

The Board Meeting, which was held on April 19, 2016 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA was called to order at 12:30 p.m. by Board President Siden.

ROLL CALL

Directors Present: Doug Siden, President
Beverly Lane, Vice President
Dennis Waespi, Treasurer
Diane Burgis, Secretary
John Sutter
Ayn Wieskamp
Whitney Dotson

Directors Absent: None.

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

Director Dotson recused himself from the discussion of the Goodrick Avenue property in the Point Pinole Regional Shoreline due to the proximity to his home address.

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

Staff Present: Robert Doyle, Dr. Ana Alvarez, Debra Auken, Carol Victor, Carol Johnson, Erich Pfuehler, Mona Koh, Aaron Roth, Rob Lim, Mimi Waluch, Anne Kassebaum, Matt Graul, Liz Musbach, Mark Ragatz, Alicia Gonzales, Alan Love, Bob Nisbet, Bill Zenoni, Larry Tong, Julie Bondurant, Kelly Barrington, Tim Anderson, Carolyn Jones, Sean Dougan, Lance Brede, Michael McNally, Tiffany Margulici, Timothy Anderson, Linda Wu, Sean Dougan, Rachel Sater, Brad Gallup, Al Love, Anthony Ciaburro, Mark Ragatz, Dan Cuning, Mark Pearson, Mona Koh, Yulie Padmore, Ren Bates, Kristina Kelchner, Dania Stoneham, Jamie Perkins, Kym Anderson.

Guests: Diane Peterson and “Bigges”, Laura McCreery.

President Siden introduced Diane Peterson and her Australian Shepherd dog “Bigges”. Ms. Peterson demonstrated how she trained Bigges to retrieve plastic bottles and litter in our canyons and parks. President Siden presented them with a framed certificate of appreciation.

AGM Johnson introduced Laura McCreery, Oral History Project Director at the Institute of Governmental Studies at University of California, Berkeley. McCreery presented Director Lane with her oral history and had brief remarks acknowledging the public good achieved by Lane over the years. Lane appreciated working with Laura acknowledging that her history is a reflection of her life.

A. APPROVAL OF AGENDA

By motion of Director Sutter, and seconded by Director Lane, the Board voted unanimously to approve the Agenda.

Directors For: Diane Burgis, Whitney Dotson, Beverly Lane, Doug Siden, John Sutter, Dennis Waespi, Ayn Wieskamp.

B. PUBLIC COMMENTS

Kelly Abreu acknowledged the good work of Laura McCreery, asked for the opening date of Vargas Plateau and commented on the lack of the scheduled meetings of the Fremont citizens committee. The Board replied the opening date is May 4.

C. BUSINESS BEFORE THE BOARD

By motion of Director Sutter, and seconded by Director Dotson, the Board voted 4 to 3 to approve item j.

Directors For: Whitney Dotson, Beverly Lane, John Sutter, Ayn Wieskamp

Directors Against: Dennis Waespi, Doug Siden, Diane Burgis,

- j. Authorization to Award a Contract for Nimitz Way Hazardous 5 Wildland Fuels Reduction to The Professional Tree Care Company and Amend the 2016 Budget: Tilden Regional Park
Resolution No. 2016 – 04 – 087 (attached)

This item was pulled for a separate vote. Dan McCormick, Fire Chief introduced Brad Gallup, Fire Captain. Gallup described the project explaining that safety and no damage to the freshly paved asphalt were factors in awarding the contract to Professional Tree Care Company. Director Siden asked the rationale for the District choosing the contractor that bid \$175,000 over the bid for \$97,000. Carol Victor, District Counsel, clarified the legal point that staff can exercise discretion for this type of service and are not restricted to the lowest value. There was a distinct difference between the bidders' method on how to fell the trees.

Director Sutter inquired about the scope of the project; is this one treatment area, and is the project cost typical. Gallup clarified the scope of work, adding that it is one treatment area and nothing is typical. Director Waespi expressed concern about the bid differences and asked for the length of the asphalt and the estimated costs to repair the asphalt. Gallup said about 1000 to 1200 feet long. Director Burgis reiterated that the consideration was trail protection, safety, and possibly taking on additional costs for asphalt repair. Burgis stated that staff should consider making these a part of the bidding process or give the bidder an opportunity to meet the requirements for transparency. Director Wieskamp asked if this is time sensitive. Gallup replied it was. Victor explained the callouts in the proposal which identified protection of Nimitz Way, having flaggers and public safety which had to be addressed. Director Dotson explained the differences in how trees are felled. One approach is to cut them down and fall, the other is for climbers who will cut, tie the pieces, and lower them down without causing damage to the asphalt.

Expert Tree Service, Brian Gates spoke explaining his long relationship of successful projects with the Park District. Gates passed out a letter which expressed his position on not being awarded this contract. He explained his company, his safety record, and his experience in working around asphalt. Director Wieskamp asked him if he would fix any damage, Gates said he would. GM Doyle acknowledged that Mr. Gates does excellent work and yet staff's professional judgement chose Professional Tree Care Company. Doyle added that grant money needs to be spent by the end of September. President Siden asked for a roll call vote. The motion carried 4 to 3.

Director Sutter said that the vote does not indicate a lack of confidence in Expert Tree Service.

CONSENT CALENDAR

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted unanimously to approve the Consent Calendar.

Directors For: Diane Burgis, Whitney Dotson, Beverly Lane, Doug Siden, John Sutter,
Dennis Waespi, Ayn Wieskamp.
Directors Against: None.

- a. Approval of District Check Listing for the Period of March 7, 2016 to March 20, 2016
Resolution No. 2016 – 04 – 088 (attached)

Approval of the Minutes for the Board Meeting of April 5, 2016

- c. Authorization to Convey Real Property to Alameda County Flood Control and Water Conservation District – P-Line Parcel Between Ardenwood Boulevard and Paseo Padre Parkway (APN 543-0439-043-00): Coyote Hills Regional Park
Resolution No. 2016 – 04 – 089 (attached)
- d. Authorization to Transfer Budgeted Funds for Public Access Improvements at the Tidewater Use Area: Martin Luther King Jr. Regional Shoreline
Resolution No. 2016 – 04 – 090 (attached)

Director Sutter congratulated staff and asked if this authorization completed the Flexivan property. Ren Bates, Landscape Architect and Project Manager confirmed project completion with the improvements in the plan. President Siden wanted to see the entire project. GM Doyle stated that staff cannot give complete project cost until the project is designed. Bates added that there will be a full master plan and this transfer of funds will scope out the site. GM Doyle said there are Measure WW bond funds for MLK shoreline.

- e. Authorization to Enter Into a Trail Segment Certification Agreement With the National Park Service for the Certification of Existing Segments of the Juan Bautista De Anza National Historic Trail
Resolution No. 2016 – 04 – 091 (attached)

Sean Dougan, Trail Development and Trail Manager explained the certification of the 163 miles.

- f. Authorization to Designate the Big Break Regional Shoreline Trail as an Addition to the Great California Delta Trail
Resolution No. 2016 – 04 – 092 (attached)

Director Sutter asked if both trails are coterminous or partially. Dougan answered that eventually there will be potential overlap.

- g. Authorization to Purchase Two John Deere Tractors from John Deere Company
Resolution No. 2016 – 04 – 093 (attached)

- h. Authorization to Enter into a Sole Source Service Agreement with Advanced Helicopter Services to Complete a 3500 Hour Main Transmission Component Overhaul: Public Safety Division
Resolution No. 2016 – 04 – 094 (attached)

- h. Approval of Sole Source Agreement for Replacement/Purchase from Airbus Helicopters of Starflex Main-Rotor Hub for the District's Helicopter: Public Safety Division
Resolution No. 2016 – 04 – 095 (attached)

- k. Authorization to Transfer and Appropriate the Administrative Allowance from the “2006 New Year’s Storms” Federal Emergency Management Agency Projects: District Wide
Resolution No. 2016 – 04 – 096 (attached)

- l. Authorization to Apply to the East Bay Municipal Utility District Water Smart Garden Grant for the Demonstration Garden Project: Crown Memorial State Beach
Resolution No. 2016 – 04 – 097 (attached)

Director Lane asked if staff is applying for grants for land that we operate on EBMUD property. Dania Stoneham Recreation Areas Unit Manager said these grants are for EBMUD water sources and the District uses EBMUD water at Crown Beach. Since then staff has learned more about the grant and are looking for other funding sources.

- m. Authorization to Appropriate Funds and Apply for Federal Grant Funds for Replacement of Campground Restrooms at Del Valle State Recreation Area: Del Valle Regional Park
Resolution No. 2016 – 04 – 098 (attached)

- n. Authorization to Apply for Grant Funds from the State of California, Department of Water Resources for Water Safety Programs: District Wide
Resolution No. 2016 – 04 – 099 (attached)

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

By motion of Director Sutter, and seconded by Director Waespi, the Board voted unanimously to approve item 2a.

Directors For: Diane Burgis, Whitney Dotson, Beverly Lane, Doug Siden, John Sutter, Dennis Waespi, Ayn Wieskamp.

Directors Against: None.

- a. Approval of the Land Use Plan Amendment (LUPA) for the McCosker Parcel: Robert Sibley Volcanic Regional Preserve
Resolution No. 2016 – 04 – 100 (attached)

Larry Tong, Chief of Planning & GIS introduced Julie Bondurant, Principal Planner. Bondurant gave a brief history on this checklist amendment discussing the Phase I safety improvements and the opening of a 3 mile trail. Director Sutter was pleased to see this moving forward and asked if 10 parking places are enough. Bondurant replied there is a limit to what the existing conditions can provide in the already

disturbed areas. This amendment will help to determine the usage at the site. Sutter asked the rationale for naming the staging area. Bondurant said that Wilcox was a Railroad stop in Canyon and staff recommended the naming. Director Lane asked the status of obtaining an easement for the trail from EBMUD. Bondurant said it will probably be a license agreement. Lane and Siden agreed that the Wilcox name is appropriate.

Members of the Canyon Community addressed the Board expressing that they did not support this plan, believed that the community was not properly notified, urged the Board to delay the vote, urged the Board not to approve the plan because of CEQA and lack of environmental compliance, mentioned increased traffic, the fragility of this community, and whether dogs should be allowed in this endangered habitat location. Bondurant replied that at the public meeting the LUP was discussed, and CEQA will be required, the Wilder project is not a part of this project and there will not be any ground disturbance. Dog usage will be consistent with Ordinance 38. The District has more than doubled the size of Sibley, adding about 750 acres of permanently preserved land in a wildlife corridor. Director Lane asked about the notification process staff used. Bondurant said this meeting was noticed extensively through various mailing lists, and given to community organizations in Canyon, Orinda, and Moraga. The meeting was held at Trudeau where input was received and stakeholder meetings will be held. Sutter asked for clarification regarding the speakers' point on the piecemeal development, and not following the CEQA process. Bondurant explained that Phase I is a categorical exemption with no new construction. Tong added that this stand-alone project would go forward with or without the Sibley LUP. Director Wieskamp asked if staff has looked into safety concerns on the road. Bondurant said staff has been in touch with Contra Costa County Transportation Authority and will work with them to get a baseline on current traffic and possible design improvements. President Siden asked how many were present at this meeting. Bondurant said about 60-70 people. Sutter had comments about the presentation and that the notification given to the community could have been better.

3. LEGAL DIVISION

By motion of Director Burgis, and seconded by Director Sutter, the Board voted unanimously to approve item 3a.

Directors For: Diane Burgis, Whitney Dotson, Beverly Lane, Doug Siden, John Sutter,
Dennis Waespi, Ayn Wieskamp.
Directors Against: None.

PUBLIC HEARING

- a. An Ordinance of the East Bay Regional Park District Amending Ordinance 38: Rules and Regulations
Ordinance No. 2016 – 04 – 101 (attached)

GM Doyle introduced this item and Lt. Love's PowerPoint presentation provided background on the 2 year review and update of Ordinance 38 which was accepted by staff and facilitated through public safety. The Smoke Free Parks amendment was discussed and a white paper was drafted. Love identified cities that prohibit smoking. Director Waespi asked if there was any accommodation for employees. Love answered Park District employees are exempt and will follow the guidelines to establish an employee smoking area. Director Burgis asked the reason for allowing smoking in campgrounds and about concessionaires smoking. Love replied that smoking is allowed in overnight campsites, concessionaires cannot smoke and there is no smoking on golf courses. AGM Anderson added that the GM can suspend Ordinance 38. Director Lane attended the PAC meeting where the smoking ban was discussed, adding that they suggested evaluating the ban with campground staff. Sutter complimented staff on how this was handled and how those various alternatives will impact the public and staff. Doyle commended Save the Bay for their advocacy. Burgis recommended encouraging proper disposal of cigarettes at campsites. Wieskamp suggested a program to help employees quit smoking. There was discussion

amongst the Board members on drones and their impacts on safety of aircraft and the consequences of noncompliance.

The Public Hearing was opened. Ethan Tucker of Save the Bay and Allison Chan spoke on having a 100% smoke free park experience. Doyle stated that every 2 years the District does a total review of Ordinance 38 and thanked Lt. Love and Save the Bay for their work. Victor announced that there was a revision on the resolution of Ordinance 38 handed out to the Board. The public hearing was closed.

4. BOARD AND STAFF REPORTS

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

General Manager Robert Doyle discussed those items listed on the staff report.

5. GENERAL MANAGER'S COMMENTS

Michael McNally, Acting Facilities Manager outlined the Office Services departmental structure. He highlighted the switchboard/reception desk, copy room, messenger services/mail room, central stores and facility services. McNally discussed the 2015 completed projects: Board room remodel, Finance offices reconfiguration, the boiler replacement, as well as the 2016 projects for the main office, private offices, and cubicle reconfigurations. Upcoming projects are the lower lawn parking lot, ADA access improvements and the elevator modernization project.

6. ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements.

7. BOARD COMMITTEE REPORTS

- a. Operations Committee (1/21/16) (Sutter)
- b. Operations Committee (2/18/16) (Sutter)
- c. Executive Committee (3/04/16) (Sutter)

8. BOARD COMMENTS

Director Siden reported on meetings attended. Director Siden

- Attended the joint working session with HARD;
- Appreciation for the 2016 Pocket Facts;
- Held his Crown Beach staff appreciation;
- Commended Carol Johnson for the most money raised by the Regional Parks Foundation;
- Attended the California Trails & Greenways Conference;
- Attended the Board field trip;
- Attended the Finance workshop.

Director Lane reported on meetings attended. Director Lane

- Attended the Finance workshop;
- Attended the California Trails & Greenways Conference;
- Toured Black Diamond with Interpretive Parklands Unit Manager Terry Noonan;
- Attended the Board field trip;
- Attended the joint working session with HARD.

Director Sutter reported on meetings attended. Director Sutter

- Attended the Canyon meeting;
- Attended the Contra Costa Liaison Committee meeting;
- Attended the joint working session with HARD;
- Attended the Legislative Committee meeting;
- Attended the Operations Committee meeting;
- Attended the Finance workshop.

Director Waespi reported on meetings attended. Director Waespi

- Attended a meeting organized by Asm. Quirk;
- Attended the joint working session with HARD;
- Attended the HASPA meeting;
- Attended the Board field trip;
- Attended a Fairview stakeholders meeting;
- Attended the Legislative Committee meeting;
- Attended Finance workshop.

Director Burgis reported on meetings attended. Director Burgis

- Attended the ABAG Regional Planning Committee meeting;
- Attend the Legislative Committee meeting;
- Attended the joint working session with HARD;
- Attended the Board field trip;
- Attended the Finance workshop.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Delivered the basket to the YMCA for the Valley golf tournament
- Attended the Alameda Mayors Conference in Newark;
- Attended a picnic at Tesla;
- Attended the Finance workshop;
- Attending the Dublin State of the City;
- Attended Board field trip.
- Attended the joint working session with HARD;
- Will tour Pleasanton Ridge.

Director Dotson reported on meetings attended. Director Dotson

- Attended the California Trails & Greenways Conference;
- Attended the Board field trip;
- Attended the Finance workshop;
- Attended the joint working session with HARD.

D. ADJOURNMENT

The meeting was adjourned at 5:46 pm by Board President Doug Siden.

Respectfully submitted:
/s/ Yolande Barial Knight
Clerk of the Board