

The Board Meeting, which was held on July 6, 2010 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 12:47 p.m. by Board President Doug Siden.

ROLL CALL

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

Directors Absent: Whitney Dotson

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 2:03 p.m. by Board President Doug Siden.

Staff Present Included: Pat O'Brien, Bob Doyle, Ted Radosevich, Carol Victor, Mike Anderson, Rosemary Cameron, Police Chief Tim Anderson, Cinde Rubaloff, Anne Scheer, Nancy Wenninger, Linda Wu, Pam Burnor, Susan Gonzales, Diane Althoff, Lt. Jon King, Mimi Waluch, Shelly Lewis, Jeff Rasmussen, Nadine Vargas, Jeff Wilson, Brian Wiese, Terry Noonan,

A. APPROVAL OF AGENDA

By motion of Director Lane and seconded by Director Severin, the Board voted to unanimously to approve the agenda, with the exception of item C-1-i: Authorization to Extend the Blacksmith Concession Agreement with Scott Thomas: Ardenwood Historic Farm, which was postponed to a future Board meeting.

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

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 approve the Consent Calendar, with the exception of items C-1-j and C-1-o which were pulled for separate vote and discussion.

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

C-I-a. Approval of District Check Listing for the Period of June 1, 2010 through June 13, 2010  
Resolution No. 2010 – 7 - 166 (attached)

C-I-b. Approval of the Minutes for the meetings of May 4, 2010 and May 18, 2010

Director Sutter abstained from approving the May 18, 2010 minutes as he was absent at that meeting.

C-I-c. Authorization to Negotiate with Various Property Owners  
Resolution No. 2010 – 7 - 167 (attached)

C-I-d. Authorization to Accept a Grant of Easement from the City of Richmond for Portions of the  
1.84-Mile East Ridge Trail: Miller/Knox Regional Shoreline  
Resolution No. 2010 – 7 - 168 (attached)

C-I-e. Authorization to Enter into a License Agreement with Contra Costa County Flood Control and  
Water Conservation District for Construction, Operation and Maintenance of a 1,200-square foot  
Extension of the Wildcat Creek Regional Trail in the City of Richmond: San Francisco Bay  
Trail/Wildcat Creek to Point Pinole  
Resolution No. 2010 – 7 - 169 (attached)

C-I-f. Authorization to Accept and Appropriate Funds and Award a Consultant Contract for the  
Completion of a National Environmental Policy Act (NEPA) Document for the Alamo Canal Trail  
Undercrossing at Interstate 580: Alamo Canal Trail  
Resolution No. 2010 – 7 - 170 (attached)

C-I-g. Authorization to Amend the 2010 Budget and Transfer Funds to Conduct the Oral History of  
Retired Land Acquisition Chief Hulet Hornbeck by University of California, Berkeley, Institute of  
Governmental Studies  
Resolution No. 2010 – 7 - 171 (attached)

C-I-h. Authorization to Accept the Bid for Installation of Import Fill and Utilities: Big Break Regional  
Shoreline  
Resolution No. 2010 – 7 - 172 (attached)

C-I-k. Authorization to Enter Into a Special Use Agreement with the Society for the Preservation of  
Carter Railroad Resources, Inc.: Ardenwood Historic Farm  
Resolution No. 2010 – 7 - 173 (attached)

Director Lane commented that she wanted to be sure that only rail road cars that are anticipated to be used in a  
timely way be stored in the park.

C-I-l. Authorization to Enter into a Special Use Agreement with the Newfoundland Dog  
Club of Northern California: Del Valle Regional Park  
Resolution No. 2010 – 7 - 174 (attached)

C-I-m. Authorization to Apply for Federal Grant Funds through the U.S. Department of  
Labor for Fuels Management Crew: East Bay Hills  
Resolution No. 2010 – 7 - 175 (attached)

Director Sutter commented that Board member trips to conferences such as the Legislative Forum in Washington, DC to meet with various elected officials asking for funding has its benefits, although the results may not be evident immediately.

- C-I-n. Authorization to Replace the Main Server Room Cooling and Ventilation System: Peralta Oaks Administration Building  
Resolution No. 2010 – 7 - 176 (attached)
- C-I-p. Resolution to Support Pending Federal Legislation H.RES. 996 (Fudge) to Designate September as National Childhood Obesity Awareness Month  
Resolution No. 2010 – 7 - 177 (attached)
- C-I-q. Resolution to Support Pending State Legislation SB 1205 (Corbett) – San Francisco Bay Area Disaster Recovery Authority Act  
Resolution No. 2010 – 7 - 178 (attached)
- C-I-r. Approval of Reappointment of Dan Walters to the Park Advisory Committee  
Resolution No. 2010 – 7 - 179 (attached)
- C-I-s. Authorization to Modify the Existing Contract with Kanner and Associates, LLC for Legislative Advocacy Services  
Resolution No. 2010 – 7 - 180 (attached)
- C-I-t. Proclamation of Parks Make Life Better! and July 2010 as Parks & Recreation Month  
Resolution No. 2010 – 7 - 181 (attached)
- C-I-u. Authorization to Reorganize the Quagga Mussel Inspection Program: Del Valle Regional Park  
Resolution No. 2010 – 7 - 182 (attached)

Item C-I-j was pulled for separate discussion and vote to allow a comment by a member of the public:

Steve Soderstrom addressed the Board and suggested that the property on Mission Blvd. next to Garin Park currently owned by Masonic Homes be considered by the District for purchase.

- C-I-j. Authorization to Extend the Farming and Produce Stand Concession Agreement with Perry Farms: Ardenwood Historic Farm  
Resolution No. 2010 – 7 - 183 (attached)

By motion of Director Wieskamp and seconded by Director Lane, the Board voted unanimously to approve item C-I-j.

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

Item C-1-o was pulled for separate vote by Director Lane:

Director Lane asked for and received clarifications on several line items from staff.

C-1-o. Authorization for Budgetary Closure of Completed Projects and Related Amendments to the 2010 Budget  
Resolution No. 2010 – 7 - 184 (attached)

By motion of Director Lane and seconded by Director Sutter, the Board voted unanimously to approve Item C-1-o:

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

## 2. LAND DIVISION

Bob Doyle, AGM for Land Division, requested that items C-2-b and C-2-c were moved up on the agenda and discussed first so that the Public Hearing on item C-2-a to start at 2:30 pm as prescribed on the agenda and also allow for the arrival of the property owner's attorney, to which the entire Board concurred.

C-2-b. Authorization to Accept from the Regional Parks Foundation Fee Interest in Approximately 0.92 Acres of Real Property Donated by Comcast of California IX, Inc., and to Transfer Funds for Associated Costs: Vargas Plateau Regional Park  
Resolution No. 2010 – 7 - 185 (attached)

By motion of Director Severin and seconded by Director Wieskamp, the Board voted unanimously to approve item C-2-b.

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

Mr. Doyle gave a brief presentation on this item, explaining that the donated site is an old communications site which Comcast no longer needs. He added that the site is very visible and contains old equipment, and clarified that the staff report recommends the acceptance of the donation; steps will be taken at a later date to clean up the area and be brought to a more natural condition. Mr. Doyle stated that staff has received a request by a volunteer radio operations group to continue to operate at the site. Approval to stay until September 2010 has been granted by the District, with demolition and clean-up to commence after the deadline. He also stated that while the District has no legal obligation to do so, staff is working with this group to find an alternative site for their radio operations.

Director Wieskamp commended the extension provided to the radio operating group.

The Board extended their gratitude to the Foundation as well as Comcast for their donation.

C-2-c. Acceptance of Dedication of Fee Interest in 67+ Acres of Real Property Plus Trail Easements and Various Improvements from Schaefer Ranch Holdings, LLC: Dublin Hills Regional Open Space Resolution No. 2010 – 7 - 186 (attached)

By motion of Director Wieskamp, and seconded by Director Lane, the Board voted unanimously to approve item C-2-c.

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

AGM Doyle provided a brief presentation on this item, stating that this is a long-awaited dedication from a developer from the City of Dublin. He also acknowledged retired District Planner Linda Chavez, who worked on this item for over 20 years. Originally, 3,000 dwelling units were proposed for this project and surrounding western Dublin properties in 1993. Providing regional open space and trail connections, a new staging area with restrooms and a Zone of Benefit to fund the direct operations and maintenance costs were the result of work by District staff and the developers, regulators and the City of Dublin. Mr. Doyle complimented the Discovery Builders Company for their cooperation, especially given the tight economy. A dedication is planned in the near future.

C-2-a. PUBLIC HEARING:  
Approval of Resolution Declaring the Acquisition of Certain Real Property Rights Necessary to Connect Vargas Plateau Regional Park to Garin/Dry Creek Pioneer Regional Parks and Authorizing the Acquisition and Transfer of Funds Therefor (Affects Portions of APNs 507-0070-001-03, -04, -05, -10, -11, -12, and -13; 085A-5275-015, -023, -024-01, -025, -026, -027, -029, -030, -038, -039 and -042): Bay Area Ridge Trail/Vargas Plateau to Garin/Dry Creek Pioneer  
Resolution No. 2010 – 7 - 187 (attached)

By motion of Director Severin and seconded by Director Wieskamp, the Board voted unanimously to approve item C-2-a.

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

AGM for Land Acquisition Bob Doyle gave a presentation on this item and explained the recommendation as listed on the staff report. He read the written background, enumerating the history behind the acquisitions related to the property in question. Mr. Doyle stated that by utilizing the preferred alignment, the District will avoid environmental damage to habitat for the Alameda whipsnake and other protected species because it is an existing road. He added that the acquisition is for an easement, not an exclusive easement.

AGM Doyle also corrected typographical errors on page 4 of the staff report that enumerates items that the Board must establish at this public hearing in order to initiate an action in eminent domain:

1. Item (a) – he clarified that “Alameda County Regional Trail” should read “Alameda Creek Regional Trail”;
2. There are four (4), not three (3) items that the Board must establish (all included in the staff report but were incorrectly labeled):

- Item a – Public interest and necessity require the proposed project;
- Item b – The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
- Item c – The property sought to be acquired is necessary for the project;
- Item d – The offer of compensation required by Section 7267.2 of the government Code has been made to the owners of record.

AGM Doyle also clarified that public comments should be limited to above items (a) – (d), and emphasized that the recommended action today does not preclude negotiations with the property owner.

President Siden opened the Public Hearing at this time.

Atty. Daniel Muller, attorney for the property owners, addressed the Board. Among the items he discussed were:

- the proposal for the trail goes right in the middle of the property, which is one of the issues most disturbing to the property owner;
- acquisition of a wider portion, if not the entire property, would have the owner more open to discussions;
- raised concerns on the accuracy of the first two paragraphs of the staff report under “Background”;
- offer made not based on up-to-date appraisals. Appraisal data stale and not admissible in court and does not include severance damage;
- Resolution of Necessity may not be exempt for CEQA;

Atty. Muller also stated that (as articulated in their letter provided to the Board at this meeting) there has been no pre-condemnation offer made by the District, which needs to happen before a resolution of necessity can be adopted.

Mr. Fay Louie, property owner, addressed the Board and provided the following comments:

- how will the easement be measured;
- how will motorcycle use be prevented;
- spoke about the current tenants and asked how they be protected;
- stated the reason the Delucchi family sold property – did not want liability on him nor his family, easement will be hard to grant;
- the method of appraisal used – the District’s offer is \$1,700 less than his purchase price;

Mr. Bern Smith of the Bay Area Ridge Trail Council addressed the Board, stating that a Garin-Dry Creek Trail Feasibility Study adopted by the Board in December of 2005 showed that the trail in question today is the optimal alignment, and signified his support of this trail acquisition.

Mr. Steve Soderstrom of the Park Advisory Committee (PAC) addressed the Board and stated that the District has been very successful in balancing public use, preservation and public safety.

President Siden closed the Public Hearing at this time.

Director Sutter, referring to the second paragraph of the background report (page 2), asked if the agreement to convey a trail easement to the District was in written form. Mr. Doyle stated that while it was in writing, when the District negotiated with the Delucchi family, no final agreement was reached as to its alignment, that the Board action on the exchange of property included a discussion of a trail alignment, to which Mr. Delucchi had a proposal which the District did not think was feasible.

In response to a question by Director Wieskamp, Mr. Doyle stated that there is not an issue with the appraisal, that as required and with District funding provided, Mr. Louie is entitled to do his own appraisal.

Atty. Todd Amspoker, acting as main counsel for the District, explained that the Park District's appraiser's professional opinion is that there were no severance damages caused by the imposition of the trail easement because there is already an existing road. He clarified that this appraisal is only for the Park District's side.

Mr. Doyle emphasized that the action by the Board today formalizes the negotiation process, which will continue.

### 3. FINANCE AND MANAGEMENT SERVICES

- C-3-a. Acceptance of the Comprehensive Annual Financial Report of the East Bay Regional Park District for Year Ended December 31, 2009, Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriations Limit Schedule (GANN Limit), Report to Board of Directors and Management, Single Audit Reports, SAS 114 Letter to Board of Directors and Management  
Resolution No. 2010 – 7 - 188 (attached)

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

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

Cinde Rubaloff, District CFO, explained the various reports enumerated in the staff report.

- C-3-b. Resolution to Reschedule the Public Hearing to July 20, 2010 Regarding the Approval of Engineer's Report, Adoption of Resolution Confirming Diagram and Assessment, Order Maintenance, Improvements and Levy annual Assessment for Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District No. 1, including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley), and ZB-6 (Sibley Volcanic)  
Resolution No. 2010 – 7 - 189 (attached)

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

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

### 4. BOARD AND STAFF REPORTS

- C-4-a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Pat O'Brien discussed those items listed on the staff report.

5. GENERAL MANAGER'S COMMENTS

Lt. Jon King gave a presentation on the District's surveillance system, consisting of an in-car camera as well as a camera worn by the police officer, and included a sample of actual footage taken. Lt. King also showed a Taser camera currently available to District officers.

6. ANNOUNCEMENTS FROM THE CLOSED SESSION

Board President Siden announced that the Board voted 6-0 to settle the case of Blanson v. EBRPD in the amount of \$1.35 million.

Resolution No. 2010 – 7 - 190 (attached)

7. BOARD COMMITTEE REPORTS

a. Regional Parks Foundation (3-18-10) (Siden)

8. BOARD COMMENTS

Director Siden reported on meetings attended. Director Siden

- Attended the recently concluded Special Park Districts Forum (SPDF) in Charleston, SC;
- Attended the July 4 parade in Alameda as well as the 30<sup>th</sup> Anniversary of the Crab Cove Visitor Center;
- Announced that the July 14 meeting of the Alameda County Special Districts Association will be held at the District's Administrative offices and that the entire Board is invited to attend;

President Siden left at this time, with Vice President Lane taking over.

Director Radke reported on meetings attended. Director Radke

- Attended the SPDF and found the programs interesting, noting that half of host District's budget comes from fees;
- Became aware of Sen. Feinstein's legislation that would declare the Delta area a natural heritage area, although it does not include the Carquinez Strait;
- Will be attending the Port Chicago Dedication event on July 17<sup>th</sup>;
- Noted a front page article on the Martinez Gazette regarding the Martinez Regional Land Trust receiving \$1 million to make the acquisitions in Franklin Canyon, as well as a mention of Measure WW funds.

Director Sutter reported on meetings attended. Director Sutter

- Attended the SPDF in Charleston, SC, stating that he was impressed with their development of a new park under a bridge, which he thought may be applicable to the Gateway area.

Director Severin reported on meetings attended. Director Severin

- Attended the retirement event for Supervisor Steele;
- Attended the Finance and Executive Committee meetings;
- Attended the last meeting of HASPA;
- Attended Rosie Bock's retirement event;
- Attended the SPDF in Charleston, SC;
- Will be attending the Alameda County Mayors Conference to be held at Garin/Dry Creek;

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended a field trip to Tidewater and Gateway with Director Lane, accompanied by Rick Parmer;
- Attended the Finance and Legislative Committee meetings;
- Attended a meeting to take input on the Iron Horse Trail through Hacienda;
- Attended a meeting on Brushy Peak with the Native American Community and District staff;
- Attended Livermore's State of the City presentation;
- Will be a judge at the Niles Dog Show;
- Will be attending the July 22<sup>nd</sup> Dublin/Schaefer Ranch Dedication.

Director Lane reported on meetings attended. Director Lane

- Attended the SPDF in Charleston, SC;
- Attended Rosie Bock's retirement event;
- Attended the regularly scheduled committee meetings this month;
- Commended the District's new brochure on California Oaks;
- Visited Sycamore Valley, stating that she believes the Shady Slope Trail needs to be re-worked by staff;
- Attended the July 4<sup>th</sup> parade in Danville, where the District's entry won the Community Services award;
- Will attend the Port Chicago Dedication on July 17.

#### D. PUBLIC COMMENTS

There were no public comments at this time.

#### E. ADJOURNMENT

The Board meeting was adjourned by Board Vice President Lane at 4:50 p.m.

Respectfully submitted:

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Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2010 – 7 - 166 to 2010 - 7 – 190.  
Board Committee Report