

The Board Meeting, which was held on December 6, 2011 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 12:30 p.m. by Board President Beverly Lane.

ROLL CALL

Directors Present: Beverly Lane, President
Carol Severin, Vice President
John Sutter, Treasurer
Ayn Wieskamp, Secretary
Whitney Dotson
Doug Siden
Ted Radke

Directors Absent: None

At this time, the Board of Directors met in **Closed Session** to discuss those items outlined on the Board Meeting Closed Session Agenda.

The **Open Session** of the Board Meeting was called to order at 2:00 p.m. by Board President Beverly Lane.

Staff Present Included: Bob Doyle, Dave Collins, Ted Radosevich, Carol Victor, Jim O'Connor, Nancy Wenninger, Capt. Mark Ruppenthal, Carol Johnson, Mimi Waluch, Pam Burnor, Nadine Vargas, Mike Anderson, Anne Scheer, Emily Hopkins, Cinde Rubaloff, Diane Althoff, Kelly Barrington, Amy Coulter, Rick Parmer.

A. APPROVAL OF AGENDA

By motion of Director Radke and seconded by Director Siden, the Board voted unanimously to approve the agenda.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.

Directors Absent: None.

B. PUBLIC COMMENTS

There were no Public Comments at this time.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Radke and seconded by Director Wieskamp, the Board voted unanimously to adopt the Consent Calendar, with the exception of items C-1-b and C-1-d which were pulled from the Consent Calendar for separate discussion and approval:

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.

Directors Absent: None.

- C-I-a. Approval of District Check Listing for the Period of November 7, 2011 Through November 27, 2011
Resolution No. 2011-12-280 (attached)
- C-I-c. Authorization to Negotiate with Various Property Owners
Resolution No. 2011-12-281 (attached)
- C-I-e. Authorization to Renew the Contract with Strategy Research Institute for One Year
Resolution No. 2011-12-282 (attached)
- C-I-f. Authorization to Renew the Contract with E2 Strategies LLC for One Year
Resolution No. 2011-12-283 (attached)
- C-I-g. Authorization to Print and Distribute Regional In Nature Through Various East Bay Newspapers
Resolution No. 2011-12-284 (attached)

Item C-I-c was pulled for separate vote from the Consent Calendar as Director Lane was absent from this meeting:

- C-I-b. Approval of the Minutes for the Board Meeting of November 8, 2011

By motion of Director Wieskamp and seconded by Director Radke, the Board voted 6 – 0, with one abstention, to approve item C-I-c:

Directors Present: Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.
Director Abstain: Beverly Lane
Directors Absent: None.

Item C-I-d was pulled for separate discussion and consideration:

- C-I-d. Adoption of Interim Policy on Use of Other Power-Driven Mobility Devices
Resolution No. 2011-12-279 (attached)

By motion of Director Sutter and seconded by Director Radke, the Board voted unanimously to adopt item C-I-d, with the revision to Exhibit A/Assessment Factors to reflect a maximum speed limit of 10 mph and an evaluation after one year.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.
Directors Absent: None.

Judi Bank read a letter on behalf of the Regional Parks Association, which indicated their support for improved access for people with mobility challenges, but expressed concern on several items, including the proposed speed limit of 15 mph and existing trail width, and asked that staff set up a program to collect feedback from the public so that an evaluation can be conducted after one year. Ms. Bank, speaking for herself, also expressed her concern that the proposed speed limit of other power-driven mobility devices will pose a danger to other park

users due to the quiet nature of their motors, adding that she has a concern regarding Segways being used on trails.

Carol Victor, Asst. District Counsel provided a brief background, explaining that this was initiated by a change in the ADA law at the Federal level wherein the Department of Justice announced new rules effective March 15, 2011 to specifically address the issue of the kind of accommodations required when using other power-driven mobility devices. Ms. Victor noted that while the proposed speed limit of 15 mph is the current Ordinance 38 speed limit and was chosen for ease of enforcement, the ultimate speed will be guided by the basic speed limit law of the vehicle code, which states that the speed cannot be faster than what is safe for the conditions. She added that staff's suggestion is for an interim policy to allow for a period of evaluation, with a review after a full year of implementation and report back to the Board of Directors and the Park Advisory Committee.

Director Sutter expressed concern regarding item 6 – Inquiry Into Use of OPDMD, of the policy which states that the “Park District shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual’s disability”. District Counsel Ted Radosevich stated that staff felt that it is better to be as expansive as possible and err on the side of inclusivity, noting that there may be instances when this may be abused. Regarding Director Sutter’s question about the need for item 7 – Variance Procedure, Ms. Victor stated that this was included for the protection of the District and allowed for an opportunity to evaluate any problem that may be encountered.

2. GENERAL MANAGER

C-2-a. First Public Hearing
Proposed 2012 Budget for the East Bay Regional Park District

General Manager Bob Doyle gave a brief introduction to this item, stating that the budget has been balanced through the Board’s willingness to temporarily use reserves and staff working to use cost-saving measures in its operations.

Dave Collins, AGM for Finance and Management Services, and Cinde Rubaloff, CFO, provided a brief presentation on this item, stating that after today’s first Public Hearing, staff will bring present it for adoption at the Board meeting of December 20, 2011. Mr. Collins indicated that based on forecasts, revenues are not expected to come back to 2008 levels until about 2015 – 2017, depending on growth. Even then, expenses have been increasing annually each year. Highlights of the proposed budget, as provided in the written material, was presented to the Board by Ms. Rubaloff, who received some suggestions for next year’s budget, such as including a glossary for acronyms, adding the Park Advisory Committee and the Regional Parks Foundation to the list of volunteer groups, and improving the divisional budget objectives format, among others.

Board President Lane opened the Public Hearing, there being no one present to comment, the Public Hearing was closed.

3. LAND DIVISION

C-3-a. Authorization to Grant a 1,742-square foot Fence and Subsurface Drainage Easement to Elizabeth Hudson and George Doddington: Diablo Foothills Regional Park
Resolution No. 2011-12- 285 (attached)

By motion of Director Wieskamp, and seconded by Director Severin, the Board voted unanimously to approve item C-3-a.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.
Directors Absent: None.

Liz Musbach, Land Acquisition Manager, stated that this item addresses encroachments issues on dedicated parkland and seeks Board authorization to grant a 1,742 foot fence and subsurface easement. As a brief background, she explained that the owners removed a boundary fence and placed a new french drain outside of the prior fence line on District property. A land exchange has been negotiated with the property owner, who will reimburse the District \$5,900 to pay for the cost of the subsurface drainage and fence easement and encroachment permit fees. The property owners will pay for survey costs incurred, replace the fence and maintain the area in perpetuity. Ms. Musbach added that this item requires unanimous decisions of the Board per Public Resources Code Sec 5540.5.

In response to Board member's questions, Ms. Musbach stated that there will be no visual impact to any nearby trails and that the design of the fence to be installed has been approved. Director Sutter added that this and item C-3-b should be deemed as exceptions and not in any way reflect District policy.

C-3-b. Authorization to Exchange Real Property Rights with Geri E. Stern and Alan Leslie Blavins:
Kennedy Grove Regional Recreation Area
Resolution No. 2011-12- 286 (attached)

By motion of Director Wieskamp and seconded by Director Dotson, the Board voted unanimously to approve item C-3-b.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.
Directors Absent: None.

Liz Musbach, Land Acquisition Manager, stated that this is another encroachment item and involves 3,500 square feet which was made by a relatively long-term property owner who planted fruit trees and built a nursery enclosure in the subject area. It came into Operations staff's attention at least a year ago when a tree on District property fell onto the Blavins' property causing significant damage to the landscaping and outdoor improvements. Ms. Musbach added that another tree fell onto the property this year. Staff is recommending that the District exchange property rights with the Blavins; in exchange for granting them fee title to the area which will relieve the District of all liability associated with it, the Blavins will grant a scenic conservation easement and an emergency vehicle and maintenance access easement which will allow staff to access Kennedy Creek, an area of significant flooding and saturation requiring close monitoring. The Blavins will absorb the cost of tree damage to their property as part of this agreement. Ms. Musbach added that this item requires unanimous decisions of the Board per Public Resources Code Sec 5540.5.

C-3-c. Authorization to Enter Into and Exercise an Option, Purchase and Sale Agreement and to Transfer Funds for the Acquisition of 362.33± Acres of Real Property from James Rigby, United States Bankruptcy Trustee in re: Michael R. Mastro, Bankruptcy Number 09-16841 (FRB, Inc.): Wildcat Canyon Regional Park
Resolution No. 2011-12- 287 (attached)

By motion of Director Dotson and seconded by Director Radke, the Board voted unanimously to approve item C-3-c, with the resolution revised to include staff's recommendation.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.
Directors Absent: None.

Liz Musbach, Land Acquisition Manager, gave a presentation on this item, stating that if approved, would be the largest acquisition in western Contra Costa County in over 35 years. The property is currently in bankruptcy and held in trust by the Bankruptcy Trustee, with the sale subject to approval by the U.S. Bankruptcy Court. The cost is \$1.45 million, approximately 50% of the appraised fair market value. Funding was enumerated as follows:

Measure AA	\$ 450,972
Measure AA Interest	99,028
Measure WW	<u>900,000</u>
	\$1,450,000

A paragraph to be added to the Resolution was handed out by staff for the Board's reference and approval.

It was suggested that a possible neighborhood access point at the EBMUD access at San Pablo Road be discussed at a future EBMUD/EBRPD Liaison Committee meeting.

C-3-d. Authorization to Exercise the Option and to Accept, Appropriate and Transfer Funds for the Acquisition in Partnership with the East Contra Costa County Habitat Conservancy of 116.49± Acres of Real Property from the Alfred A. Affinito Trust: Black Diamond Mines Regional Preserve
Resolution No. 2011-12- 288 (attached)

By motion of Director Radke and seconded by Director Sutter, the Board voted unanimously to approve item C-3-d.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter,
Ayn Wieskamp.
Directors Absent: None.

Liz Musbach, Land Acquisition Manager, gave a presentation on this item, stating that the property is comprised of six parcels and five legal lots in unincorporated Contra Costa County with escrow to close no later than April 16, 2012. Funding was enumerated as follows:

East Contra Costa Habitat Conservancy (ECCHC)/Wildlife Conservation Board (WCB):	
Federal Grant (45%) -	\$ 1,005,750
State Prop 84 (45%) -	1,005,750
EBRPD Measure WW (10%) -	<u>223,500</u>
Total	\$ 2,235,000

Ms. Musbach indicated that the negotiated purchase agreement with the Affinito family allows for a one year lease-back of the main house to Mr. Alfred Affinito only, which may be extended upon mutual consent. The family also agrees to donate to the District \$150,000 at close of escrow to be used for the future maintenance of the property.

The Board expressed its appreciation to Mr. John Kopchik, Executive Director for the ECCHC.

C-3-e. Authorization to Exercise the Option and Accept, Appropriate and Transfer Funds for the Acquisition in Partnership with the East Contra Costa County Habitat Conservancy of 319.93± Acres of Real Property from Vaquero Farms, Inc.: Vasco Caves Regional Preserve
Resolution No. 2011-12- 289 (attached)

By motion of Director Radke and seconded by Director Siden, the Board voted unanimously to approve item C-3-e.

Directors Present: Beverly Lane, Whitney Dotson, Ted Radke, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.

Directors Absent: None.

Nancy Wenninger, AGM for the Land Division, gave a presentation on this item, which is another purchase in partnership with the East Contra Costa Habitat Conservancy. Funding was enumerated as follows:

East Contra Costa Habitat Conservancy (90%):		
WCB Federal Grant -	\$	1,080,000
WCB State Prop 84 -		230,000
Moore Foundation -		850,000
EBRPD Measure WW (10%) -		<u>240,000</u>
Total	\$	2,400,000

4. BOARD AND STAFF REPORTS

- a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Bob Doyle discussed the item listed on the staff report.

5. GENERAL MANAGER'S COMMENTS

Kelly Barrington, Unit Manager for Interpretive Parklands, provided a summary of the various projects, accomplishments and statistics in 2011 throughout the Interpretive Parklands unit. He stated that the unit represents 74,444 acres or about 67% of the District's total acreage, and is composed of Black Diamond, Briones, Coyote Hills, Garin/Dry Creek, Las Trampas, Bishop Ranch, Sycamore, Pleasanton Ridge, Vargas Plateau, Calaveras Ridge, Dublin Hills, Sunol/Ohlone, Mission Peak, Vasco, Morgan Territory, Round Valley and Brushy Peak.

GM Bob Doyle also announced the passing of Kelly Raiche, Supervisor of the Environmental Graphics Department, last night, December 5. He added that Kelly was an incredibly artistic, creative and beautiful individual, and that she was really proud of her staff and their accomplishments. She will be missed.

Directors Radke and Wieskamp left the meeting at this time.

6. ANNOUNCEMENTS FROM THE CLOSED SESSION

There were no announcements from the Closed Session.

7. BOARD COMMITTEE REPORTS

- a. Operations Committee (Severin) (10/20/11)

8. BOARD COMMENTS

- 1) Director Sutter reported on meetings attended. Director Sutter
 - Attended the November Park Advisory Committee meeting, wherein the PAC asked if the gun range at Anthony Chabot was appropriate for a park;
 - Attended the PAC Holiday dinner last night;
 - Attended the Chabot Space and Science Center Finance Committee meeting;
 - Attended the recent staff Developmental Reviews;
 - Suggested that staff provide an update on how the District can work cooperatively with the Contra Costa Water District and assist each other on common issues such as grazing and trail usage and connection, to name a few.
- 2) Director Severin reported on meetings attended. Director Severin
 - Attended the staff Developmental Reviews and the Executive Committee meeting
 - Attended the PAC Holiday dinner;
 - Attended the Regional Parks Foundation workshop.
- 3) Director Siden reported on meetings attended. Director Siden
 - Went to the Tilden Merry Go Round's Holiday Preview after the last Board meeting;
 - Attended the Executive Committee meeting;
 - Attended the staff Developmental Reviews;
 - Attended the East Bay EDA Executive committee workshop, which included a discussion on job creation in the East Bay;
 - Attended the PAC Holiday dinner;
 - Will be at Oyster Bay and MLK Regional Shoreline for his staff appreciation coffee meetings;
 - Will be attending the Public Safety Holiday pot-luck lunch.
- 4) Director Dotson reported on meetings attended. Director Dotson
 - Attended the Albany Waterfront Committee meeting;
 - Attended the staff Developmental Reviews.
 - Reported on meetings attended by Director Wieskamp, who left the meeting early. Director Wieskamp attended the LARPD/EBRPD Liaison meeting, the staff Developmental Reviews, and the PAC Holiday dinner.
- 5) Director Lane reported on meetings attended. Director Lane
 - With GM Doyle and AGM for Operations Jim O'Connor, had a meeting with Taylor Family Foundation staff to affirm the District's role in Camp Arroyo as more than just a sponsor and to discuss ways for a more positive partnership;
 - Attended the Regional Parks Foundation meeting at the Beach House at Lake Temescal;
 - Visited the Owen Property with Unit Manager Kelly Barrington, as well as the Corporation Yard building for Sunol/Pleasanton Ridge;
 - Attended the PAC Holiday Dinner, the staff Developmental Reviews, and LARPD/EBRPD Liaison Committee and Board Executive Committee meetings;
 - Had an informal coffee meeting with a planner regarding the GSA Property in Alameda;

- Asked staff to consider revising the Board Agenda to include a statement that will address individuals who are transit-dependent, and followed-up on her suggestion to include a Public Safety message on District brochures.

D. PUBLIC COMMENTS

There were no Public Comments at this time.

E. ADJOURNMENT

The meeting was adjourned at 5:25 p.m. by Director Lane in memory and honor of Kelly Raiche, Park District Supervisor for the Environmental Graphics Unit, and Richard “Dick” Angel, long-time naturalist at Sunol Regional Park, who passed away on October 1, 2011 in Livermore.

Respectfully submitted:

Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2011- 12 - 279 to 2011 – 12 - 288