

# GENERAL PURPOSE MEETING

Monday, March 16, 2015

6:00 p.m.

**Council members:** Marc Crawford; Chair, Cheryl Miraglia; Vice Chair, Dave Sadoff, Sheila Cunha, John Ryzanych,

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

## Minutes

### **PUBLIC COMMENT**

None

I. **Approval of Minutes** - February 2015 – *continued to April, 20, 2015.*

### **II. California Highway Patrol (CHP) Community Report**

Lieutenant Jim Allen, Commander, CHP Castro Valley Office, reported on statistics and other CHP enforcement activities in the Castro Valley area.

#### Statistics

71 - DUI arrests  
2,200 – citations issued  
132 - mechanical citations (fix it tickets)  
900 – verbal warnings  
14 – felony arrests  
1 – fatal collision  
54- injury collisions  
184 – property damage collisions  
1,130 – motorists services  
1,000 – agency assists  
21- recovered stolen vehicles  
21- traffic complaints

For any traffic complaints please report to CHP for traffic enforcement, be specific as possible and include date, time and other details of the incident,

#### **Education and Safety Classes**

The CHP offers education and safety classes, including Smart Start, Teen Distracted Driving, Age Well Drive Smart for seniors, Car Seat Program, Every 15 minutes and the Applicant Preparation Program to help applicants prepare for the CHP Academy.

April is Distracted Driver Awareness Month – provide a month long education and enforcement to reduce incidents of distracted driving, cell phones, texting.

### **III. Sheriff's Office Community Report**

Deputy Marcus Cox, Alameda County Sheriff's Office, reported on statistics and other Alameda County Sheriff's enforcement activities in the area.

### **III. Sheriff's Office Community Report**

On January 27, 2015, from 2:00 am to 10:00 am, the Sheriff's Office Community Policing Unit and the Property Crimes Unit, targeted individuals who have committed various property crimes; there were twenty-two (22) arrests, fourteen (14) misdemeanors and eight (8) felonies in addition to two (2) stolen cars and drugs were recovered.

There has been a rash of robberies of convenience stores and gas stations in the unincorporated areas of Cherryland and San Lorenzo, including one on Grove and Redwood in Castro Valley. The Sheriff's Office has increased enforcement around those establishments.

County ordinance of theft of recycling material – The Eden Township Substation enforces a county ordinance, which prohibits recycling thefts. Specifically the ordinance prohibits the taking of recycled material in bins in front of residences; it is a misdemeanor. Fines: \$100 for the first offense; \$200 for second offense; each additional violation within one (1) year of the last violation is \$500.

### **IV. Proctor Road Traffic Concerns – Public Works Agency, Sheriff's Office, CHP**

Dorothea Beringer, Proctor School PTA Safety Committee, presented a PowerPoint presentation on Proctor Road Traffic Concerns and Request for Sidewalks.

The Public Works Agency has planned improvements to Proctor Road, such as flashing lights, bulb-outs and dynamic speed display signs. In addition, a traffic light is needed at Proctor and Redwood Road.

Additionally, the Safety Committee requests a no U-turn zone from the Kenneth Aitken Senior Center until the intersection after Proctor Road. Sidewalks are requested to be constructed on Proctor Road, west of Redwood Road and at Seaview Avenue. Thank Public Works.

Michelle Lovett-Fink, resident of Proctor Road, reported on her experiences while walking on Proctor Road with her son. Mrs. Lovett-Fink has taken pictures of children, sometimes walking alone in the street, due to unimproved sidewalks, overgrown vegetation and parked cars in the right-of-way. The CHP and Sheriff's Office have increased parking enforcement in the area. In addition there should be more enforcement for distracted drivers.

Sergeant Tom Rodriguez, Sheriff's Office reported that he has written articles in the Castro Valley Forum related to bikes, parked cars and red lights, in hopes that some will find the information useful. The Sheriff's Office will work aggressively in the Proctor area for traffic enforcement; pursuing issues that could cause accidents and educating the community on pedestrian and bicycle safety.

Lieutenant Jim Allen, CHP, reported on moving violations and traffic complaints along Proctor Road. Lt. Allen confirmed that most of the traffic complaints are from the west side of Proctor Road. The CHP has focused a lot of the attention on the schools with the morning/afternoon pick-up and drop-off times as the times with most traffic complaints. The CHP specifically deployed officers in the Proctor Road area near the school approximately fourteen (14) days between November 2014 and January 2015.

Art Carrera, Deputy Director, Public Works Agency (PWA), reported on the cost of sidewalk projects on Proctor Road. The cost for sidewalk construction for Proctor Road is approximately \$1.2 million. The PWA has applied for funds for constructing sidewalk and other improvements on Proctor Road.

#### **IV. Proctor Road Traffic Concerns – Public Works Agency, Sheriff's Office, CHP**

The Agency is aware of the extensive need for sidewalks and other traffic calming measures. Speed humps have been installed on Proctor Road and the Agency continues its enforcement and education efforts in the area.

A motion was made by Cheryl Miraglia and seconded by Sheila Cunha at in the short-term Public Works Agency (PWA) immediately notify and require all homeowners to clear all vegetation, fencing or obstacles from the right-of-way- on Proctor and enforce it if not done; that PWA pursue leveling those areas and possibly covering them with asphalt; that PWA actively pursue the funds to construct-bulb-outs and flashing beacons along Proctor Road; that PWA evaluate Proctor Road to see if it meets criteria for traffic lights and stop signs and pursue the funds for same; that PWA do whatever is required to assess and validate the need for a No U-Turn Zone from Kenneth Aitken Senior Center to the intersection after Proctor Road; that PWA actively seek funding from the Metropolitan Transportation Commission and other sources, for sidewalks and include Proctor Road as a priority; that the Council thank and encourage the California Highway Patrol and the Sheriff's Office for monitoring and enforcement in those targeted areas until the situation improves, due to law enforcement presence and or PWA improvements; and that the Council hereby invite the Public Works Agency, California Highway Patrol and the Sheriff's Office to return to the MAC prior to the beginning of the new school year with an update on all the above.

Motion passed 5/0

#### **I. E-Cigarette Use Ordinance Update**

Paul Cummings, Program Manager, Tobacco Control, Public Health Department reported on updates and changes to the draft E-Cigarette Use Ordinance.

The ordinance has been modified slightly since it was heard at the MAC last year. The ordinance treats e-cigarettes as tobacco products; which means that e-cigarettes cannot be used in places where cigarettes are banned. The ordinance also requires that e-cigarettes be located behind the counter of each retailer. Sampling restrictions applied to tobacco products also apply to e-cigarettes.

The definition of e-cigarettes was changed in the ordinance to define an e-cigarette as a tobacco product.

Farand Khan, County Counsel, reported that the justification for defining e-cigarettes as tobacco products is the Federal Court decision in 2010 (Sottera decision) and also to align with proposed legislation at the Federal and State level.

#### **Speakers**

Serena Chen, American Lung Association presented statistics on cities that have included e-cigarettes in their tobacco ordinances. The American Lung Association and others have been working to keep e-cigarettes out of the hands of youth. Ms. Chen supports the ordinance.

Marcia Brown-Machen stated that tobacco deaths are the number cause of death in unincorporated Alameda County. Mrs. Brown-Machen urged the Council to support the ordinance and stated that they are not safe and are not an aid to quitting smoking.

Randy Rogers, employee at Ready Set Vape, Castro Valley, stated that tobacco use has dropped 11% in Castro Valley, largely due to e-cigarettes. Mr. Rogers' position on the ordinance is

that it needs to be thrown out and community members come together to create a better ordinance.

Bob Swanson, resident, Castro Valley, reported that the best way to quit smoking in his opinion is the e-cigarette vaporizer. E-cigarettes are not tobacco.

After discussion by the Council, the consensus was that they do not support the proposed E-Cigarette Ordinance as it is currently written, and councilmembers agreed that the ordinance as now amended, is worse than the original ordinance presented to the Council last year.

A motion was made by Cheryl Miraglia and seconded by John Ryzanych that the MAC hereby advises the Board of Supervisors that: **a)** vaping has not been proven hazardous to one's health; **b)** vaping is not smoke and e-cigarettes that do not contain tobacco are not and cannot be considered a tobacco product; **c)** E-cigarettes should absolutely not be lumped in with tobacco products because they are not in and of themselves tobacco products; **d)** that the Board should be cognizant and give serious consideration to the fact that this ordinance as written may be more about financial health than public health, as it is being supported by entities who have a vested interest in maintaining cash flow from the State Tobacco Fund, via ultimate taxation of e-cigarettes as tobacco products; **e)** enactment of the ordinance will actually deter smokers from quitting tobacco and will have a negative effect on public health; **f)** this draft ordinance is more problematic than previous versions and too overreaching and should either be thrown out, or re-thought and rewritten yet again; **g)** the only changes to the ordinance worth saving is that which makes it illegal for e-cigarettes to be sold to minors, which is already State law, and that steps should be taken to ensure that they are kept behind counters and not sold in vending machines; **h)** that the County begin work anew on an e-cigarette ordinance that enlists and involves stakeholders and those directly affected by the ordinance through an open public process; the MAC further moves that this motion be presented in its entirety to the Board of Supervisors as part of the staff report to the Board.

Motion amended to include mandatory identification check for purchasers of e-cigarettes.

Motion passed 5/0

### **Announcement**

There will be a discussion on Cell Tower Regulations, held at the Castro Valley Library on Wednesday, April 1, 2015 from 6:30 pm to 8:30 pm.

### **Adjourn**

The meeting was adjourned to April 20, 2015.