

## Your City Council Report for 12/11/12 -- By Marc Garman

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For December 11, 2012

Interim Police Chief Kreins headed to permanent status &ndash; Gomes appointed Vice Mayor &ndash; GVRD carries on splendidly &ndash; Jarreau and Romero police shootings continue to generate questions

12/12/12

By Marc Garman

Tales of VICE(mayorship)

Hermie Sunga wanted to be Vice Mayor. Instead he got body slammed.

Councilmember Marti Brown was in line to receive the appointed Vice Mayor title, but she declined citing the added duties of the position and the time demands of her job in Sacramento...proceeding to nominate Councilmember Gomes for the honor. The tribal divisions on the dais manifested themselves when Councilmember/Supervisor-elect Hannigan chimed in with, &ldquo;Not so fast,&rdquo; and nominated Sunga.

This left Mayor Davis in the middle of a minor skirmish. &ldquo;This is interesting. We've never had two nominations for Vice Mayor,&rdquo; he said smiling and added, &ldquo;However it comes out, I don't want anyone to feel bad. I gotta work with whoever it is and I don't want anyone mad at me!&rdquo;

The vote was Gomes, Brown, McConnell and Sampayan in favor of Gomes' appointment with Sunga, Hannigan and Davis on the flipside. Scuttlebutt on the street is that Sunga might be considering a run for Mayor (I wonder if he has enough information?) and the Vice Mayor title definitely makes for better copy on those campaign signs. Ouch! Oh the humanity! The humility!

The usual game of musical chairs followed with councilmembers having the opportunity to change seating with Hannigan bouncing Sampayan out of his seat with a friendly gesture. This stuff really is like Donkey Kong. We just need to add sound effects.

GVRD Presentation

The Greater Vallejo Recreation District operates to run parks, community programs and activities, the Cunningham Pool and community centers under a master lease with the city. Board members are appointed by both the Vallejo City Council (3 members) and Solano County Board of Supervisors (4 members). The presentation was given by Shane McAfee, General Manager of GVRD.

This was mostly a good news presentation. Northgate Park will be re-opening, a new boiler will improve the energy efficiency of the Cunningham Pool saving considerable money over time and:

#### THERE WILL BE TROUT!

On December 18 at 1 PM Lake Chabot in Dan Foley Park will be stocked with trout. This will apparently be a big media event as well, featuring (YAY!) a positive event in Vallejo. Might even spring for a fishing license and see if I can catch a few trout myself!

Other positive tidbits: Highlands Park is under construction and Orchards Park in Hiddenbrook will be as well soon.

Both councilmembers and General Manager McAfee noted that GVRD has been very efficient with the funding they have received through both Measure K and Measure B funding. "We are not over funded, but are trying to use the money wisely," said McAfee

#### Comments from the Dais

Gomes noted that parks are "good for business attraction and retention";

McConnell raised the point that there are 34,000 homeless in Solano County, 16,000 or so of them being veterans (some sleeping in parks). "What is GVRD doing to address this?" he asked

McAfee responded that, "We (GVRD) are not a panacea for the homeless," but indicated that GVRD is more than willing to speak with any veterans group or the VA to better address the issue.

Councilmember Brown "It's really striking when you look at the money spent per resident" (compared to surrounding cities, Vallejo residents pay considerably less to support parks etc.) "Great work, great services," she concluded.

Hannigan "Shane, this is a really good report." Also noted that parks are a great retention tool for business and hopes that Measure K & B funds are used to repair and maintain tennis and Bacci ball courts.

Davis "Shane, I appreciate the work you do." Davis entered into a discussion with McAfee outlining his concerns over the cost of some programs driving away some youth. He also emphasized the fact that GVRD offers scholarships for those who might have trouble with the fees for some activities and urged McAfee to increase his effort to make this known. "Can you put this (scholarships) on the front cover (of the GVRD Activities Guide)?" asked Osby.

McAfee indicated that he is willing to accommodate those with fewer funds by allowing price reductions or installment

arrangements on fees. "If you are aware of someone, have them come to my office and we can talk," he said adding, "It's pretty much on the honor system."

Sunga "We used to have community basketball at schools at night. Any chance of reviving that?"

"I paid you to ask me that!" said McAfee, jokingly. Apparently he and GVRD have been working on the idea of taking over the maintenance, insurance etc. of the gymnasiums at Hogan High to do just that! Costs, and requirements are too onerous to sub-lease the facilities from the school district, but if GVRD takes them over, they feel confident they could do a more efficient job than the district, and provide additional services to the public while maintaining the facility for students.

## Community Forum

Mike Tomatta of California Collective Care (marijuana collective) thanked the council and city for their generosity. CCC is one of Vallejo's collectives which is still operating after the series of raids this past year, and has been working with the Veteran's Administration, UCSF and Kaiser Permanente to supply cannabis to patients. "Even though sometimes we agree to disagree, thank you," concluded Tomatta.

Bernice Spencer, describing herself as the "baby sister" of Guy Jarreau, who was fatally shot by Vallejo Police two years ago said she hopes to see "some new faces up there," and continued to express her frustration and grief over the shooting. She condemned the slowness of medical attention for Jarreau, and accused the council and police of maintaining a "double standard" comparing the speed with which slain VPD officer Jim Capoot was airlifted to emergency facilities.

Andrea Jarreau, mother of Guy Jarreau expressed her continued anger and frustration. From the process surrounding the shooting, "No one of this city notified me," to the difficulties she experienced in gaining possession of the body for burial, it seems that a terrible situation has been made worse by the bureaucracy and confusion surrounding the whole incident. "Do you have any idea what that does to a family," asked Jarreau. Bernice Spencer, still standing at the dais announced, "Osby, your time has expired a long time ago," as the Mayor informed Jarreau that her time to speak had passed.

Tina Kennedy demanded to know why the officers involved in the Jarreau shooting have not been dismissed? She cited a 1943 court case, Verdeer[sic] vs. Schwartz in which a police officer beat a man without apparent justification.

## Consent Calendar

Cyndi Mitchell, sister of Mario Romero commenting on item 8b (Schedule of Regular Council Meetings for 2013 and 2014) complained about perceived inconsistencies in the schedule of council meetings complaining that people were "thrown off course," due to "cancelled meetings" as well as "secret meetings," "What will you do to ensure that they will be on the dates?" she asked.

Councilmember Gomes indicated that the council would, "try not to" (deviate from the schedule) but would not support a formal commitment because of the need for flexibility.

When Mitchell demanded, "What will you do to notify the public?" City Manager Keen outlined the 72 hour notification requirement and public posting of meeting agendas and changes. City Clerk Abrahamson spoke up to remind Mitchell that copies of any meeting agenda would always be available at the Clerk's Office, with Mayor Davis adding that meeting announcements are also publicized on Channel 28 as well as posted outside city hall.

The Consent Calendar and item 8b were approved unanimously.

#### 9A – Adoption of a Draft Solano County Sub-Regional Housing Needs Allocation

Affordable housing is a big hot-button issue in Vallejo mainly because of a lot of problems generated by poor planning and implementation. The city is to provide the opportunity and zoning for the development of 1362 affordable housing units as per the RHNA (Regional Housing Needs Allocation) guidelines.

Speaker Colleen Cole-Morrison opened by thanking Melinda Nestlerode (Housing and Community Development Director), Craig Whittom (Assistant City Manager) and Michelle Hightower (Planning Manager) for holding "The best city meeting I've ever been involved with," on the subject recently. Morrison outlined what she would like to see in regards to housing in Vallejo going forward as follows:

- No sale of City lands for \$1 to developers
- No giving away or waiving property tax revenues to entice developers
- More home ownership in Vallejo and the implementation of rent-to own type programs to promote this.

Councilmember Brown thanked staff for "helping to reduce that RHNA number" she continued to add that we must build, "the community we want to see," and complained about the disconnect between the housing numbers mandated at the state and federal level and the situation on the ground in Vallejo. "Mostly, what we get is a bunch of unfunded mandates from the state and the feds," she complained adding, "They're not hearing us."

NOTE: The RHNA numbers mandate the number of potential affordable housing units Vallejo is required to provide the OPPORTUNITY for through zoning etc. The City does not build the housing, that is left to private developers. Also, it seems that city staff pretty much rolled over for whatever housing allocations the state and feds mandated in the past. Now (about time) they have taken a more proactive approach in working to revise mandated numbers lower.

Councilmember Sampayan noted the large number of calls and emails he has received from community members surrounding housing stating to staff, "The dialog you have entered into with our residents is very important."

## 10A Information Report to City Council Regarding Police Department

Interim Police Chief Joseph Kreins began his presentation stating, "It has been an honor and a privilege to serve as your Interim Police Chief."

He continued to thank his command staff, Lts. Weaver, O'Connell and DeJesus.

It also became clear as the presentation moved forward that Kreins has made significant changes in his short tenure as an interim chief and that he will be staying on as Vallejo's permanent Chief of Police.

A number of organizational changes have been made to the PD, and a number of goals set:

- increase staffing for sworn police officers and professional staff — An emphasis is being put on hiring police cadets after they go through the Oakland Police Academy. This will hopefully offset the aging demographic of our PD compounded by past Chief Nichelini's insistence of hiring almost exclusively experienced laterals from other police dept's usually with double digit years of experience. This practice laid the groundwork for the very costly bulk retirements we are now facing.
- More transparent and complete community outreach, especially in shooting incidents. Kreins emphasized the need to better "deal with families when there is an officer involved shooting";
- programs and policies to better deal with officer's stress and possible PTSD issues when an incident such as an officer involved shooting occurs
- a greater emphasis on more modern and "court tested" policies across the board
- use of the 70 wearable cameras purchased by the department
- use measure B monies to fix the PD's "severely broken" records department to facilitate better handling of property/evidence
- more and better training and guidelines for training including a comprehensive training manual
- continue to encourage citizen involvement with the PD including Citizens Police Academy and a Crime Free Multi-Housing Program
- repair and improve the Amador St. Police Station structure — built in 1961 and in need of a touch up

Kreins complimented the investigations division for doing "some extraordinary things" in terms of cases solved with a skeletal crew. Also noted is the fact that while crimes have trended down in 2008, 2009 and 2010, the numbers were up in 2011 and have continued to trend up in 2012. The PD has also had to eliminate the High Tech Crimes Task Force (identity theft etc.) and no longer will be able to devote any officers to work with Solano County Narcotics Enforcement (although Kreins did notice that the county will probably not be able to continue the Narcotics task Force after Jan. 1 "I believe due to funding issues).

Vallejo's Police did also receive a "meets standards" grade in a recent independent audit of 40 or so aspects of the department. This seems positive in that nothing was considered below standard, but Kreins emphasized that meeting a minimum standard does not mean that there is still not room for lots of improvement.

The goal going forward is clearly to build the numbers of Vallejo's police, but in a better organized, more transparent and better trained incarnation and at a cost which is sustainable for the city.

## SPEAKERS

BA Graves of the Civil Liberties Action Coalition extended heartfelt sympathies to families who have lost loved ones in officer involved shootings. She also criticized the lack of transparency in the PD, noting that Chief Kreins phone number was incomplete on the printed meeting agenda.

She also raised questions about the \$27,000 increase to Kreins salary (taking cash instead of benefits going forward) and noted that Vallejo is a Charter City and that the City Manager has the power, unlike a general law city like Novato where Kreins is from where the Mayor has the power. (This was later pointed out as incorrect by staff.)

"I pray there is a posting for the Police Chief Position," said Groves, obviously not happy with Kreins, and hopeful for other choices.

Kris Kelley, sister of Mario Romero feels that the Mayor, District Attorney and many police officers are corrupt. "What's really going on here?" she asked referencing the deaths of her brother Mario Romero and Guy Jarreau at the hands of Vallejo Police. She accused Vallejo Police Officer Stanley Eng of planting a pellet gun on the body of her brother at the scene of his shooting.

"Mr. Kreins is not available. You cannot get past the front desk," she said of her experiences attempting to make a formal statement at the police station. "I wanna know when am I going to be interviewed?" she asked, regarding what she witnessed the night of her brother's shooting.

Mayor Davis informed Kelley that her time had already expired, but that the City Manager would speak to her on the matter.

Cyndi Mitchell, sister of Mario Romero demanded that something be done to "take care of the corruption" in the Vallejo PD "The trust and honor is non existent Mr. Kreins," she said adding that the "meet

standards&rdquo; rating received by the PD really indicates that &ldquo;There is a lot of meat on the hands of the Vallejo Police.&rdquo;

She also stated that Kreins had lied regarding her brother when he stated that &ldquo;Mario Romero was a parolee who was afraid to go back to prison.&rdquo; Mitchell also asked about drug testing policies in the PD.

#### Council Comments

Mayor Davis asked a series of questions regarding the number of police on the force versus the number who are actually available for patrol at any given time.

According to Kreins approximately 25% of the 98 officers are unavailable at any given time due to injuries, leave, vacation etc. Add in those who are on training exercises, and this leaves approximately 60 officers available for actual patrol duty at any given time.

The mayor voiced concerns over building a a sustainable police force, noting that there would be Measure B funds available for ten years.

Hannigan brought up the issue of the likely retirement of 15 to 25 officers in the coming year. Kreins outlined his efforts to fill the impending vacancies.

Hannigan noted that we are being presented with a challenge by the police retirements, but also &ldquo;an awesome opportunity to create diversity,&rdquo; with the new hires.

She also wants to see more efforts in addressing problem properties around the city.

Sunga emphasized that &ldquo;If we have more money to spend, we have to hire more officers.&rdquo;

The discussion also touched on Kreins re-structuring of the schedule in the PD. Previously, police were split between two schedule structures: three 12 hour days a week, or four 10 hour days. This put officers on two separate tracks which according to Kreins, &ldquo;sort of creates two police forces.&rdquo;

Vallejo PD will be placing all officers on the 4/10 scheduling track going forward. This was apparently NOT POPULAR AMONG THE OFFICERS.

Gomes asked if ther was a drug testing policy in the PD

Kreins replied &ldquo;NO&rdquo;

Gomes, &ldquo;Never?&rdquo; &ldquo;It would be good to look at it, it would help trust with the public.&rdquo;

Gomes asked about working with businesses that want to take the initiative implement security measures like cameras.

&ldquo;We're looking at a police department that hasn't been managed well for years. You inherited it,&rdquo; she said to Kreins as she proceeded to poke a sore spot among certain councilmembers (Hannigan, prev. Wilson, Sunga, Davis)...mentioning the raises the the previous council majority approved for Vallejo's police while the city was still in bankruptcy. These raises, supported by past City Manager Joe Tanner, who later admitted that they were used as a means to erode the cohesion between the police and fire unions during bankruptcy have proved disastrous (as this writer and others predicted) for Vallejo resulting in the very few, but highly paid officers we now have in the City.

Also brought up by Gomes is the now infamous statement by past Police Chief Nichelini at the March 24, 2009 council meeting characterizing the position of the VPOA police union: &ldquo;Cut the staff as much as you want. We wanna be paid.&rdquo;

We wanna be paid. from Marc Garman on Vimeo.

Continuing to poke the tender bits, Gomes continued with, &ldquo;The Police Advisory and review board you had in Novato...that's one of my babies...it's needed in this community.&rdquo;

&ldquo;We need to reduce the cost of services or we will never get there,&rdquo; she said.

Gomes praised Kreins for his plans to increase transparency including publishing PD General Orders. &ldquo;Even as a member of city council, I asked Chief Nichelini for them (General Orders) and he wouldn't give them to me.&rdquo;

Brown was brief, thanking Chief Kreins for his service.

McConnell, lawerly as always, ran down a series of bullet points outlining his concerns ideas and policies he supports:

- wants to see statistical analysis to determine properties where crime problems are coming from including subsidized housing vs. &ldquo;slum lord&rdquo; owned privately held properties.
- wants Fire Department and Police Department more involved in the housing element, including fire inspections as a tool to root out slum lord properties
- improved programs addressing officer wellness
- improved complaint process
- continued use of cameras



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drug testing in the PD

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implementation of a Human Relations Commission or similar body to address issues surrounding PD incidents. He urged the Romero and Jarreau family members present to attend the upcoming Department of Justice meetings being scheduled to address officer involved shooting and related incidents and issues in the PD.

McConnell extended his condolences to families present dealing with officer involved fatal incidents, but stated, "We are not the proper panel to carry out criminal prosecution. We can only implement policy changes which we are already doing."

McConnell also referenced the Dec. 13 council meeting filled with yelling, heckling police officers and their supporters who opposed the formation of the Ad Hoc Citizens Police Review Committee.

He drove home his support for diversity emphasizing the need to staff the PD with "not more people who look like me" This brought guffaws of laughter from the audience and dais....McConnell is so white he borders on transparent. Even his hair is white. "Well, I am what I am!" he added smiling to even more laughter.

Sampayan, a former police officer acknowledged that, "We have a lot of trust building that we need to do;" and also voiced his support for continued efforts to increase diversity in the PD. He also brought up the idea of a Christmas Patrol in light of shopping mall parking lot incidents that have taken place recently.

Also...past efforts to bring in CHP to assist Vallejo PD's thin ranks. Gomes and Davis had met with Governor Brown and CHP to attempt to put this into play. And while other cities in California such as San Bernadino have benefited from assistance, no helping hand has been extended to Vallejo. Although Sampayan didn't say it, suspicion is that past Police Chief Nichelini scuttled the deal.

Davis spoke about the need for more police downtown. "They shouldn't have to hire their own security," he said of the recent employ of private security guards by downtown development organization CCRC(Central Core Restoration Committee).

On the matter of using overtime as opposed to new hires, and whether the current situation makes fiscal sense, Kreins replied that the PD is "well past the point of no return;" in response to Davis' questioning.

## Second Community Forum

Cyndi Mitchell brought up last weeks turbulent meeting of the Ad-hoc Citizens Public Safety Advisory Committee. "Mr. (officer) DeJesus refused to receive comment cards from the community," she said, "Actions such as those displayed by Mr. DeJesus should not be tolerated."

"We are treated as less than human," she said

Cynthia Mitchell finished the meeting &ldquo;You will be in the history books&rdquo; &ldquo;if you choose to conspire with my son's death.&rdquo;

Done. That was a long one!