

GENERAL PURPOSE MEETING

Monday, November 18, 2013

6:00 p.m.

Council members: Marc Crawford-Chair, Dave Sadoff-Vice Chair, Cheryl Miraglia, Sheila Cunha, John Ryzanych, Matt Turner, Aileen Chong-Jeung

Location: Castro Valley Library – 3600 Norbridge Avenue, Castro Valley, CA 94646

Summary Minutes

PUBLIC COMMENT

Dot Theodore, Castro Valley resident asked that pedestrian and traffic safety be put on the agenda for discussion at a future MAC meeting. Ms. Theodore is concerned about the lack of sidewalks around elementary schools.

Mike Kusiak, Castro Valley resident shared his experience from the EALI process. There were many people from Castro Valley who attended the charrette. The top goals for the unincorporated area are 1) public safety and 2) local governance. The next Blue Ribbon Committee is in January and Mr. Kusiak encouraged more attendance from Castro Valley.

I. Approval of Minutes - September 16, 2013 and October 2013 minutes

A motion was made by Sheila Cunha and seconded by Matt Turner that the minutes of September 16, 2013, be accepted as corrected. Motion passed 7/0.

A motion was made by Cheryl Miraglia and seconded by Matt Turner that the minutes of October 21, 2013, be accepted as corrected. Motion passed 7/0.

II. California Highway Patrol (CHP) Community Report

Officer Schwartz of the California Highway Patrol, Castro Valley Office presented some statistics related to CHP activity in Castro Valley for the month of October thru November 17, 2013.

Traffic Collisions: 38 - without injury; 16 - with injuries (1 fatality)

DUI arrests - 16

Cars towed - 24

Citations 278 – speeding, distracted driving (cell phones) and seat belts violations

1 stolen vehicle, 1 vehicle recovered

There have been several traffic complaints active in the areas of Madison, Vegas and Stanton Streets.

The CHP has begun to increase enforcement for children on skateboards, bicycles and scooters under the age fifteen (15). The enforcement consists of obtaining contact information and a letter will be sent to the parents to notify them that the children need to wear helmets.

There was a fatal two car collision on Crow Canyon which is still under investigation.

The CHP is short staffed but still keeps up school enforcement and there has been increased enforcement especially at Marshall Elementary due to sidewalk construction.

There is a Complaint Log at www.chp.ca.gov. Log in and register complaints and CHP will increase enforcement in that area.

The statistics presented were from the Castro Valley area and did not include freeway incidents from 150th Avenue to South I-238 including approximately thirty (30) schools.

Increase in coverage: Academy has been reopened – classes have been 50 to 80 new officers, are now getting more officers on the road. 2 new officers from the academy a year ago
Academy is starting to increase cadets

For questions related to the MAC supporting a request to ask the Sheriff's Office for assistance due to the shortage of CHP officers, they should be referred to the Commander of the Castro Valley CHP Office.

III. Code Enforcement Report

Tona Henninger, Code Enforcement Officer, presented a report of Code Enforcement activities covering the period of January 1, 2013 through October 31, 2013 for the Castro Valley area.

There were a total of 284 cases in Castro Valley and 214 of those cases are closed, 51 cases with no violation at the time of site visit. Total number of open cases as of October 31, were 19.

Code Enforcement projects include:

- Donation box abatement -
- Community care facilities – site visits to over 100 facilities will be conducted; confirm the number of residents, violation letters sent for expired Conditional Use Permits

Tona Henninger reported that items reported with the Mobile Citizen app that are applicable to Code Enforcement are forwarded. Code Enforcement does not have an app at this time, but are looking into more technology.

Cheryl Miraglia asked about a garage abatement on a particular property, and Tona Henninger will move forward to the Board of Zoning Adjustments (BZA) for the abatement of the garage.

Sheila Cunha and Marc Crawford requested that Code Enforcement look into signage in the Jack in the Box windows.

Aileen Chong-Jeung asked if there were any plans to increase Code Enforcement staff. Tona Henninger is not sure about the Code Enforcement budget at this time.

IV. Proposed Revision to the Watercourse

Bill Lepere, Public Works Agency, presented the proposed revisions to the Watercourse Ordinance.

In November of 2012, the Watercourse Task Force presented their final report of recommendations for Proposed Revisions to the Alameda County Watercourse Protection Ordinance to the Board of Supervisors Transportation and Planning Committee.

The Public Works Agency and the Community Development Agency were directed by the Transportation and Planning Committee to review the recommendations and implement any revisions that could be accomplished.

The proposed revisions include:

- Require determination of watercourse setbacks prior to approval of tentative maps
- List and define all setbacks associated with Watercourses
- Improved definitions of terms in the ordinance
- Require public notices of Watercourse Setback determinations
- Updated appeal process for compliance with other ordinances

The ordinance has been posted on the website Public Work Agency's website and they will take public comment on the Watercourse Ordinance until December 2, 2013, at 5:00 p.m., however the deadline could be extended.

Marc Crawford expressed that the process for approving this ordinance is different as it has already gone to the Planning Commission. Mr. Crawford felt the Councils' ability to affect any changes in the ordinance may be diminished because it has already gone to the Planning Commission.

Cheryl Miraglia stated that the Council needs more than two (2) days to look at the extensive document and the comment period should be extended and the ordinance should return to the Planning Commission.

Daniel Woldesenbet, Director, of Public Works Agency, stated that the Watercourse Ordinance could be brought back to the MAC as many times as the MAC would like and it could also be sent back to the Planning Commission and the comment period could be extended.

Speaker:

Howard Beckman stated that more than ten (10) years ago he founded the Friends of San Lorenzo Creek to address community concerns and raise awareness and community involvement in creeks. Mr. Beckman stated that the process to approve this ordinance needs to slow down. The Agency expects to take the ordinance to the County's Transportation and Planning Committee in December and that should be delayed.

Recommendation from the MAC Council: Continue the item to a future meeting and requests that the Public Works Agency provide: 1) a redline version of the Watercourse Ordinance or a table to see what changes have been made; 2) Creek Task Force recommendations and 3) the County's response to the Creek Task Force Recommendations.

V. Economic Development Update

Bill Lambert, Director, Economic Development Department provided an update on Economic Development. Economic Development issues related to Castro Valley include:

- Update on Daughtrey's Building – approximately 98% complete on negotiations on the sale of the Daughtrey's building. All former Redevelopment Agency projects are contingent upon approval by the State Department of Finance (DOF).
- Shared parking - all property owners are in agreement and the Shared Parking item will come before the MAC in the beginning of 2014. Project has to wait for DOF approval.
- Cho's Market has all permits and is currently a meat market and do not have dry goods and produce but are seeking tenants and will be open in early 2014.
- Castro Valley Boulevard (Rite Aid building) - the tenant deal for a fell apart about two (2) weeks ago; there is possible other interest in the building
- Meet in the Street Light Parade held and there were approximately 2000 people in attendance along with the food trucks in the Daughtrey's building parking lot.
- Billboards – The Community Development Agency is working with a consultant to discuss the removal of approximately 50%-60% of billboards.
- Castro Valley Create Event held in September
- Held a seminar on creating and growing a home based business, together with the Small Business Administration
- The new contract for the Chamber of Commerce will go to the Board of Supervisors on December 3, 2013.
- Rita's Italian Ice Cream has opened on Castro Valley Boulevard: Castro Valley Sanitary charged a large hook-up fee for fixtures in the ice cream store. The fee was reduced to half.
- JD's Café is on the market
- TJ Maxx will open in the summer of 2014
- Doolittle Bar has new operators on Lake Chabot Road
- Dickey's Barbeque is opened
- Panda Express is having problems with PG&E – not opened

Included in the packet were sales tax data and employment data. Friday November 20, 2013 will be Bill Lambert's last day with Alameda County.

VI. Tobacco Retailer Licensing Ordinance Update

Paul Cummings, Public Health Department, Health Care Services Agency, presented a PowerPoint presentation regarding the proposed Tobacco Retailers Licensing Ordinance (TRL). Mr. Cummings presented the TRL Ordinance to this Council in September 2013 and returned this evening to respond to questions the Council raised at that meeting.

Speakers

Mr. Gurpreet, Retailer: Chevron Gas Station suggested increasing the penalty for people who are caught selling tobacco to minors instead of penalizing all retailers. Opposed to the ordinance.

Tejvinder Singh: Representing AM PM on Castro Valley Boulevard: Does not agree with banning a legal product. Opposed to the ordinance

Sam, retailer: Oppose the ordinance

Jo Sevilla, Castro Valley resident: Support the ordinance

Tom Pedemonte, retailer: oppose the ordinance, because it bans a legal product. It puts unincorporated area retailers at a disadvantage because customers will go to other cities.

Traci Cross, CV CAN, supports the ordinance.

Mira Yoon, American Lung Association: supports the ordinance.

Sergeant Scheuller, Alameda County Sheriff's Office: with the TRL, the owner of the business is held responsible.

Farand Khan, County Counsel stated that the ordinance is enforcing the state law and allowing for local penalties, the power to suspend or revoke licenses.

After a lengthy discussion the MAC Council concluded:

- The ordinance bans a legal product
- The Council does not want to place additional fees on businesses
- The ordinance creates losses of sales tax revenue and losses for businesses
- A number of concerns from the last meeting were not addressed

The MAC Council does not support the Tobacco Retailers License Ordinance as written.

Cheryl Miraglia made a motion that, the Public Health Department demonstrates through verifiable statistics that this ordinance is needed in this County; and that smoking in minors is at or above national levels; and that there is rampant selling of tobacco products to minors in Alameda County posing an impending threat; and only if that is the case that the Board of Supervisors pass a Tobacco Ordinance but that, a) Sections G and H of the current proposed ordinance be stricken and that no version of a tobacco ordinance be passed which makes it illegal to sell a legal product there by impacting lives of retailers and adult consumers and; b) that the Tobacco Master Settlement funds be used for the major portion of monitoring with a very nominal license fee for retailers (\$100 or less) and c) that "may" in Section 3.5170 be changed to "shall" and d) that fines be reduced to a warning for the first offense, \$1,000 for second offense, \$2,000 for the third

offense and that Public Health and Law Enforcement work collaboratively with State agencies to ensure enforcement. The motion was seconded by Sheila Cunha.

Motion failed. 3/4

AYES: Miraglia, Cunha, Sadoff

NO: Crawford, Ryzanych, Turner and Chong-Jeung

Marc Crawford made a motion seconded by Cheryl Miraglia to continue this item to a future date.

Motion passes 5/2

No: Turner, Crawford

VII. Resolution of the Castro Valley Municipal Advisory Council to Alameda County Public Works Agency to rescind building permit issued to Muzo's Grill – Action Item

The Council brought forth a proposed resolution to rescind building permit PLN2013-00061 immediately, due to not meeting the conditions of approval of the Site Development Plan dated May 16, 2013. In addition the resolution requires that both a Senior Planning Department and Public Works Agency staff directly oversee this project.

After a lengthy discussion with the Public Works Agency, the applicant and the MAC Council, the resolution was not passed.

The Public Works Agency and the applicant agreed to work together to meet the conditions of approval.

This meeting was adjourned to February 4, 2014.