Montclair Safety and Improvement Council (MSIC)

A Neighborhood Crime Prevention Council (NCPC)

Public Meeting Minutes
Thursday November 7, 2013 7:00 pm to 8:30 pm
Montclair Presbyterian Church, 5701 Thornhill Drive, Oakland California

www.montclairsic.org

The meeting was chaired by Jill Broadhurst and was attended by approximately 30 people.

MSIC Steering Committee members were introduced:

Jill Broadhurst, Chair
Jim Clardy, Treasurer
Peggy Esposito
Nancy Havassy
Barry Klezmer
Doug Mosher
Sandra Pohutsky, acting Secretary
Laurel Strand

Steering Committee members unable to attend:

Josh Shaw
Michael Tigges

CAPTAIN ANTHONY TORIBIO, OAKLAND POLICE DEPARTMENT

Captain Anthony Toribio, a 23-year veteran of the Oakland Police Department, is the commander of our police area, Area 2, Oakland Hills and North Oakland, which includes police beats 8 to 14. The OPD website—oaklandpolice.com—has a link where you can see the beat boundaries and identify which beat you live on. Most residents of Montclair are in beat 13Z.

Area 2 robberies have increased about 15% (year to date compared to 2012) and most robberies are armed. Although robberies are high, there has been a downward trend in recent months: In early July, robberies were up 39%. Beat 13Z has had 8 reported robberies in 2013 including several bank robberies at Bank of the West. A suspect has been arrested for the bank robberies.

Area 2 residential burglaries have decreased by about 22% compared this time last year. Beat 13Z residential burglaries have decreased 50%, thanks in part to alert residents who report suspicious activity. The most common method for burglars to gain entry is to kick in the front door or to enter the house by an unlocked window.

Area 2 auto theft (taking the vehicle) has increased slightly.

The Oakland Police Department now has 640 sworn officers and loses one to six officers a month due to retirement and resignations. OPD is doing a significant amount of hiring. The police academy lasts 26 weeks followed by a 17 week field training program. At the end of September the Department graduated a police academy (36 graduates) and those officers are in the field training program. Another academy started in October (57 police officer trainees) and another one is planned for December. Three academies are planned in 2014 including a lateral academy—these are officers from other agencies that will become Oakland Officers. They attend a much shortened academy and field training program.

The Department is also hiring civilians—police service technicians (20), dispatchers (five) , admin support staff (ten)—to help with the high level of demand for service and to move officers away from administrative work and into the field to respond to 9-1-1 calls and engage in other proactive work.

Area 2 consists of seven patrol beats. Six patrol squads provide 24/7 coverage for the area. (Of note, Beat 13 is further subdivided into three distinct community policing beats [CPB]: 13X, 13Y, 13Z. In previous years, there was a Problem Solving Officer [PSO] assigned to each CPB. However, due to staffing issues, currently one PSO covers all three.)

Captain Toribio discussed some of the challenges providing coverage for 13Z. Beat 13 is assigned one patrol officer. This officer is frequently pulled out of the area to assist with calls in other parts of the area, including Areas 1 and 3. Moreover, none of the patrol squads are fully staffed. If an officer is off on training, vacation, sick leave, etc. a vacancy occurs which is filled by an officer working overtime. Officers are required to work mandatory overtime to ensure all police beats are filled. This comes out to nine overtime shifts every quarter for all officers. Sergeants are also required to work mandatory overtime.

There is an enormous volume of calls to the police department; a recent count was 3,800 dispatched calls for service in the 12 hours between 2 pm and 2 am. Toribio expects the Department to implement a strategic call management plan which will reduce the number of calls for service city-wide by as much as 30,000. The plan calls for some process and policy changes and an expansion of on-line reporting.

Captain Toribio's commented that having more officers in the field is important as the good management of resources. This means field supervisors and commanders ensuring calls are being dispatched appropriately; officers handling calls in a timely manner, and officers are engaged in high visibility patrols and enforcement action.

Area 2 has one robbery investigator and no burglary investigator; however, a burglary investigator is expected to be assigned to the area in a few weeks.

Toribio's goals for the investigators involve awareness of crime patterns and trends, and diligent following up on reported crimes:

1. Investigators will review all burglary reports in Area 2 daily and notify Toribio immediately if a pattern/trend is discerned.

2. Robbery and burglary investigators will meet with Toribio weekly to review reports and look for patterns and trends, and give updates on the progress of active investigations and what needs to be done to identify perpetrators and make arrests.

3. Toribio will work with other investigators and area commanders to spot robbery/burglary trends that exist in other areas and Area 2.

Toribio's Area 2 Crime Response Team is working in Area 2 only about 1/3 of the time. The other 2/3 of their time is spent in East Oakland to reduce gun violence.

OFFICER JOEL WOLFORD, OAKLAND POLICE DEPARTMENT

Captain Toribio introduced Officer Wolford who is now working with Officer Jason Trode in beats 13x, y and z. Officer Wolford had been working in the Piedmont Avenue beat. He grew up in Vallejo in a police family. He has been with OPD for six years, working all over the City**.**

PROBLEM SOLVING OFFICER JASON TRODE, OAKLAND POLICE DEPARTMENT

There have been five reported auto burglaries in 13z in the last month (breaking into a car to take property.) Two of them were from cars parked in the Safeway parking lot. The auto burglars may be driving a white van. When a citizen leaves something visible in the car (bag, package, purse, electronic device, etc.), it greatly increases the likelihood of a break in. The most common way to enter a car is to smash a window.

There have been only two reported home burglaries in 13z in the last month (breaking into a home to take property.) One burglary was foiled by an alert neighbor on Moraga Avenue, near Thornhill, who saw a van in front of a home at 3 pm with several men carrying property out, including a giant television. The neighbor, who lives several blocks away, stopped and asked what the men were doing. They dropped the property and ran. This is the second time the same house was hit. Burglars sometimes return after they think the homeowner has had time to buy all new property to replace what the burglars stole on their first hit.

REQUEST TO SUBMIT PHOTOS OF SUSPICIOUS VEHICLES OR SITUATIONS

Send photos of suspicious vehicles or situations immediately to Captain Toribio and Problem Solving Office Trode, with a description of why you are suspicious.

atoribio@oaklandnet.com

jtrode@oaklandnet.com

PANEL DISCUSSION ON PROPOSAL TO FUND WILDFIRE PREVENTION VIA A MELLO ROOS COMMUNITY FACILITIES DISTRICT

BACKGROUND (compiled from comments during the MSIC meeting with further research by Sandra Pohutsky)

In October 1991, the Oakland-Berkeley Hills wildfire devastated the densely populated area. The wildfire stopped after four days when the hot, fast Diablo winds stopped. See the Federal Emergency Management Agency (FEMA) report at:

http://www.usfa.fema.gov/downloads/pdf/publications/tr-060.pdf

After the 1991 Oakland Hills Wildfire, the City of Oakland used FEMA funds to reduce the fire fuel load in the Oakland Hills between 1992 - 1997. When the city asked voters in the Wildfire Prevention District to pay an assessment of $75, the ballot measure did not pass. During the years from 1997 through 2003, the City maintained brush removal from public land

In 2002-2003, a "Wildfire Prevention Assessment District" was formed for Oakland Hills property owners. The property owners in the district voted with a "weighting of votes." Owners of single family homes voted yes by about 67%. Tax of $65 a year for single family homes has been paid through property taxes, for 10 years, through 2014. The tax rate was different for other than single-family homes. This Wildfire Prevention Assessment District expires in January 2014.

In recent years, California courts have been ruling on (Prop 218) Assessment Districts in such a way that the City of Oakland decided not to propose a continuation of the Wildfire Prevention Assessment District for the years 2014 to 2024. Instead, the Oakland City Council voted to establish a Mello Roos Community Facilities District in the same footprint as the Assessment District which is expiring. Mello Roos districts (since 1982) are generally used in new communities which need to tax new homeowners to build schools and infrastructure; Oakland's use of Mello Roos is unusual. It was proposed by City of Oakland attorneys as the best way to raise additional tax money under the circumstances of recent court rulings.

All registered voters residing in the newly-formed district may vote on the Wildfire Tax. Voting is not restricted to property owners as it was under the expiring Assessment District. If several registered voters live in one house, each gets a vote on the proposed Wildfire Tax.

FINANCIAL NOTES

In the past ten years, the $65 per parcel tax has raised approximately $1.7 million a year.

The largest expenditure has been to pay private contractors to clear weeds from land owned by the City of Oakland. ($844,492 in year ending June 2012.)

The second largest expenditure has been to pay the goat herd contractors to clear weeds from large open spaces and steep areas difficult for weed-cutters to reach. ($343,775 in year ending June 2012.)

Other expenditures for the year ending June 2012 include administration $126,887, public education including Communities of Oakland Respond to Emergencies (CORE) $123,894, and other expenses. Total almost $1.5 million.

Wildfire Assessment District financial reports may be seen at:

http://www2.oaklandnet.com/Government/o/OFD/s/WildfireDistrict/index.htm

Please note that the most recent audited financial statement (for year ending June 2012) contains an error: it says that part of the $844,492 Vegetation Management money was spent to inspect homes but that is clearly in error since home inspections may not be paid by the Wildfire Tax.

The City of Oakland paid the Wildfire Prevention Assessment District approximately $150,000 for the 1,930 city owned acres cleared and will continue to do so if the new property tax is passed by voters. By state law, entities of the state, federal and local government are exempt from the tax but the Oakland City Council is voluntarily paying $150,000 a year, as they voted on November 5, 2013.

City owned-land cleared of weeds includes city parks (Joaquin Miller, Dimond, Sequoia, Garber, Leona Heights, King Estates, Knowland, Shepherd Canyon, Sulphur Springs/Marj Saunders), Grizzly Peak open space, Chabot Space and Science Center, fire stations, recreation centers, golf courses, sports fields and some medians.

The Oakland Unified School District had not paid their assessed tax for nine years, which amounted to $350,000. With the approval of the Oakland City Council, OUSD recently paid $105,000 for the past years. OUSD did pay their unreduced tax for the current year.

The proposed Wildfire Tax would increase the tax to $78 a year for most parcels for ten years, with lower annual tax undeveloped land and multi-occupancy parcels. The tax would be paid by property owners through their property tax bills. Permitted wildfire prevention expenditures would be identical as now.

The following fire protection activity is NOT paid for by the expiring Wildfire Prevention tax or the proposed tax. These are Oakland Fire Department responsibilities:

1. Annual inspection of the exterior of homes to be sure that they are in compliance with fire safety and vegetation management rules.

VOTERS DECISION

Mail-in ballots were distributed to all registered voters in the district. It takes a 2/3 affirmative vote by all voters casting a ballot to consent to pay taxes under the "Community Facilities District No 2013-1, Wildfire Prevention District." Voting closed on November 13, 2013 and the results may be announced November 15, 2013.

ARGUMENTS IN FAVOR OF THE TAX AS PRESENTED BY SUE PIPER

Sue Piper is the co-chair of the campaign, KeepOaklandFiresafe 2013, to pass this tax. She is a survivor of the 1991 Firestorm which destroyed her family's home. She was instrumental in passing the Wildfire Assessment District in 2003. When was a special assistant to Mayor Jean Quan 2011-2012 and before that was policy advisor to Quan, serving the Montclair neighborhoods, when Quan was on the Oakland city council.

*The City of Oakland continually needs to clear city parks of overgrown vegetation to reduce the fuel load available for fires, as homeowners need to do with their property.

* Cutting weeds and fire-dangerous vegetation will prevent small fires from becoming large fires.

* Collecting the wildfire tax will isolate that money which will be spent only on approved wildfire prevention measures. There will be no need to compete for general fund tax money.

* This tax would provide a dedicated source of money for ten years, allowing for long range planning and contracts. Multi-year contracts would reduce the cost of services.

* The amount of the tax is small in comparison to the benefits received - only 21 cents a day.

ARGUMENTS AGAINST THE TAX AS PRESENTED BY DAVID MIX

David Mix is a native Oaklander, having lived in Oakland before World War II. He has been a resident of Montclair since the early 1960's and for a short time worked part-time for Oakland Parks Department and Oakland Public Works at various fire houses.

His arguments:

* The proposed tax gives residents the impression that they will be safe from wildfire by paying the tax, which is not true. People died in the 1991 Firestorm because they could not escape.

* The proposed tax does not address the real issues around fire safety in the Oakland Hills which are:

1. Hills streets are clogged by parking - fire trucks often cannot reach a burning house because cars are parked on the narrow streets. In case of fire evacuation, trucks will not be able to go up

a street that is clogged by escaping residents. Speed bumps greatly impede traffic during emergency evacuation, All street parking should have been eliminated years ago. (see the FEMA report referenced above esp. Parkwood Apartment evacuation page 24 and more.)

2. Inadequate water supply for firefighting - Mr. Mix has spoken with East Bay Municipal Utilities district which told him that EBMUD is "not in the fire fighting business." They are geared for single house fires, not multiple fires and certainly not a conflagration. Our local water reservoir must be turned over every three days which means another large fire may run out of water, just as happened in 1991. For Hiller Highlands area, there is enough water supply to fight a large brush fire including one structure for two hours, in addition to normal water consumption.

3. Insufficient fire equipment - Mr. Mix questioned the why the new firehouse was built in Shepherd Canyon, on a narrow two-lane road. A vehicle accident or a downed live power line across the road will effectively close access from the Shepherd Canyon firehouse. Power lines fell in the 1991 Firestorm when plumes of superheated gasses ignited the tops of the power poles. (FEMA report page 59 and more,) The PG&E High Power Lines at Temescal substation near Highway 13/24 sparked and spread the fire along the transmission lines in 1991 (FEMA report page 35.)

4. Lack of an emergency evacuation plan - we need several established escape routes.

5. It is the City's responsibility and liability to clear brush and weeds.

QUESTIONS, ANSWERS AND COMMENTS REGARDING WILDFIRE PREVENTION DISTRICT AND FUNDING

Q - What can be added to a Mello Roos Community Financing District in the future?

A- Probably other services can be added, such as police, but that would require a vote by voters in this new district.

Protax comment - This vote is only for wildfire. How else are we going to pay for it?

David Mix - Read the voter pamphlet very carefully. Some wording is ambiguous and confusing.

Q - What is an "exempt" property, which pays no wildfire tax?

Protax comment - If the new tax is approved, the old assessment district will terminate. If an entity pays property tax, it will pay the new fire tax. If an entity pays no property tax, it pays no fire tax.

Antitax comment - The East Bay Regional Park District, Oakland Unified School District, Caltrans, East Bay Municipal Utility District and nonprofits such as the zoo and churches that own land will be exempt from paying tax into the wildfire prevention fund.

Comments on the amount of tax and method of assessing the tax:

* A large undeveloped area (100 acres?) near the Oakland Zoo will pay $39 a year tax

* Parcel combining allows contiguous parcels to be counted as one parcel. As an example, PG&E will pay $39 a year for a large combined parcel.

* An antitax speaker pointed out that large local businesses such as Lucky's and Bank of America, will pay $78 a year tax.

* An attendee said "I have two properties and get one vote. He (pointing to the man in the next seat) has no property and gets one vote. It doesn't seem right."

Comments on street parking in the Hills

The Wildfire Prevention District Advisory Board asked the Oakland Fire Marshal to assess the parking on the narrow streets in the Hills to be sure that fire trucks could pass and to empower the engine companies to ticket cars that were blocking access. In addition, the city installed "no parking" signs but residents quickly tore down the signs. The problem of vehicles parked in narrow streets, blocking fire engines, remains.

Environmental Impact

There was a heated discussion of the lack of an EIR (Environmental Impact Report.) The City of Oakland declared that it is exempt from preparing an EIR.

A protax spokesperson said that the declaration that no EIR is required applied only to the formation of the new district and that an EIR will be conducted if the tax is approved by voters. The EIR will cover the proposed operations, including goats eating endangered plants and the use of herbicides to retard weed and eucalyptus re-growth.

An antitax speaker said that the proposed (ordinance) as outlined in the voter pamphlet and exhibits, will be the governing rules of a new district, not verbal claims made now in regard to an EIR and operations.

Comments by Ralph Kanz, former board member of Friends of Sausal Creek and long-time environmental activist

The City of Oakland has never established a long term management plan for the wildfire district. A plan would have saved money over the years by managing the vegetation instead of cutting weeds, year after year. In 2005, the City of Oakland amended its policies to permit a limited use of herbicides (single time use for specific project) but the Wildfire District has not done so in the last eight years.

An attendee added that the use of herbicides is need to prevent the re-growth of the Eucalyptus trees which are to be removed through the FEMA grant as well as retard weed growth.

Comments on how the tax money is spent:

Attendees had questions about how the tax money is spent. They were directed to a website to see the annual reports and to attend the monthly Wildfire Prevention District Advisory Committee meetings. Website
http://www2.oaklandnet.com/Government/o/OFD/s/WildfireDistrict/index.htm

David Mix said that the money would be better spent on increasing water supplies for fire fighting, establishing emergency escape routes and creating real fire breaks in the hills.

An attendee asked a Wildfire Prevention Advisory Council representative if any of the tax money was spent on OFD operations and was told that $25,000 was budgeted in the year 2012-2013 to pay overtime so that trucks could patrol the hills while other fire crews remain in the fire house on high fire danger days. "If it was improper, let us know." An antitax speaker said that it is improper; firefighter salaries are to be paid from the Fire Department budget, not the WPAD budget.

An attendee asked if the contracts with the groups that cut the weeds requires "prevailing wage." (Prevailing wage establishes a minimum wage.)

A protax speaker said that all contracts with the City of Oakland require "prevailing wage."

An attendee said that means the cost is 2 or 3 times higher than if contracts were awarded to the lowest bidder in competitive bidding on an open market.

WHAT HAPPENS IF THE TAX FAILS?

In response to attendees' questions:

* Annual home inspections and compliance enforcement will continue since they are NOT paid for by the tax, but are the responsibility of the Oakland Fire Department

* Extra fire patrols on fire-danger days will continue.

YouTube

A video of the wildfire tax portion this meeting was made by a volunteer and posted on youtube.com.

http://www.youtube.com/watch?v=EYkYulTZT1Y

Depleting the Water Supply in 1991 Firestorm (found by research, not part of the MSIC meeting discussion)

http://www.stanford.edu/group/spatialhistory/cgi-bin/site/project.php?id=1039

Project: Vulnerability in Production, the Oakland Hills Fire

http://www.stanford.edu/group/spatialhistory/cgi-bin/site/viz.php?id=355&project_id=0

Water Supply during the Firestorm

Wildfire Prevention Assessment District Citizens' Advisory Committee Monthly Meetings

Trudeau Center 11500 Skyline Blvd, Oakland (wheel chair accessible)

Third Thursday of almost every month

Next meeting Thursday November 21st at 7:00 pm

First agenda item is "Open public forum." Speakers must fill out a speaker card for the open forum or a specific agenda item.

PATRICIA ROSE, NEIGHBORHOOD SERVICES COORDINATOR, OAKLAND POLICE DEPARTMENT prose@oaklandnet.com (510) 238-6822

Our Neighborhood Services Coordinator is the liaison between the community and Oakland Police Department.

The Oakland Police Department's customer satisfaction survey closes November 8th. OPD is conducting a nationwide search for Chief of Police.

LISA RUHLAND, REPRESENTING OAKLAND CITY COUNCILMEMBER LIBBY SCHAAF FOR MONTCLAIR lruhland@oaklandnet.com, (510) 238-7273

OPD Captain Toribio will be available at Tutti Fruiti Yogurt Shop in Montclair Village (2066 Mountain Blvd) on Monday November 18th between 3 pm and 4 pm to meet and talk with residents.

MONTCLAIR VILLAGE ASSOCIATION (MVA, merchants in Montclair Village)
www.montclairvillage.com

There was no report.

Meeting adjourned at 8:30 pm. Residents are invited to attend the next MISC meeting on Thursday **February 6, 2014,** at 7 pm, Montclair Presbyterian Church, 5701 Thornhill Drive, Oakland California.