment, but a close reading of city correspondence over the past few years suggests the oil company is far from a motivated seller.

Correspondence obtained by Hercules Patch between the city and its consultants reveals that the plan was to annex the land and place it into a redevelopment area, which can be a powerful tool against unwilling sellers. Using its powers of eminent domain under state redevelopment laws, cities can force an owner to sell at fair market value.

Eminent domain was never mentioned in the discussion of annexing land belonging to ConocoPhillips. The targeted parcel is vacant, providing little or no potential sales tax base to the city. Moreover, it is zoned for agricultural use.

While a formal annexation proposal has never been submitted to the county, Hercules taxpayers have spent almost \$600,000 on engineering studies that would theoretically pave the way. Records of city expenditures reveal that former City Manager Michael Sakamoto had been actively researching the annexation as far back as 2007—a year before the city entered into formal agreements with Big League Dreams. Sakamoto was paid for the research by NEO Consulting Inc., a city contractor then providing advisory services to former city manager Oliva, who had succeeded Sakamoto at the helm of local government.

After stepping down as city manager in March 2007, Sakamoto began meeting on the city’s behalf with the Contra Costa Local Agency Formation Commission (LAFCO), the agency responsible for overseeing and approving proposals to annex unincorporated land. In October 2007, soon before joining the city’s bond underwriter as a vice president, Sakamoto submitted a receipt to the city for copies of Highway 4 studies related to the annexation proposal.

Then, in July 2008, the City Council quietly approved [a contract awarding Big League Dreams \\$750,000](http://hercules.patch.com/articles/hercules-field-of-broken-dreams) (<http://hercules.patch.com/articles/hercules-field-of-broken-dreams>) to act as a consultant in the design and planning of the fields. There was no discussion, no debate and no public hearing to consider whether it was prudent to pay a consultant for things like helping the city furnish the ball fields before they even had a piece of land on which to build them.

Like many costly decisions the city made over the years, the contract was approved en masse with small-ticket items on the council’s consent calendar. The next day, Kight of Big League Dreams e-mailed Oliva.

“Thanks again for last night’s approval,” he wrote. “I’m more excited about a Hercules park than any other I have been involved with. Regarding Friday’s visit to Manteca, Bill Russell will be at the park at 11 AM and can show your group through the park. Roy Featherolf, GM, will be on hand as well and will serve lunch to the folks around noon in one of the Stadium Clubs. Let me know if you need anything further.”

City Starts Paying Big League Dreams

In August 2008, the money started flowing—\$30,000 a month to pay Big League Dreams for things like “project evaluation” and “conceptualization,” which the contract said should include site visits to help the city pick a location for the ballpark and offer advice on environmental roadblocks like traffic problems, grading and drainage.

And those services included “regular on-site meetings” with the city for which the firm was to have received reimbursements for travel from Southern California, regular meetings with the design team and help in picking a theme. In the latter stages of the contract, Big League Dreams was supposed to help the city send out requests for bids and choose a contractor and even help in selecting furniture and other things for the park.

But none of that ever happened, because the idea never got past the very first stage of acquiring a piece of land on which to build the ball field. The contract would have allowed the city to back out after paying Big League Dreams \$90,000 over the first three months, but that never happened either.

The contract also promised the city would reimburse Big League Dreams for travel expenses, including 16 round trips from its headquarters in Southern California to Hercules. But the company never submitted any requests for reimbursements for travel to on-site meetings.

Kight retired in November 2010, and said he can’t speak to the current contract status between Big League Dreams and the city, but he points out that he maintained regular contact with Hercules and was informed that the city was moving forward with its annexation plans, which, obviously, would have been a first step in the process.



PHOTOS (3)



PDFS (3)



The payments continued, 24 of them in all, stretching into last summer, even though the city never submitted a formal plan for annexing the land on which the ball fields were to have been built. A final payment of \$30,000 that legitimately should not have come due until construction of the ball fields was complete, has been withheld.

In November 2008, the council approved an additional \$450,000 payment to Big League Dreams for the right to use its name, essentially, a license fee for a park that did not yet exist. The fee is fully refundable, but no one, as yet, has asked for it back.

A contract giving Big League Dreams the right to operate the ball fields was also approved on the consent calendar that year, but never signed. Oliva, then city manager, asked the council for permission to negotiate it further, and that, too, was approved with no public discussion.

Taxpayers have paid Big League Dreams almost \$1.2 million, and there is nothing to show for it.

Oliva said he was not interested in speaking to the press. "I have an agreement that says I cannot speak to the press," he explained. "Thank you."

And Sakamoto could not be reached for comment.

The revolving door at Hercules City Hall has seen three city managers in as many months, and there is little collective memory to explain why it seems the city put the cart in front of the horse in these expensive contracts with Big League Dreams.

"We didn't ask the right questions," said Mayor Joanne Ward, who replaced Ed Balico following [his resignation](http://hercules.patch.com/articles/mayor-balico-resigns) in January. She is facing a [recall](http://hercules.patch.com/search?keywords=recall#/type:articles/sort:relevance/page:1/keywords:recall) after 10 years of service. "We didn't know the right questions to ask."

Ward remembers taking a trip to Manteca to visit that city's Big League Dreams Park, but she can't explain why it made sense to pay the former city manager to act as the city's intermediary on the project. "I'm not sure that was the right thing to do," she said.

Like Councilman Don Keuhne, another recall target, Ward says the main appeal of the project was the potential economic benefit to the city.

"I think Mr. Oliva was optimistic that if he could get a franchise agreement, that would prevent other people in the area from getting it," said Keuhne, who points out that he was elected to the council in November 2008, after the contracts had been approved.

The \$450,000 licensing agreement gave Hercules rights to use the Big League Dreams name, and it also guaranteed the operators wouldn't open another park nearby that might steal foot traffic from the city.

Scoring Land for the Ballpark

Whatever the thinking was behind the project, it must have quickly become obvious to the city that getting its hands on the land was going to prove trickier than originally envisioned. So in March 2009, the council agreed to pay a political consultant \$6,000 a month for "interface and advocacy" with LAFCO.

The 10-month contract with Tom Koch (<http://hercules.patch.com/articles/hercules-field-of-broken-dreams>), once an aide to former Contra Costa County Supervisor Tom Powers, was not supposed to exceed \$60,000. But today, two years later, Koch is still collecting \$6,000 a month. Various amendments approved by the City Council have upped his limit to \$150,000, and by the end of January, he had been paid \$132,000 despite the fact that a formal proposal to annex the land for the ball field has never been submitted to LAFCO.

Reached in Seattle, where he lives, Koch said former city manager Oliva asked him to help with the annexation in part because of his leadership in Waterfront Now, an initiative to develop the waterfront in Hercules.

"I've been involved with annexation issues for a long time," Koch said. "This one was especially complicated with the potential opposition of ConocoPhillips."

With two new faces on the City Council and a mounting city debt, it's not clear whether the Big League Dreams ever will become a reality.

But the proposed annexation, now twice amended since the original target of 500 acres, is a separate question. If the annexation ever does go through, Koch's contract entitles him to a \$100,000 "bonus," even if he's not still working for the city at that time.

Thanks to the broad powers of eminent domain, and some creative thinking about the paths toward annexation, it might not matter what the oil company thinks about having baseball diamonds in its back yard.

Bob Porterfield contributed to this report.

Friday: Check back at Hercules Patch for more on the annexation.

[Patch Guide: Crisis in Hercules](http://hercules.patch.com/articles/patch-guide-crisis-in-hercules)

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COMMENTS (29)

Phil Simmons

6:55am on Thursday, February 17, 2011

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GOVERNMENT

Ballpark Hinges on Ever-Changing Annexation Plans

February 18, 2011

What started as a plan for a 500-acre annexation now could involve three non-contiguous properties.

By [Jackie Ginley](#) February 18, 2011

In the strange world of politics, one of the most powerful landowners near Hercules might have less of a voice about what happens in its back yard than a handful of senior citizens living in a strip of low-income housing in Rodeo.

If Hercules still has the political will to annex the rolling hills around Highway 4 for a [Big League Dreams](#) (<http://www.bigleaguedreams.com>) ball field, residents in the Rodeo Gateway Apartments on Willow Avenue could hold the winning hand in this political game.

Big League Dreams, which manages small-scale replicas of major league ballparks like Yankee Stadium, [has received almost \\$1.2 million from Hercules](#) (<http://hercules.patch.com/articles/hercules-field-of-broken-dreams>) in licensing and planning fees. But in the years since the city signed with the Southern California company, nothing has happened with the ball fields, mainly because the acreage targeted for the project is outside the city limits on land owned by the neighboring ConocoPhillips.

The oil company operates a carbon plant on a stretch of Highway 4 just east of Hercules between Interstates 80 and 680, and the land eyed for the ball field is right next to it.

Little has been said publicly about the proposed annexation, but correspondence between current and former city officials reveals that Hercules was looking to annex the 50-unit [Rodeo Gateway senior apartments](#) (<http://www.eahhousing.org/manage/profile.asp?id=49>) as a way of pushing a vote on what was shaping up to be an increasingly complex and costly plan to annex land for the Big League Dreams park.

Apartment Manager Angela Noble confirmed that the city had proposed annexing the units, but said she couldn't see the benefit to it. "They said it would lower our police response times, but they're already two to five minutes," she said.

Why would the city want to add 50 senior apartments to its proposal to annex some 40 acres out on Highway 4 next to the smokestacks of the ConocoPhillips carbon plant? The properties, about a mile apart and separated by a Rodeo housing subdivision and the freeway, aren't even contiguous.

The answer lies in the complexity of state laws governing annexations. If a city is trying to annex "uninhabited" land, the law calls for terminating proceedings if a majority of landowners holding more than 50 percent of the assessed value of the land oppose the annexation.

ConocoPhillips, though its subsidiary CS Land Inc., owns all of the land the city is eyeing for the ball fields. So its opposition would kill the proposal under that scenario.

But if the land to be annexed is "inhabited," the process gets more complicated. In that case, the upper hand is given not to landowners, but to registered voters. If ConocoPhillips were to oppose the annexation in that scenario, the proposal would go to a vote of the "registered voters residing in the affected territory."

And while ConocoPhillips owns more than \$60 million worth of land in Franklin Canyon, the oil company is not a registered voter.

Since it takes only 12 residents to call a territory "inhabited," the folks at the senior apartments would not only change the balance of the equation, the decision on whether or not to annex ConocoPhillips' land would ultimately rest in their hands.

"Your point is correct," city consultant Tom Koch said in an interview last week. "The addition of the senior homes absolutely changes the equation."

The novel idea seems to have surfaced late in the game, and given [the city's current financial problems](#) (<http://hercules.patch.com/articles/patch-guide-crisis-in-hercules>), it remains unclear whether the political will exists to force a hand on the annexation.

Evolution of the Annexation

The plan for the annexation has changed radically over the years. At first, the city was looking at annexing almost 500 acres. Then, in the face of potential opposition, the plan was scaled back to include just two major chunks of land – some 40-plus acres next to ConocoPhillips for the ball fields and another 77 acres north of the Franklin Canyon Golf Course that's popularly referred to as the "panhandle."

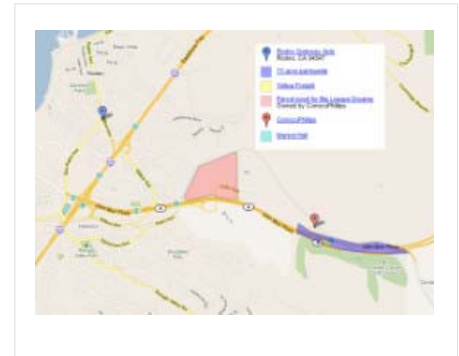
When the city hired the Anaheim-based engineering firm of Stevenson, Porto & Pierce to prepare the environmental documents needed to begin the annexation early in 2009, it still was looking at annexing 500 acres in the Franklin Canyon area and rezoning it to pave the way for the ball fields. It was clear at that time Hercules intended to put the land into a new redevelopment project area.

Real estate transactions normally involve a willing buyer and a willing seller, but redevelopment is a powerful tool that allows municipalities to elbow around a recalcitrant landowner. Using powers of eminent domain under state redevelopment laws, cities can force an owner to sell at "fair market value."

A redevelopment area also would have enabled the city to sell bonds to pay for building the Big League Dreams fields, which have cost as little as \$8 million and as much as \$40 million to build in other cities over the past 10 years. Those costs don't reflect interest payments on bonds, which are often used to the finance the construction.

There is nothing in the public record to explain why the city's leaders were thinking of putting baseball diamonds next to an industrial plant manufacturing anode-grade coke (an oil product that can be used in the manufacture of electrodes and other products). But whatever the rationale was, the risks involved were outlined early in the process:

"A major element of the hazards section will be an assessment of the risk of fire, explosion, or release of hazardous materials from the nearby ConocoPhillips plant," Porto wrote in his February 2009 letter. He went on to say that Osprey Environmental would examine the potential hazards, including the "inherent risk of exposure to coke dust carried by winds to areas beyond the facility fence line."



Then, in March 2009, the Hercules City Council approved a \$392,054 contract with Porto's firm to prepare the annexation application.

But within a few months, the city abandoned its plan to annex all 500 acres, instead going after the 77-acre panhandle and the land due west of the carbon plant – and each would be handled with a separate application to the Contra Costa Local Area Formation Commission (LAFCO), which governs annexations.

Splitting the annexation into two parts was expensive, inflating the city's bill for engineering services from \$392,000 to \$595,000. And tacking on the senior apartments to the trickier of the two proposals – the ball field annexation – would have added another \$58,800 to that tab.

"Some of the work already done can be reused, while some of the work completed is not usable at all," Porto said in a letter to the city in the fall of 2009. "We also have quite a bit of work to go to get us to the finish line on the two areas. Deciphering all of this has been quite a chore."

The first area to be tackled was the 77-acre panhandle site, more than half of which is owned by Caltrans as a right of way. Environmental reviews of that area were conducted and presented to LAFCO last year. But the application left LAFCO Director Lou Ann Teixeira perplexed.

"If no development is proposed and the city does not anticipate extending services to the area (eg: roads, sewer, etc.), then what purpose is the annexation?" she asked in a July 2010 letter to Hercules. "Have any of the landowners petitioned the city for annexation? Either the city provides an indication/assessment of future development in the area and/or the need for municipal services, or the annexation is premature at this time."

Why Hercules Wants the Panhandle

The reason for annexing the panhandle was not outlined to the county last summer, but a volley of e-mails and letters between the city and its consultants reveals that it was aimed at annexing a freight yard the Hercules Redevelopment Agency had bought the summer before for a little more than \$2 million.

The city's plan for the freight yard was tied to yet another now-troubled project, New Town Center, a redevelopment area that includes the BART parking lot and the Airstream trailers of Market Hall. The idea was to buy the land and offer it to Caltrans in exchange for the agency's corporate yard, which is in the boundaries of where the city would like to see New Town Center.

The vision is to turn that whole area into a pedestrian-friendly commuter hub with houses and shops built around the obvious draw of the transit connection. And the final phase of that plan would have called for widening Willow Road around the existing Caltrans yard from two lanes to four and adding sidewalks.

Part of that plan seems to have involved moving Caltrans east to the panhandle. But save for a preliminary contact with Caltrans to present the idea more than a year ago, the city and the agency have not negotiated the proposal of moving the Hercules yard, nor does Caltrans have enough information to evaluate at this point whether a swap makes sense, Caltrans spokeswoman Traci Ruth said Thursday.

Problems with the Panhandle

Early in 2010, six months after the city had spent \$2 million on the old freight yard, one of the annexation project consultants e-mailed city consultant Michael Sakamoto to say he was surprised to discover a county moratorium on installing new septic systems in the panhandle due to the potential impacts to nearby creeks. Sakamoto, who was acting as a consultant to the city manager's office through NEO Consulting, suggests in reply that the city might be able to build a small capacity treatment plant and dump its treated effluent on the nearby Franklin Canyon Golf Course.

"If the former Yellow Freight site becomes a Caltrans yard, we may be able to rely on the existing septic system. However, if we were to create actual sewer capacity in the area, the issue of a moratorium would be eliminated, correct?" Sakamoto wrote. "More importantly becomes the issue of creating a RDA (redevelopment) project area for the newly annexed area."

Sakamoto declined to be interviewed for this article, but a series of e-mails suggests he played a central role in the annexation plans in his capacity as a consultant to the city manager, a position that he had held until 2007.

It's difficult to discern precisely what the thinking was behind the many checkerboard moves of the various annexation proposals over the years. Like Sakamoto, former City Manager Nelson Oliva declined to discuss the issue with Hercules Patch. And Interim City Manager Fred Deltorchio, the police chief who is running the city, directed questions to Charlie Long, who was fired from his short stint (<http://hercules.patch.com/articles/city-manager-nelson-oliva-returns>) as an interim city manager in December and then [invited back](http://hercules.patch.com/articles/long-returns-in-new-role) (<http://hercules.patch.com/articles/long-returns-in-new-role>) again in January to manage the waterfront development.

"I think the council needs to make some strategic decisions," said Long, who offered little insight into what the thinking had been behind the various annexation proposals. He says only that he is studying the issue and will either make a recommendation that the city move forward with the Big League Dreams project or abandon it and recoup whatever money the city is owed.

It's unclear at this point how the city intends to move forward either with the annexation or with Big League Dreams. The \$58,800 contract addendum that would have expanded the annexation to include the senior housing has not come up for a vote, and has not been approved, the city spokeswoman confirmed.

Don Kuehne, who was elected to the Hercules City Council in 2008 after the Big League Dreams contracts had been signed, acknowledged that going for a vote on the annexation "might work." But he said, "You'd have a very unhappy ConocoPhillips to deal with. I don't know that I'd want to go down that path right now."

Bob Porterfield contributed to this report.

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[Susan D.Keeffe](#)

8:59am on Friday, February 18, 2011