



# CASTRO VALLEY

MUNICIPAL \_\_\_\_\_

ADVISORY Advisory to Supervisor Nate Miley, 4<sup>th</sup> District

COUNCIL 224 W. Winton Avenue, Suite 111, Hayward, CA 94544 (510) 670-5400 FAX (510) 785-8793

## GENERAL PURPOSE MEETING

**Monday, July 20, 2015**

**6:00 p.m.**

**Council members present:** Marc Crawford; Chair, Cheryl Miraglia; Vice Chair, Dave Sadoff, Sheila Cunha, Chuck Moore, Janet Everson

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

### Minutes

#### **PUBLIC COMMENT**

Announcements: August 12, 2015 7:30 am -9:30 am “Coffee with a Cop”, at the McDonald’s restaurant on Strobridge Avenue in Castro Valley. The California Highway Patrol will be on hand to answer questions.

#### **I. Approval of Minutes - June 2015**

A motion was made by Cheryl Miraglia and seconded by Sheila Cunha that the minutes of June 15, 2015, be accepted as submitted.

Motion passed 6/0.

#### **I. Norbridge Avenue Median Re-Landscaping – Public Works Agency**

Margaret Anderson, WESBA, landscape architect hired by the Public Works Agency to brainstorm some ideas to redesign the median between Redwood Road and Castro Valley Boulevard on Norbridge Avenue.

With the continued drought and the Governor’s mandates on water conservation, the County has decided to re landscape the median for less water consumption. Existing turf medians require high water use and are expensive and time consuming to maintain.

There were three (3) options presented:

- 1) Replace existing turf and planting at median with planting to match the style along the Castro Valley Library and keep existing trees.
- 2) Replace planting at median ends with native/drought tolerant, low maintenance flowering shrubs and keep existing trees.
- 3) Replace existing turf and planting at median ends with mulch, rock and groupings of native/drought tolerant plants and keep existing trees.

The presentation also included the cost of each of the options and various plant choices. The Agency will receive feedback on the landscaping options with the final design to be completed by the fall of 2015. The Agency will then solicit bids and begin construction in the winter of 2015.

### **Speakers**

Peter Rosen, stated that this is a great idea, it is beyond aesthetics, it has to be well maintained, look nice and have long term functionality; has concern about planting choices, more effective planting choices. Of the three (3) options Mr. Rosen would prefer option 3.

Michael Kusiak, Castro Valley resident, - this is a great investment, and prefers option 1, this was a part of the redevelopment district, and this is an opportunity to make investments in the neighborhood. Would like to see a larger plan for neighborhood improvements; think about traffic calming, lack of a left hand turn out of the library parking lot.

### **Councilmembers**

Cheryl Miraglia prefers option 1, however she asked if the Public Works Agency could commit to maintaining that option. Is it possible to landscape a hybrid of options 1 and 3?

John Medlock, Deputy Director, Operations & Maintenance, Public Works Agency, stated that they could commit to maintaining option 1, but would prefer option 3 because of the long term maintenance needs of option 1 with the perennials, constantly needing to change them because of dying back. Perennials could be placed at the tips of the median.

Marc Crawford prefers option 3, however the bark will look nice in the beginning, but not as time goes on.

John Medlock stated that the bark could be replaced with mulch, which does add to the cost of the project.

After Councilmembers discussion, the Public Works Agency and Margaret Anderson, landscape architect will return to the Castro Valley MAC with additional options for review, before a final design is determined.

## **II. Environmental Investigation Proposed for Xtra Oil Former Shell Station – 3495 Castro Valley Blvd. (for work at Redwood Court) – P&D Environmental, Inc.**

Paul King, Geologist, P & D Environmental, presented background information regarding the proposed investigation

The now Chevron gasoline station had a fuel release and the fuel has moved southerly in the ground water down to the west end of Redwood Court through to the BART station parking lot. The focus and concern is potential vapor intrusion to some of the residential structures.

Last year installed holes in the ground and tubes to determine if there was vapor intrusion to the structures on Redwood Court. Installed tubes and pulled air from crawl spaces, found gasoline vapors, collected air samples from inside and the backyard.

The conditions do not pose an immediate threat, the state agency overseeing the investigation, has directed us to clean up the water, and reduce the concentration of vapors in the buildings at the west end of Redwood Court.

Mr. King stated that P & D Environmental has installed an interim mitigation system and will install vapor barriers (membranes) beneath the two buildings to stop potential fumes. In addition the company will go back and test the air in the residences to determine the validity of the membranes, collect air samples at nearby home to verify if there is any elevated concentration of fumes and clean up the ground water.

### **Speakers**

Lynn Adams, stated that she has a client on Redwood Court, and she has found P & D Environmental to be very professional and does not have any complaints.

Jeffrey Frietes, stated that his family lives on Redwood Court and requested information on P & D Environmental's findings. He has noticed fumes in their apartment.

Walter Gresham thanked the P & D Environmental, and is a letter carrier for residents on Redwood Court. One of the residents on Redwood Court, "Mike" spoke to Mr. Gresham regarding their deteriorating health conditions. Long term health concerns may already be in effect. Mr. Gresham feels some kind of medical testing should be performed on residents to determine health concerns if any.

Julie Sjogren, resident of Redwood Court, stated that the company handling this concern has been very professional however she and her children have been sick with pneumonia. Ms. Sjogren has had bronchitis several times a year. She does not know the long term effects of this situation. She asked about legal assistance.

Mr. King directed concerned residents to a document made available at the meeting which containing his contact information along with Ms. Barbara Sieminski of the Regional Water Quality Control Board for any information concerning this investigation.

This item was informational only.

### **III. Watercourse Protection Ordinance Proposed Revisions – Public Works Agency**

Bill Lepere, Assistant Agency Director, Public Works Agency, presented a proposed draft of the Watercourse Protection Ordinance.

Background: The Board of Supervisors appointed a Watercourse Task Force, to identify and address community concerns of development projects with the potential to degrade the quality of creeks in riparian corridors.

The Public Works Agency conducted several workshops last year between February and December, received public comment and several revisions have been made to the ordinance which are presented to the Committee at tonight's meeting.

All information regarding the workshops and revisions of the ordinance has been posted on the Public Works Agency's website.

### **Speakers**

Peter Rosen this ordinance seems to be overreaching. In Section 13.12.20, how does "recreational use" apply?

Bruce King stated that some of the issues he has raised include protection of the streams and it is not just a Castro Valley issue. There is no protection in the ordinance for streams. The County has not discussed the engineered channels. The Alameda Creek Alliance, San Lorenzo Creek Alliance stated that there should be a third party review.

Bobbie Britting, resident of Crow Canyon, would like to see residents to have more responsibility of their own property and not be a part of a “nanny state.” She as a homeowner will do the right thing because it is the right thing to do. Hemlock she believes, has caused birth defects in farm animals, and it is important to eliminate.

Dan Davini stated that the agricultural exemption is taken away if the homeowner wants to take a certain action. There are certain things as a homeowner he would like to do without requiring a permit. Mr. Davini objects to obtaining a permit to do things he would do anyway. Legal counsel for Alameda County comes up with conclusions based on the staff recommendation. This will go to the Board of Supervisors, and would like to see it go to the Board with no recommendation or limit recommendation.

Marvin Disher stated that the County does not always protect lives and property. Mr. Disher spoke about several concerns he has with Flood Control regarding his property.

Rex Warren stated that several agencies have been involved with the Watercourse Protection Ordinance. The creek ordinance began because of a proposed development, and he feels that the ordinance is not necessary since the project will likely never be built.

Susan Teague lives along an engineered channel along the creek. She does not support taking out a permit to take care of their property, and who is responsible if the water floods the property.

Jim Panico asked is the Director or County the only personnel allowed to enter his property.

After council discussion Cheryl Miraglia made the following motion, seconded by Dave Sadoff:

Approve the Watercourse Protection Ordinance with the following changes:

- 1) Revising 13.12.105 (c) –notifying the district of the work performed, and (a) so that it allows for the removal of poisonous and invasive plants
- 2) Revise Section 13.12.130 –
- 3) Revise the definition of development to revise agricultural operations
- 4) That the recommendations of the Regional Water Quality Control Board and the Department of Fish & Game not be overlooked or ignored but rather addressed to add further revision to the ordinance; that revision should include but not be limited to: making definitions in ordinances consistent with State agencies
- 5) That the MAC remains concerned about the drainage questions on anything less than 50 acres, as it is all part of the watershed and request that this be addressed in any future revision.

Motion failed 2/4

Ayes: Miraglia, Sadoff

Noes: Crawford, Moore, Emerson, Cunha

After council discussion Marc Crawford made the following motion, seconded by Chuck Moore:

That all revisions for this Watercourse Protection Ordinance be discarded because the current ordinance is restrictive enough and the case has not been made for the revisions.

Motion failed 3/3

Ayes: Crawford, Moore, Cunha

Noes: Miraglia, Cunha Sadoff

The MAC will not give a recommendation on the Watercourse Protection Ordinance.

**IV. Council & Staff Comments**

None.

**Adjourn**

The meeting was adjourned to September 21, 2015.