

MINUTES
ALAMEDA COUNTY PARKS, RECREATION AND HISTORICAL
COMMISSION

Thursday, April 1, 2010
East Bay Regional Park District,
2950 Peralta Oaks Court, Oakland, CA
(Approved July 12, 2010)

I. Call to Order – Roll Call

The meeting was called to order at 3:40 p.m. by Commissioner Minard, Chair, who noted the lack of a quorum.

Commissioners Present:

Al Minard
MaryAnn McMillan
James Loughran
David Sadoff
Ellen Wyrick-Parkinson

Staff Present:

Liz McElligott
Angela Robinson-Piñon
Nilma Singh

Commissioners Excused:

Commissioner Tam
Commissioner Jones-Taylor
Commissioner Lorenzana-Campo

Commissioners Absent

Commissioner Sanger
Commissioner Cronin
Commissioner Francis

Guests:

Chris Gray, Supervisor Miley's office
Rory MacNeil, Public Works Agency
Alan Frank, Niles Canyon Railway

II. APPROVAL OF MINUTES – Minutes of March 4 – *Continued due to the lack of quorum.*

III. OPEN PUBLIC FORUM - Any member of the public may address the Commission on a matter not on the regular agenda. No discussion or action may be taken on these items. *None*

IV. CHAIR and STAFF REPORT(S): *These items include information and discussion by the Commission:*

A. CHAIR REPORT – *None*

B. STAFF REPORT – *Introduce new Commissioner, Pilar Lorenzana- Campo. Discuss FPPC Form 700 and Ethics Training.*

Ms. Robinson-Pinon stated that per Commission's request at the last meeting, Ms. Benson has provided a corrected copy of the Page & Turnbull historical assessment report on 20265 Mission Blvd and distributed copies. She also announced that she will contact those Commissioners who have not submitted Form 700 and not completed the Ethics Training.

V. OLD BUSINESS – *All old business will include information, discussion and/or action by the Commission.*

A. Niles Canyon- The Commission will discuss the National/California Register nomination of the Niles Canyon Railway Corridor.

Ms. Robinson-Pinon presented the staff report and a discussion followed regarding different Commission actions due to the lack of a quorum.

Rory MacNeil, Acting Chief of Real Estate, Public Works Agency, the owner of the Niles Canyon Transportation Corridor, on behalf of Donald Woldesenbett, Director of Public Works Agency, stated his objection to this project as submitted. The principal reason for this objection is the lack of transparency. The County was not informed of this issue at any point. This property is a transportation and emergency asset, acquired with public funds for transportation purposes (light rail). Niles Canyon Railway, under their licensed agreement, is required to inform Public Works of any efforts to pursue any such matters. However, Public Works was not informed and, as such, Public Works objects and would like this matter to be pulled. Henry Luna, President of Pacific Locomotive Association, was informed of this objection this morning and he also concurs. Mr. Luna will further discuss this issue with the membership this weekend. In response to Commissioner McMillan, Mr. MacNeil explained that the County acquired this property (an exchange) from Southern Pacific Transportation Company in 1985 and further provided some background history. Commissioner Sadoff noted that this Commission is not part of this agreement but will only comment on the historic issues. Mr. MacNeil pointed out that the property owner, the County, was not initially notified but he only became aware of this meeting at 2 pm today. The Chair stated that he had signed the nomination documentation as he was concerned, as a private individual, that the historic integrity of the rail would be destroyed. This eleven mile rail through the Niles Canyon is the only section in the country that is part of the original section of the Trans-continental railroad reasonably intact and also a major development of President Lincoln's reign in the 1860s. Hence, it needs to be maintained as a rail system and a transportation corridor. Mr. MacNeil re-iterated that the County, as the property owner, was not informed or involved in any of the discussions. And, in response to Commissioner McMillan, explained that the lessee needs to inform the Director of Public Works, Mr. Woldesenbett who will, in turn, inform the Board of Supervisors. The Chair asked if he was aware of a letter dated 2004 from the Chair, California Historic Commission, addressed to Brian Ramos, Office of Cultural Resources, California Department of Transportation, which indicates that the Niles Canyon Railroad is eligible for the National Register. Mr. MacNeil said he has not seen the letter nor should a letter indicating eligibility start this process without notification to the property owner. He re-stated his request to stop this process until the County has had an opportunity to understand the intention and to review the impacts. Ms. McElligott further clarified that this Commission did not submit the application but was submitted by the Chair as an individual. In response to Commissioner Kang, staff explained that the notification letter from the State office of Historic Preservation was received on March 4th and Public Works most likely had received the letter around the same time frame but she was unaware of their distribution process. Commissioner Kang requested that members of the public submit written requests. Mr. MacNeil confirmed that he did not have a substantive objection to the application because he had not seen it nor had he been aware of this process.

Alan Frank provided historical background information--railroad construction started in 1865 and after the first 25 miles, construction stopped due to lack of funds; it was taken over by Central Pacific Railroad and in 1896 the railroad was completed from Sacramento to the Bay Area; the original road bed has not been changed since then; the County acquired it from Southern Pacific Railroad and leased it to Pacific Locomotive Association, primarily to preserve it as a transportation corridor. He thought that because of its historic use and significance, there will be no limitation on its continued use when placed on the National Register.

Chris Gray, Supervisor Haggerty's office, stated that they also were not aware of this item but were notified by City of Fremont when this item was placed on their Council agenda. However, when the City became aware that we had not been notified, the matter was withdrawn from their agenda. There are some restrictions on the right-of-way and it was required, with road fund money, to be a

transportation corridor. The County will be concerned with any action that would limit from being a transportation corridor because of the potential of losing the right-of-way. The County has no plans of changing the corridor and had applied for the scenic corridor designation and had put the train on site to preserve it. There is only an eleven mile segment left which has been proactively preserved by the County. And now this application has been filed without the County's knowledge. In response to Commissioner Kang, Mr. Gray confirmed that he did not have any substantive objection as he has not seen the application/documentation but there is a need to understand the ramifications.

Commissioner McMillan felt that the matter needed more investigation on both sides--a positive step for the transportation corridor, how the process works and how being on the list would impact on any other actions. Commissioner Loughran asked if any negative impacts have been identified. The Chair replied no but there have been some talks, at the County level in the past, about the possibility of a hiking trail in the area and any type of rail service will cut through the historic canyons. Commissioner Kang indicated that he would like to know the pros and cons and urged the public to submit written comments. Commissioner Sadoff asked if there is a process to request for a continuation at the April 30th State hearing and felt that the Commission needed more information before any decision is made. He would like this item to be agendized again. Staff replied that she was not aware of the process for requesting continuation but pointed out that there is only a process for filing objections and Ms. McElligott added that staff could do a research. And Commissioner Wyrick-Parkinson added that Commissioners could ask their Supervisors to request a continuation. *No action was taken due to the lack of a quorum but the general consensus was for more information and for staff to do a research.*

B. Historic Preservation Ordinance- *Prepare for future meetings on the proposed ordinance.*

Ms. Robinson-Piñon read the staff report and in response to Commissioner McMillan, confirmed that this will be a public subcommittee meeting. Commissioner McMillan recommended a private Subcommittee meeting first. Staff pointed out that although it is three-member subcommittee meeting which will not be in violation of the Brown Act, the public had requested that all subcommittee meetings be public. Ms. McElligott added that informal discussion can occur among the three members. Commissioner Sadoff said he would like the meetings to be public, the Chair recommended an evening meeting and Commissioner McMillan suggested three separate meetings – one at this location, another in Castro Valley (the new library) and one in the East County, urged a private meeting before opening it to the public. Staff confirmed that only the subcommittee members, Commissioners McMillan, Minard and Sadoff, can have discussions privately and requested some possible dates for future meetings. The Commission opted for every other Wednesday and Commissioner Sadoff said he was unavailable the week of July 26th and the Chair said that Thursday evenings would be a conflict. Staff discussed noticing requirements. The Chair requested that the historical societies, Mission Peak and Township, Fremont and Pleasanton; Washington Township and San Leandro, be added to the list. He would provide a list to staff. The Chair also asked for the status of the Mills Act. Staff replied that copies from other cities (Oakland, Fremont, Berkeley...) could be made available to the public as informational but pointed out that the Ordinance has to be adopted before the Mills Act can be set in place. However, there is also the issue of funding. Commissioner McMillan pointed out that there is also the need to identify the historical building codes and preservation incentives. The Chair added that perhaps the notice to homeowners could include websites for the National Park Service/Secretary of Interior Standards.

VI. NEW BUSINESS – *All new business will include information, discussion and/or action by the Commission.*

There are no items to be discussed

VII. COMMISSIONER REPORTS – *Commissioners will report on areas of concern and/or informational items concerning parks, recreation and historical preservation issues within the supervisory districts they serve.*

- A. District 1: Haggerty** - Commissioner Minard announced the following: he had attended the Conference of California Historical Society Tri-Annual meeting in Corona; the President of the California Historical Society has passed away; he had attended the Abraham Lincoln Tea; funds have been raised to complete the roof and restoration project on the Higuera Adobe, which is listed on the National Parks as one of the buildings on the De Anza Trails but is not on the National Register. In response to Commissioner McMillan, he stated that it is a shingle roof and originally it was part of a 900 acre farm.
- B. District 2: Steele** - Commissioner McMillan reported that the San Lorenzo Heritage Society held their last meeting at the Castro Valley Library and she urged all to visit the new library at 3600 Norbridge Avenue. The creek has been re-opened and named the Castro Valley Creek. However, according to the 1878 map, it is the Coyote Creek and, as such, she will provide the correction. In response to the Chair, she confirmed the Library as a possible alternative site for Commission meetings although parking is limited. The MOU for the San Lorenzo Cemetery is nearing completion. The Chair asked for any decisions made regarding the grave sites. Commissioner McMillan said no adding that although there is a response from USGS regarding the soil conditioning, she has not seen it.
- C. District 3: Lai-Bitker** – Commissioner Sadoff added to Commissioner McMillan’s report on the CV library/creek--although the opening of the creek was an in-lieu of another project, it is an asset to the community.
- D. District 4: Miley** - *None.*
- E. District 5: Carson** - Commissioner Kang announced that another baseball season has started and the A’s are still in town.

Commissioner Wyrick-Parkinson reported that the Amtrak station project is at a standstill due to funding issues. At the last public meeting, the same plans were submitted and the community felt that it was not exciting and inviting enough. Hence, the plan is going back on the drawing board; and volunteers will be honored at today’s City of Oakland, Oakland Park Coalition meeting, 5-7pm.

VII. ADMINISTRATIVE

A. Agenda Items for future meetings

- X. ADJOURNMENT:** *There being no other business, Commissioner McMillan made the motion to adjourn and Commissioner Loughran seconded. Meeting was adjourned at 4:50 pm.*