GENERAL PURPOSE MEETING

Monday, April 18, 2011
6:00 p.m.

Council members’ attendance: Cheryl Miraglia - Chair, Dave Sadoff - Vice Chair, Sheila Cunha, John Ryzanych, Marc Crawford

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

Summary Action Minutes

I. Approval of Minutes

A motion was made by Sheila Cunha, that the minutes of March 21, 2011, be accepted as corrected and seconded by Marc Crawford.

Motion passed 5/0.

II. Announcement of Earth Day Event

Supervisor Nate Miley, District 4, reported that there will be an Earth Day Event on Saturday, April 30, 2011, in Castro Valley. The clean-up will be concentrated on the creek next to the library and the BART parking lot. Participants can meet Bob Swanson and Seth Kaplan at the BART parking lot, and CVS parking lot respectively from 8:30 to 12:00 noon.

III. Poachers Ordinance

Andrew Massey, Deputy County Counsel, presented an overview of the proposed Poacher’s Ordinance. This ordinance would add a new section to the General Ordinance Code (Section 6.41), modeled after ordinances that have been adopted by other cities and counties. It sets times and locations for placement and removal of bins. In addition, it prohibits unauthorized tampering and unlawful collection, removing or adding material to/from recycle bins.

Enforcement

The enforcement of the ordinance charges violations as infractions: $100, $200 and $500 for the 1st, 2nd and 3rd violations, respectively. The fourth violation in five (5) years would be charged as a misdemeanor and punishable by a fine of up to a $1000 in addition to a civil action being filed in superior court. The Sheriff could issue an administrative citation in addition to any other action. There is also an appeals process.

Cheryl Miraglia, Chair, presented some background information regarding the reason for the ordinance. In September 2010, community members reported to the MAC Council that there was a problem with poachers rifling through recycle bins. In October 2010, Supervisor Miley along with MAC members Cheryl Miraglia and Mark Crawford, Castro Valley Sanitary District, Ora Loma and Waste Management met and discussed various drafts of the Poacher’s Ordinance. The ordinance was not drafted to go after the occasional homeless person, but more for people who are poaching recycle bins as a business.

Questions/Discussion

Cheryl Miraglia: Why does the ordinance only cover residential recycling? There is a problem for commercial areas as well.
Questions/Discussion (continued)

Marc Crawford stated that he believed there was a problem in including the commercial recycling bins. Andrew Massey will check into this to extend to commercial.

Recommendation from Council

Marc Crawford made a motion to approve the draft poacher’s ordinance as written, with a desire that commercial be included if possible; motion seconded by Sheila Cunha.

Motion passed 5/0

IV. 2009 and 2010 Alcohol Ordinance Report

Sergeant Brett Scheuller, Sheriff’s Office, presented a PowerPoint presentation on the 2009 2010 Alcohol Ordinance Report. The report included the purpose and history of the ordinance as well as enforcement activities, and accomplishments.

Supervisor Miley presented comments regarding the report. He thanked Sergeant Scheuller for an excellent report and informed the Council that in addition to the analysis of the Alcohol Ordinance by Dr. Parker and Linda Bosma, there will be a comprehensive evaluation of the entire ordinance completed in 2012.

The ordinance is not anti-business or anti-alcohol however it was enacted because the Department of Alcoholic Beverage Control (ABC) does not have the resources to regulate alcohol effectively on the local level.

Questions/Discussion

Cheryl Miraglia: How does the Sheriff’s Office monitor the training, for example if one employee is trained and subsequently terminates his employment?

Sgt. Scheuller: During annual inspections the Sheriff’s Office checks the employee roster to determine if the trained employee is still employed, and if not, the employer has to send another employee to be trained.

Cheryl Miraglia: In the 2007 crime data collection, the allocation of crime for the unincorporated area did not state if the offender had or had not purchased their alcohol in the unincorporated area. It was said at that time for future data collection, it would be more methodical. How has the data collection changed?

Sgt. Scheuller: The Sheriff’s Office has given Dr. Parker all crime statistics, he was not provided with any selective statistics. In 2007 a wireless reporting system was implemented, and he was provided the entire data base, which includes all calls for service.

Marc Crawford: Of the 17% of alcohol establishments that sold to minors, how does that compare to surrounding areas?

Sgt. Scheuller: It is likely in line with other areas, however he will report back on that information.

Marc Crawford: What does a “bar check” entail?

Sgt. Scheuller: Similar to the liquor store operations. Usually there is a contingent of plain clothes deputies in the bar, as well as outside of the club, making observations of certain activities. Most arrests are made outside of the club in the parking lots of bars and surrounding areas.

Marc Crawford: Have you completed any decoy operations this year (2011) and if so, how have they compared with prior operations?
Questions/Discussion

Sgt. Scheuller: There have been some decoy operations completed and they are about the same as last year. In any given year, each establishment is decoy operated at least once.

John Ryzanych: Of the 131 outlets that have had a decoy operation, is that one hundred percent (100%) of the unincorporated alcohol establishments?

Sgt. Scheuller: Yes, however to the exclusion caterers and wineries.

This report was informational only and required no Council action.

V. Law Enforcement Report – Sheriff’s Office, California Highway Patrol

CHP

Officer Vargas of the Castro Valley California Highway Patrol (CHP) presented statistics for January through March of 2011.

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<th>CV West</th>
<th>All Unincorp</th>
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<tr>
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<td>243</td>
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Questions

Cheryl Miraglia: Of the traffic citations, what is the highest percentage of violations?
Officer Vargas: For speeding.

Cheryl Miraglia: For Castro Valley, are the bulk of the citations on the freeway?
Officer Vargas: Not necessarily, however, the CHP will look into if the bulk of citations are on the freeway.

Dave Sadoff: The demarcation for East and West Castro Valley, is it Redwood Road?
Officer Vargas: Yes - Redwood Road.

Marc Crawford: How large is your area for enforcement?
Officer Vargas: Four hundred fifty-five (455) miles of city streets and fourteen (14) miles of freeway, from Eden Canyon to Foothill.

Sheriff’s Office

Sergeant Brett Scheuller gave the report for the Sheriff’s Office. There are still a large number of burglaries in Castro Valley, San Lorenzo and San Leandro. Since February 1, 2011, the Property Crimes and Patrol units have made sixteen (16) separate arrests for burglaries. The burglary crews usually work in pairs of two’s or three people, and hit in the day time hours.
V. Law Enforcement Report – (continued)

Two arrests were made for public storage break-ins. Several public storage units were being rented and at night thieves would break into other storage units. There have been fifteen (15) victims to date. Storage units have also been used for storing stolen property drug manufacturing.

Crimes that are on the rise include elder scams. Two people have been arrested in elder scams. The scam is usually of an elderly person contacted by someone with the claim that they can receive a large sum of money, but first has to pay money in order to retrieve it.

Catalytic converter, copper wire and aluminum thefts are on the rise. In addition, thieves will pose as a work crew to steal copper wiring from street lights, which can cause a power outage.

The reports were informational only and required no Council action.

VI. Castro Valley Boulevard Traffic Camera Project

Art Carrera, Public Works Agency, reported on cameras in the Castro Valley area. There are no red light cameras in the unincorporated area. A study proved that it would not be cost effective to install red light cameras.

The Public Works Agency installed a Traffic Operation Center, and they began installing cameras at intersections in the unincorporated area for observation purposes. A recent installation occurred at the intersection of Redwood and Mabel. The Agency is still working on the communication component, as the camera is not currently connected to the Traffic Operation Center.

As a part of every capital project, cameras will be installed, to monitor traffic conditions from the office. There is no recording, but just for observation purposes.

Questions/Discussion

Cheryl Miraglia: If no one is sitting and watching the cameras, how are they being monitored?
Art Carrera: There will be no staff monitoring cameras regularly, however; if the agency is made aware of a situation, then they will be able to monitor the progress from the office.

Dave Sadoff: Will the Agency be able to change the sequence of traffic lights remotely?
Art Carrera: The equipment will have the capability to change the sequence of traffic lights remotely. Agency will be, however, there are liability issues with changing sequences remotely.

Marc Crawford: Are the cameras live as of now? What is the purpose of the pan-tilt-zoom camera? Will the cameras be utilized by law enforcement?
Art Carrera: No not at this time. The pan-tilt-zoom is strictly for observation of traffic. That has been discussed, but the Agency will communicate with the Sheriff’s Office.

Supervisor Miley stated that if the Sheriff’s Office needs access to the cameras, they will have access. The Sheriff’s Office has camera monitoring in the Cherryland area. Additional cameras will be added to the area of Ashland for monitoring, if funding is approved by the Citizen’s Advisory Committee.

Art Carrera will look into the recording aspect of the cameras.

PUBLIC COMMENT

Cheryl Miraglia has heard community complaints about the inability to make left hand turns into Castro Village. The Redevelopment Agency said the issue has to be resolved with Public Works. Ms. Miraglia stated that she would like to know if Supervisor Miley has any information on this issue.
Supervisor Miley stated that on Wednesday, April 20, 2011, he and Public Works Agency (PWA) in addition to the Redevelopment Agency (RDA) will walk Castro Valley Boulevard to survey the area and the issues surrounding it. In addition, on May 11, 2011 at 10:00 am, Supervisor Miley along with RDA and PWA will hold a Merchant’s Meeting at the Daughtrey Building to determine some solutions.

Michael Kusick, resident stated that he had several comments for the MAC: 1) the Castro Valley Mac does not have a website and he thinks the Council should have one. It is difficult to find information about the MAC on the County’s Website. 2) Mr. Kusick thanked the Public Works Agency for the permit parking on Pine Street and Elm. The Agency was very thorough and helpful through the process. He hopes that the permit parking is a first step in improving his community. The street is in need of work on curbs and sidewalks. 3) Mr. Kusick will circulate a petition for additional traffic calming programs in his neighborhood. 4) With the Harvest Festival coming up, is it possible to shut down the street, and allow resident only for parking?

Bob Swanson announced that there is a website for the unincorporated area that covers Castro Valley.

Michael Kusick stated that it is really difficult to navigate through the website(s) to find out information on the MAC.

Marc Crawford stated that the unincorporated area website is hard to find and a Castro Valley MAC website would make it easier to communicate with agencies about issues with Castro Valley.

Cheryl Miraglia announced that she went to the Safeway Ribbon cutting and provided a $2500 check to Castro Valley Community Action Network (CV CAN), as they usually donate to a charity.

Cheryl Miraglia announced that regarding Mr. Briggs letter to Public Works, if issues are not addressed directly, they will be the on the May Agenda.

Adjourn

The meeting was adjourned to ting date: May 16, 2011