**GENERAL PURPOSE MEETING**

Monday, June 20, 2011  
6:00 p.m.

**Council members’ attendance:** Cheryl Miraglia, Chair, Dave Sadoff, Vice Chair, Dean Nielsen  
John Ryzanych, Marc Crawford, Matt Turner  

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

---

**Summary Action Minutes**

I. **Approval of Minutes**

A motion was made by Marc Crawford and seconded by John Ryzanych, that the minutes of May 11, 2011, be accepted as submitted.

Motion passed 5/0.

Abstention: Dean Nielsen

II. **Redistricting**

Michael Munk, Community Development Agency, presented a PowerPoint presentation regarding the County’s redistricting process.

**Questions/Discussion**

Cheryl Miraglia: The Alameda County Citizens Redistricting Task Force (ACCRTF): Why did they submit their particular maps? Was the group appointed by the supervisors?

Michael Munk: The ACCRTF is an independent group, not appointed by the Board, and their primary goal was to keep the Tri-Valley cities of Dublin, Pleasanton and Livermore together in one district.

Cheryl Miraglia: In reference to the maps that the County staff submitted, were they based on the population data or direction from the Board of Supervisors?

Michael Munk: The County staff based their maps on the current boundaries, trying to make as little change as possible, and there was input from the Board staff.

Dean Nielsen: What is the process for the final selection of maps?

Michael Munk: The final selection is up to the Board of Supervisors and there will be two meetings in July to determine which map(s) they will select, July 12, 2011 will be the first reading and July 26, 2011 will be the second reading the maps currently being considered by the Board are A-1, C, D, E and G.

**Speaker**

Frank Mellon stated that it is important that the unincorporated area remain in one, and hopes through the redistricting process that the MAC will pass a resolution to that effect. In an effort to help the unincorporated area have more say in the community, he believes it should be in one district.

**Recommendation from Castro Valley MAC:**

Marc Crawford made a motion to endorse a plan that would include the entire Castro Valley General Plan area to be in one district, preferably District 4, and motion was seconded by Dean Nielsen.

Motion passed 6/0.
III. Castro Valley Sign: Recommendation

Cheryl Miraglia presented background information regarding the Castro Valley sign. In September of last year a resident came forward and suggested reinstalling the sign. Consequently, there was not enough outreach in 1996 when the sign was made, so an online and hard copy survey was done to obtain responses from area residents about the sign. There were 161 responses to keep and reinstall the sign and 208 against the reinstallation.

In the March meeting of the Castro Valley MAC, the top three sites were outlined in the survey; 1) Lake Chabot Park, 2) inside Lake Chabot and 3) the Castro Valley Library.

The MAC Council asked the Art Commission to contact the sites to determine if any were interested in having the sign installed at their location. In addition, the MAC asked the Art Commission to provide a detailed estimate of installation costs and to contact the artist to determine if she would be amenable to the proposed sites.

The MAC received a report from the Art Commission explain that the artist, Sheila Klein is willing to conduct a site visit of proposed sites, and the cost is estimated at $3,300. In addition, the estimated cost for the reinstallation of the sign is $40,000-$50,000.

In response to the Council’s requests for information and clarification of duties pertaining to the sign, Rachel Osajima, Executive Director, Art Commission, reported that she did not contact any of the sites regarding the sign, as her understanding was that she was to contact the artist to determine if Ms. Klein would be willing to come to California to evaluate the proposed sites.

Marc Crawford stated that it seemed backwards to fly the artist here first, without determining if any of the sites would want the sign installed in their location.

Ms. Osajima apologized for the misunderstanding about contacting the sites, and that she would contact the sites to determine if any wanted the sign installed.

Questions/Discussion

Cheryl Miraglia asked Brian Washington, County Counsel if relocating the sign elsewhere in Castro Valley would be considered a substantially relocation? Could pictures of potential sites be sent instead of flying the artist in for personal site visits, would that suffice for consultation purposes?

Brian Washington: Yes, any relocation would be considered substantial. For consultation purposes, the County and the artist would have to agree on the type of consultation. If the artist agreed, photos could be sent to obtain artists evaluation of sites.

Dean Nielsen: In the event that there is an impasse, and the County and the artist cannot agree on a solution, what options would be available?

Brian Washington: If the County felt that the artist was being unreasonable, the County could seek to persuade her through mediation, and if the County felt that the artist was breaching the contract, then a lawsuit could be an option.

Marc Crawford asked Counsel, according to the contract, the artist shall have the first right of refusal to purchase the artwork; if she doesn’t purchase the artwork, is she out of the process, or does she have eternal rights concerning the sign?

Brian Washington: She has continuing rights, through the contract and Federal and State laws regarding artists’ rights. However, the rights do not continue forever.

Cheryl Miraglia asked Counsel if the contract allows for destruction of the artwork (recycling) according to a section of the contract.

Brain Washington stated that he agreed with Ms. Miraglia’s reading of the section, however, the law still requires the artists’ buy-in as to what will be done with the artwork
Questions/Discussion (continued)

John Ryzanych: What would the Art Commission like to see happen with the sign?

Rachel Osajima: The Art Commission has no recommendation.

Speakers:

Don Sire, Castro Valley resident since 1941, felt the sign should be put on top of the BART station, but thought the BART station would not allow it.

William Howard stated that the sign has no place in Castro Valley.

Floyd Nabone stated that he doesn’t know why a local artist was not used from Chabot College or the high school. The sign should be gotten rid of, as most people don’t like it.

John Lindon stated that he would be willing to defray some of the costs to fly the artist in for the site visit. What if the artist dies, as she is about 75 years old and retired? What would happen to the sign?

Curt Mayer stated that he didn’t like the sign at all, and from the survey, the majority of the people don’t want the sign installed anywhere. If more residents were surveyed, they would not be interested in the sign being re-installed.

Dana Pittman asked if there was a cost to store the sign. It does not represent the Castro Valley she grew up in.

Rachel Osajima reported that the sign is stored in a Public Works Agency building and there is no cost to store the sign.

Brian Washington reported that according to statute, the contract regarding the sign is in effect for the artists’ lifetime, plus fifty (50) years.

John Ryzanych asked if the County is currently in violation of the contract for having the sign stored.

Brian Washington reported that the artist agreed to have the sign stored and the County is not in violation of the contract.

Comments from the MAC:

Dave Sadoff would have advocated for local talent to create the sign, and does not agree to commit more public funds to the sign.

Marc Crawford stated that the reinstallation cost is over stated and it could likely be done for $5,000. He felt that there is not a lot of cooperation from the Art Commission about the sign, regarding the estimated cost and other due diligence. He would like to get to the point where the issue is completed.

Dean Nielsen: The reaction when the sign went up was that there were people who wanted to tear the sign down. People objected to the process; Mr. Nielsen does not agree with spending more public money on the sign. The County should at least take the time to send the artist photos of the sites and get her input.

Matt Turner: this is a great lesson on what not to do going forward. With the Castro Valley Streetscape Project, there was a lot of public input. The contract concerning the Castro Valley sign, hamstrings us in dealing with and controlling what is in our own community. It is not prudent to spend more money on something that makes so many people unhappy.

John Ryzanych: The sign is part of the community and he likes the idea of having a place in the community for the sign. The piece does have value and it is already paid for. The County should find an appropriate location for it, however $50,000 is unreasonable for reinstallation. Mr./ Ryzanych’s recommendation is to continue to work with the Art Commission to find an appropriate place for it.
Comments from the MAC: (continued)

Cheryl Miraglia: The sign is not a welcome or a representation of Castro Valley and most people surveyed are not in support of a gateway location for it. It is appreciated as art or part of Castro Valley’s history, and should be put in a less prominent place. Ms. Miraglia cannot support $40,000 to $50,000 for reinstallation. Ms. Miraglia drafted a resolution to be submitted to the Board of Supervisor, resolving that the Board give the Art Commission some direction about what to do with the sign.

In part, the resolution recommends that the Alameda County Board of Supervisors:

a) per its contract with Sheila Klein (section 6.4c), offer the sculpture to Ms. Klein for purchase and entertain any reasonable offer (minimum raw material worth plus transport)

b) should Ms. Klein’s answer be no, consult with County Counsel regarding the rights of the County regarding disposal via sale or recycling

c) investigate the feasibility of the tops three (3) sites indentified in a recent survey

d) have County Counsel determine if any of these Castro Valley sites would constitute a “substantial relocation” of the sign and if so, what amount of “consultation” would satisfy the contract terms

e) require the Art Commission or Public Works Agency to provide a detailed, itemized estimate of reinstallation costs

f) have the Art Commission report on the above to the residents of Castro Valley via a report to the Castro Valley Municipal Advisory Council

g) fund a concerted public outreach effort during or before 2014 presenting the facts ascertained above for a FINAL weigh in of Castro Valley residents of the options available

h) utilize the public outreach results to take Board action and provide closure on the subject

A motion was made by Marc Crawford and seconded by John Ryzanych that the Council accept the resolution regarding the Castro Valley sign and submit the same to the Alameda County Board of Supervisors.

Motion passed 5/1.
Opposed: Dean Nielsen

PUBLIC COMMENT

Dave Sadoff reported that a draft of the Historical Preservation Ordinance will be heard tomorrow (Tuesday, June 21, 2011) at 7:00 p.m. at 225 West Winton Avenue, Hayward, Ca.

Adjourn

The meeting was adjourned to July 18, 2011