

## ***Minutes of August 11, 2010 Marina Bay Neighborhood Council Meeting***

Meeting called to order at 7:35 by Barbara Norrish, Vice President

Also present: Ruth Zablotsky, Secretary

Absent: Virginia Finlay, President & Niccore Tyler, Treasurer

Self-introductions were done in the usual round-robin manner.

As Officer Krug, Beat 1 Cop, was not present there was no Beat Cop report. ***However, Sgt Opdyke, Southern District Beat 1 Supervisor, sent a highly detailed email to his Marina Bay contact list. The full unedited text of that email follows on page 2 of these minutes after the comment that the meeting was adjourned at 9:00 p.m.***

### **Officer Bradley A. Moody Memorial Underpass:**

First to speak was Alan Wolken, Director of the Richmond Redevelopment Agency, who had two items for the group:

1. A new, updated Informational Fact Sheet, and
2. Postcards that will be mailed to all homeowners regarding the special community meeting coming up on 8/23. This meeting will be at the Civic Center, "Multipurpose Room" (basement), 440 Civic Center, 6 to 8 p.m. Shortly after this meeting, ballots will be mailed to all constituents (regarding road closure timing).

Alan then introduced the other speakers (Natalina Bernardi of BKF Engineers, and David Gates of Gates & Associates Architects) and then began the new PowerPoint presentation. This evening's PowerPoint shows the extent of the construction and details various other aspects (four road lanes, elevated bike path, elevated sidewalks, medians, landscaping). Cost of the project is still \$37,500,000 and all funding has been secured from the railroads and other transportation sources. No taxes or assessments are needed. Please also see the dedicated page on this website for the Underpass, under the Landscaping & Lighting menu tab, there is a tab for the Grade Separation.

David Gates, of Gates & Associates Architects, then spoke and showed the two design summaries based on the previous presentation at the June MBNC meeting when the community ruled out two of four designs. He reviewed various aesthetic elements as well as architectural features. One design is considered "unenhanced" and the other is an "enhanced" design. The choice will depend on how the community votes on the road closure timing issue.

- As one example of the "unenhanced" design, the new landscaping will not be extended south of Jetty Drive (entry to The Anchorage Townhomes). There will be fewer metal embellishments on this design and railings would be plain. The overhead monoliths would be plain with no additional design work. If the community decides it wants no road closures, the whole project will take around 3 years and will use up all of the funding, leaving little left over for enhancements.
- In the "enhanced" design, the landscaping would extend south past Jetty all the way to Regatta Boulevard; it also will include (1) a small, police memorial park on the eastern side of the roadway honoring the fallen police officers of Richmond, and (2) provide for a gateway monument. If the community decides it wants road closures, the project will take 18 months (or as Ms. Bernardi stated, 20 months at most) and there will be funding left over to do the enhancements.
- The "enhanced" underpass will have aesthetic architectural improvements, enhanced lighting, specialty railings with abstract nautical designs, script across the "pinstriping" on the sides of the rail overpass, additional landscaping on the below-ground level pedestrian paths, monoliths with graphics and enhanced designs and lighting.

Questions and Answers followed as far as cost differences, noise levels. Cost savings between extended road closure (3 year plan) and shortened construction plan (18-20 months) are approximately \$2,000,000. The \$2MM would then be applied towards the enhanced landscaping and aesthetics and the memorial park. The Meade Street Bypass (thanks to a 10 year easement granted by the University of California through its property) will be constructed either way.

Next steps include gaining community consensus, finalizing the financial plan, taking the final design to the Design Review Board, and final Project Approval. Then the project should begin Spring, 2011. In the interim, the Meade Street emergency bypass through the U.C. Field Station property will get underway as well, will take 8 months to complete and will be ready in time for any road closures on the Parkway. Note: this evening's PowerPoint will be posted to the Redevelopment Agency's website <http://www.ci.richmond.ca.us/index.aspx?NID=951> which currently has a previous PowerPoint on it.

Q&A followed regarding graffiti removal, planting of vines along the retaining walls, parking for the proposed memorial park. If the enhanced landscaping goes in, if there is a YES vote for a shortened construction plan, the Landscaping & Lighting Maintenance District would have jurisdiction over the new landscaping as it would be part of the neighborhood's common area. A suggestion was made that the community be provided information on the cost of this new maintenance. New irrigation controllers have not yet been installed on Marina Bay Parkway because they would only have to be ripped out for underpass construction. This project will cover the cost of installing a brand new, state of the art irrigation system, so rather than doing double irrigation system work, it will be done only once.

At the August 23 Special Community Meeting (per the postcard Alan distributed), there will be sample ballots for people to take with them. This meeting will address the road closure options. After the meeting, on August 25, ballots will be mailed to all residential and commercial property owners. Votes must be tallied by September 13. A simple majority will determine the choice.

**Advisory Committee of the Landscaping & Lighting Maintenance District:**

Ellen Schultz, homeowner from Promontory, and Marina Bay Neighborhood Council representative to the Advisory Committee ("AC") of the Landscaping & Lighting Maintenance District ("LLMD"), gave a short summary of the work of the AC over the past several months. Ms. Schultz was previously scheduled to speak at last month's meeting but had a personal emergency and was rescheduled for this evening's meeting. Her report follows:

Since April, the AC for the Marina Bay LLMD (the AC has nine seats: 5 homeowners, 1 MBNC representative, 2 commercial business owners and the Harbor Master who represents the City's interests in the Marina) has had 6 meetings. Some of these meetings have included Tony Norris and various City of Richmond department heads/employees, including Alan Wolken (Directory Community Redevelopment Agency), Frank Gonzales (Parks Supervisor), Cornell Hughes (Electrical Supervisor) and Questa Engineering (contracted to develop plans for Bay Trail rehabilitation).

- #1 4/13/10
- #2 4/27/10
- #3 5/25/10 (Questa Engineering, Alan Wolken)
- #4 6/15/10 (Frank Gonzales, Cornell Hughes)
- #5 6/30/10
- #6 7/13/10

Special Meeting with Tony Norris, 7/29, at Parks & Rec offices.

The AC has reviewed and commented on the 2010-11 LLMD "Engineers Report", which is the basis for the annual budget. There will be no increase in the assessment for 2010-11. Additionally, the City will continue to contribute the annual amount of \$303,505 for the enhanced maintenance of the area, as approved in the 2009 resolution.

Tony Norris has retired, effective July 29<sup>th</sup>. He was kind enough to schedule a meeting to answer many last minute questions and discuss various issues with the Exec Group representing the AC, on the morning of his last day of work.

At this time, there are two Committee positions open (1 homeowner, 1 commercial) and we are actively looking for candidates to fill these.

**From Frank Gonzales:**

Completed Landscape Projects

- Esplanade north of Public Boat launch area.
- Re-landscape with irrigation repairs, trees, plants and mulch.
- Esplanade North of Amini's Deli. Planter beds-Removal of vegetation, repair irrigation, replant with roses, fine fescue and mulch.
- Complete fertilization of Marina Turf.
- Remove high traffic blocking vegetation from medians on Marina Bay Parkway from Bayside Drive south to Shimada and replace with low, eye-pleasing vegetation and mulch.

Projected Landscape Work for 2010:

- Remove and replant three trees from Marina that are either dead or obstructing security cameras.
- Work in conjunction with electricians to help with irrigation controller work.
- Redo planter beds that parallel the Turf on Esplanade. From the Rosie Memorial to Marina Bay Parkway. These are adjacent to the iron fencing. New borders, plants and mulch
- Aerate all turf in the Marina.
- Weed abatement on trails, greenbelt areas and lots in the Marina - mechanical means due to maturity of weeds.
- Pull discarded tires and debris from Meeker Slough.
- Continued irrigation changes and repairs as needed to reduce water usage.
- Comb beach sand area next to Rosie with tractor implement and regrade to remove spent vegetation and debris.

Bay Trail status: Bid to be awarded at the Sept. City Council meeting; work to start soon thereafter (October?).

Refer to the dedicated page on our website for more information:

<http://www.marinabaycouncil.org/landscaping-2/>.

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Vice President Norrish announced that the September MBNC meeting will be a "Candidates Night" (candidates running for seats on City Council).

The meeting was adjourned at 9:00.

Minutes submitted by Ruth Zablotsky, Secretary  
Marina Bay Neighborhood Council

Following is Sgt. Opdyke's email in lieu of an "in person" beat cop report.

**The email was sent the morning after this meeting, by Sgt. Tod Opdyke, and is presented here in its entirety:**

Hello all,

Life continues to be good in the Marina Bay area. There were very few calls for service during the month of July. The only crime reported was on July 7 at approximately 0240am, an unidentified male caused damage to a golf cart belonging to The Shores community. The subject was spotted by security and the perpetrator fled and eluded apprehension.

On a larger note and specifically city-wide, Chief Chris Magnus reported that there is a significant decrease in most violent crime for not only the month of July but as well as the year to date. The only increase was in Strong Arm Robbery (No Weapon). Keeping in mind the state of the economy, we continue to be challenged by property crimes which have shown increase in certain categories.

Here is the breakdown:

### **VIOLENT CRIME**

Armed Robbery	- 16%
Assault with a Firearm	- 22%
Assault with a Deadly Weapon	-9%
Attempted Homicide	-17%
Carjacking	-26%
Homicide	-60%
Rape	-19%
Shooting into an Inhabited Dwelling	-50%
Strong Arm Robbery (No Weapon)	+9%

### **PROPERTY CRIME**

Arson	-11%
Auto Burglary	-17%
Commercial Burglary	+13%
Grand Theft	+16%
Petty Theft	-18%
Residential Burglary	+12%
Vehicle Theft	+4%

In my opinion there are many reasons why violent crime has gone down significantly that has made life a bit better in this city. Having an active community group by assisting your police with the reporting of suspicious activity is paramount. Knowing who your neighbors are, what vehicles your neighbors drive and generally being a good witness and reporting suspicious activity in a timely manner. Paying attention to what is going on in your community will reduce crime and spoil the opportunity for criminal behavior.

Remember, every time that you drive to the grocery store, walk your dog or your dog walks you☺, you are your community watch. Look out of the window of your residence when you hear an unfamiliar noise outside. Look out of the window when you hear nothing just to see if in fact nothing is going on.

The RPD gang unit in partnership with the California Department of Corrections (State Parole) has been conducting regular compliance checks of high risk parolees. It is my understanding by speaking with Sergeant Darren Monahan who heads the RPD Gang Unit, that his unit has been violating approximately 25 high-risk parolees each month. These are the individuals committing many of the crimes in Richmond, ladies and gentlemen.

Okay, on a very minor note, over the last couple of months, we have been receiving anonymous calls from The Breakers community regarding persons swimming in The Breakers Association pool after hours. This is not a call the police can accommodate unless the persons swimming are not residents or guests of residents and YOU are willing to come forward. This is more of an issue of violating the CC&Rs which is a civil matter not handled by the police. However, if you discover that there is criminal activity occurring, please call us. But note, the United States Supreme Court has determined that anonymous calls by themselves are baseless and do not give the police any authority to detain or arrest any individual based on the call itself.

I'll give you an example: The following scenario is from an actual case from the United States Supreme Court case of *Florida v. J.L.* Here is the situation: an officer is dispatched to a specific bus stop location on an anonymous report of a young man, specific with age and race wearing a plaid shirt standing at this bus stop armed with a hand gun in his waistband. Upon the officer's arrival, he spots the described individual, standing at the specific location described but the weapon (because it is concealed possibly in the subject's waistband, it is not visible to the officer) the officer detains this individual at gun point, conducts a "pat search" of the subject and recovers a hand gun from the suspect. The officer arrests the suspect for carrying a concealed loaded firearm and the suspect is charged. Did the actions of the officer withstand the legal scrutiny of a motion to suppress evidence? ...NO. The Court ruled that under the narrow facts given above, anonymous tips are generally given very little weight toward justifying detentions, searches and arrests unless they are corroborated to some degree. The basic reason for this is that courts acknowledge the interest in protecting innocent citizens from embarrassing public police contacts and searches which are based on anonymous tips fabricated by unscrupulous persons. In evaluating cases with anonymous tips, courts will be most concerned with an officer's corroboration of the tip and the nature of the crime reported. An officer's ability to personally observe what the anonymous tipster reported is critical. However, the courts go even deeper. The courts are not terribly impressed with corroboration of "innocent" information, such as in *Florida v. J.L.*, where the officer corroborated that there was a young man specific to race and age wearing a plaid shirt at a particular bus stop. The courts give more weight to the corroboration of "guilty" information. For example, if the officer in *Florida v. J.L.* had seen the suspect manipulating an object in his waistband, or if the subject had made some evasive action upon seeing the officer or even began running upon seeing the officer, the Supreme Court would likely have ruled that the detention and subsequent pat search was legal. The case goes on and on but I think you can appreciate that anonymous calls are very complex and we understand your request to remain anonymous, just understand that sometimes based on the type of activity or crime reported and where it is occurring, oftentimes we are powerless. So if the courts scrutinize the actions of the police when someone was clearly violating the law, we will not get involved in things such as a CC&R violation which is clearly civil and not criminal. However, where there is crime, and we can witness it from a place we have a lawful right to be, we will act.

I hope that I did not confuse you and that I was able to shed some light on what we do and why we do it or don't do and why. I want to take this opportunity to thank Contra Costa Deputy District Attorney Derek Butts for introducing me to this case and contributing to this scenario.

I would appreciate your feedback positive or otherwise if you enjoyed a bit of criminal case law. If you did, I will include different scenarios from time to time. Let me know.

I hope everyone is enjoying the summer and I hope to see you all soon.

Best Regards,

***Sergeant Tod Opdyke***

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