

The Board Meeting, which was held on May 6, 2014 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland CA 94605 was called to order at 12:45 p.m. by Board President Ayn Wieskamp.

ROLL CALL

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

Directors Absent: None.

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

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

Staff Present: GM Robert Doyle, Jim O'Connor, Bob Nisbet, Dave Collins,
Police Chief Tim Anderson, Diane Althoff, Anne Scheer, Mona Koh, Bob Nisbet,
Liz Musbach, Jeff Rasmussen, Mimi Waluch, Renee Patterson, Jason McCrystle,
Kelly Barrington, Jim Townsend, Suzanne Lusk, Linda Wu,

A. APPROVAL OF AGENDA

President Wieskamp announced that a critical item came up after the printing and circulation of today's Board meeting agenda and requested for the Board's approval for its addition to the Open Session/Consent Calendar:

C-I-x: Authorization to Accept the Sole Source Bid for Carpet Replacement:
Environmental Education Center/Tilden Nature Area

By motion of Director Siden and seconded by Director Radke, the Board voted unanimously to approve the Agenda with the addition of item C-I-x:

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

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 Sutter, the Board voted unanimously to approve the Consent Calendar, except items C-I-b and C-I-u which were pulled for separate consideration:

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

Directors Absent: None.

- a. Approval of District Check Listing for the Period of March 24, 2014 through April 6, 2014
Resolution No. 2014 – 05 - 097 (attached)
- c. Authorization to Negotiate with Various Property Owners
Resolution No. 2014 – 05 - 098 (attached)
- d. Approval of Resolution Ordering and Giving Notice of an Election to be Held in the East Bay Regional Park District for the Purpose of Electing Four Directors and Requesting the Board of Supervisors of Alameda and Contra Costa Counties to Consolidate the District Election with the Statewide General Election Being Held November 4, 2014
Resolution No. 2014 – 05 - 099 (attached)
- e. Authorization to Apply for Federal Grant from the U.S. Department of Justice for Solving Cold Cases through DNA Analysis
Resolution No. 2014 – 05 - 100 (attached)
- f. Authorization to Apply to Caltrans for Federal Funding from the Active Transportation Program: Pinole Shores to Bay Front Park Bay Trail
Resolution No. 2014 – 05 - 101 (attached)
- g. Authorization to Apply to the Environmental Protection Agency for Federal Grant Funds from the San Francisco Bay Water Quality Improvement Fund for the Bay Point Wetland Restoration and Public Access: Bay Point Regional Shoreline
Resolution No. 2014 – 05 - 102 (attached)
- h. Authorization to Apply for Grant Funds from the Environmental Enhancement and Mitigation Program for Tyler Ranch Staging Area: Pleasanton Ridge Regional Park
Resolution No. 2014 – 05 - 103 (attached)
- i. Authorization to Transfer Funds, Reconcile Capital Project Budget and Augment the Construction Contingency for Sewer Improvements at the Tilden Nature Area and Environmental Education Center: Tilden Regional Park
Resolution No. 2014 – 05 - 104 (attached)
- j. Authorization to Augment Construction Contingency for the San Francisco Bay Trail Martinez Intermodal to Crockett: Carquinez Strait Regional Shoreline
Resolution No. 2014 – 05 - 105 (attached)
- k. Authorization to Purchase Five Ford Expedition Special Service Vehicles
Resolution No. 2014 – 05 - 106 (attached)
- l. Authorization to Purchase Two Kubota Tractors
Resolution No. 2014 – 05 - 107 (attached)

- m. Authorization to Accept the Bid from California Paving Maintenance for District-wide Parking Lot Slurry Seal and Stripe
Resolution No. 2014 – 05 - 108 (attached)
- n. Resolution to Support the Alameda County Essential Health Care Service Tax Ordinance
Resolution No. 2014 – 05 - 109 (attached)
- o. Resolution to Support the Rodeo Hercules Fire District Assessment
Resolution No. 2014 – 05 - 110 (attached)
- p. Authorization to Enter Into and Exercise a Purchase and Sale Agreement and Transfer Funds for the Acquisition of 1,056± Square Feet of Real Property from the Arkansas Bandag Corporation: Martin Luther King Jr. Regional Shoreline
Resolution No. 2014 – 05 - 111 (attached)
- q. Authorization to Enter into a License Agreement with the California Department of Fish and Wildlife, the California Department of Water Resources, and the United States Bureau of Reclamation for Use and Maintenance of a Park Roadway: Antioch/Oakley Regional Shoreline
Resolution No. 2014 – 05 - 112 (attached)
- r. Authorization to Accept a Proposal and Encumber Funds for Consulting Services to Perform Construction Management for Breuner Marsh Restoration Project - Phase I Grading: Pt. Pinole Regional Shoreline
Resolution No. 2014 – 05 - 113 (attached)
- s. Authorization to Amend the 2014 Budget and Appropriate Funds for the Replacement of the Microwave Antenna: Del Valle Regional Park
Resolution No. 2014 – 05 - 114 (attached)
- t. Approval of Refund in the Amount of \$118,792.90 to Stonebrae L.P. from the Walpert Ridge Zone of Benefit (ZB-3) of the Alameda County/Contra Costa County Regional Trails Landscaping and Lighting District (A/CC-1,2)
Resolution No. 2014 – 05 - 115 (attached)
- v. Authorization to Partner with Conservation Corps on State-Funded Conservation Crew Grants: District-wide
Resolution No. 2014 – 05 - 117 (attached)
- w. Authorization to Enter into a Professional Services Contract with Laura McCreery to Conduct Executive Oral Histories for Board Directors Beverly Lane and Ayn Wieskamp
Resolution No. 2014 – 05 - 118 (attached)
- x. Authorization to Accept the Sole Source Bid for Carpet Replacement: Environmental Education Center/Tilden Nature Area
Resolution No. 2014 – 05 - 119 (attached)

Item C-I-b was pulled for separate approval to allow Director Radke to abstain since he was absent from the April 1, 2014 Board meeting:

- b. Approval of the Minutes for the Board Meeting of April 1, 2014

By motion of Director Sutter and seconded by Director Lane, the Board voted unanimously to approve item C-I-b:

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

Item C-I-u was pulled for separate consideration and approval:

- u. Authorization to Enter into a One-Year Extension Agreement with Sunrise Mountaineering Inc. to Operate a Kayak Concession: Del Valle Regional Park

A motion made by Director Lane to enter into a one-year extension agreement with Sunrise Mountaineering, which was seconded by Director Severin, was not adopted by the following vote:

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

By motion of Director Sutter and seconded by Director Siden, the Board voted to enter into a concession agreement with Outback Adventures for a three-year period as originally recommended by staff:

Resolution No. 2014 – 05 - 116 (attached)

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

Board President Ayn Wieskamp recused herself from the discussions on this particular item and read a statement on her action. President Wieskamp left the meeting at this time, with Vice President Whitney Dotson acting as the Presiding Officer.

Mimi Waluch, Revenue Manager, provided a brief background on this item, stating that a recommendation to award the RFP to Outback Adventures was based on its proposal and proven record of success in a similar operation in Santa Clara. She added that Outback's proposal included a commitment to improving the existing operations by building a new rental office facility and expanding the activities to include kayaking, stand-up paddle boarding, bike rentals, picnicking, and possibly windsurfing and windsailing, and placing a high priority on increasing participation, customer safety and staff training. Sunrise Mountaineering's proposal offered to continue its current operations which provides a satisfactory to good level of service at the park focused on kayaking rentals. Sunrise also has a retail store in downtown Livermore which also supports its Del Valle activities and vice-versa. Their proposal did not include an expanded lessons program, biking, and water sports as offered by others responding to the RFP. Ms. Waluch added that Sunrise Mountaineering's proposal also ranked lower as it did not include any significant investment into improving the existing rental office or storage

facility. Additionally, park staff has also documented concerns regarding the lack of communication over the past few years regarding sponsoring special events without proper notification.

Ms. Waluch also clarified that the RFP specifically states that the Board of Directors reserves the right to reject any and all proposals, to modify the terms of the request either before or after the deadline for submission of the proposals, to negotiate with one or more of the proposals, to call for additional proposals, or to refrain from accepting any of the proposals. She indicated that protests have been received from both Sunrise Mountaineering and Outback Adventures.

Ms. Waluch stated that this item was first presented to the Board Operations Committee at its February 2014 meeting, and a second time at its April 2014 meeting for reconsideration with a more detailed examination of the RFP process. At the April meeting, two alternatives were recommended; the award of the concession contract to Outback Adventures or a one-year contract extension to Sunrise Mountaineering.

In response to a question from Director Sutter, Ms. Waluch explained the District's selection process and ranking system. She also provided some clarification regarding the issue of communications with Sunrise Mountaineering, stating that there were instances wherein park staff was not properly advised of special events conducted by the concessionaire. Ms. Waluch also indicated that Sunrise was diligent in remitting funds owed to the District.

Christina Kemp, Jay Ganjei and Travis Miranda of Outback Adventures, and Attorney Ethan Friedman, addressed the Board and spoke about their experience, qualifications and plans for operating the concession at Del Valle. They expressed their concern over the RFP process and disappointment over the Operations Committee's decision not to choose Outback Adventures when they were highly recommended by District staff over the other proposals received.

Kim Grandfield of Sunrise Mountain Sports, the current concessionaire, reiterated that they have overwhelming support from the local community as evidenced by the petition received by the Board. He added that they have increased the business year-over-year as the concessionaire. Mr. Grandfield also stated that they have not been advised of any communication problems with park staff until the Operations Committee meeting in February 2014. He added that he was out of town due to a death in the family during the RFP interviews, and although a phone interview was arranged, he received an email cancelling it. In effect, he felt that the process was not fair to him. He reminded the Board that the Operations Committee in fact chose Sunrise over Outback.

GM Doyle clarified that the Board does not always follow the staff's recommendation in its decision process, contrary to a statement made by a speaker during public comments; it is the Board's job to make their decision based on the information they receive.

Director Lane commented that it is clear that the concessionaires are proud of what they do. This item has been brought before the Operations Committee twice, with the second meeting having more information on the RFP process and where they heard comments from supporters of both sides. She stated that in the end, it was important to the committee that Sunrise was the current concessionaire, paid on time, and had substantial public support. She also noted that Mr. Grandfield should have been personally interviewed like the other proposers. At the second Operations Committee meeting, although staff had been consistent with their recommendation, she and Director Severin chose the alternate recommendation, which is to award a one-year extension to Sunrise, with an option for renewal.

Director Sutter indicated his concern regarding the entire RFP process and noted the striking difference in the evaluation of the proposals received versus the recommendation from the Operations Committee. He was also concerned with the signal/message being sent to participants of future RFP's. Director Sutter stated that staff

did a thorough job in their evaluation of the proposals and was concerned that park staff who would have the most contact with the concessionaire gave Sunrise the lowest rating. While he appreciated the work of the committee, he clarified that the Board is not bound by the Committee's decision, just as the Committee is not bound by the staff recommendation. Director Sutter, looking at everything presented found the staff recommendation preferable and was inclined to vote for Outback.

Director Siden also noted it significant that park staff, who were most closely connected with the concessionaire, rated Sunrise below the rest.

Director Sutter commented that he felt it was very unfortunate that Outback Adventures and its attorney made some rather heated comments about Director Wieskamp. He stated that the Board respects Director Wieskamp and that she's had a long history of good service and there was no conflict of interest. This issue was discussed with the District Counsel, who has advised that there was no conflict under the law, which he thought was good advice as he was a former lawyer and judge. Director Sutter added that Director Wieskamp is very sincere and does her job with great integrity, and that he did not want anyone to think otherwise.

2. GENERAL MANAGER

- a. Authorization to 1) Accept Deed from Geoffrey M. Griffin, Trustee of the Armand Borel Trust Dated June 20, 1994, as amended and Restated in 2008 for Real Property Located at 3020 Fostoria Way, Danville, California; 2) Accept Any and All Other Personal Property of the Trust; and 3) Provide a New Loan Evidenced by a Promissory Note in an Amount up to Eight Hundred Thousand Dollars (\$800,000) to the Trust (Real Property of the Estate of Armand Borel)
Resolution No. 2014 – 05 - 120 (attached)

By motion of Director Lane and seconded by Director Sutter, the Board voted unanimously to approve Item C-2-a:

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

District Counsel Ted Radosevich provided a brief presentation and history on this item. He stated that the court has responded to a District petition to deed the property to the District in return for funding sufficient to pay the estate's outstanding debts. The acceptance of the property will allow the District to have control of the property and deal with the substantial IRS liens on it.

3. BOARD AND STAFF REPORTS

GM Doyle reported on the items listed on the staff report.

GM Doyle added that he testified at the State Senate Transportation Committee on a new bicycle bill which has the potential to fund paved and unpaved trails in the District. He also stated that he spent some time with National Park Service Director John Jarvis in San Francisco who was asked to speak before the Parks Forward Commission. In addition, the District hosted the U.S. Interior Secretary Sally Jewell at Black Diamond Mines on May 5 to celebrate the "best successful HCP partnership" in the nation.

4. GENERAL MANAGER'S COMMENTS

Human Resources Officer Bismarck Blanco provided a brief presentation to update the Board on the Field Internship Program. He stated that the internship program has been expanded through the years by partnering with San Francisco State University, Cal State East and the University of California and more recently, with community colleges and vocational schools to provide hands-on training to interested students. He added that this was made possible via an agreement with Local 2428 with the intent to hire students seeking vocational training or a career as a Park Ranger.

GM Doyle announced that today is Chief of Park Operations Anne Scheer's last day after 40 years with the Park District.

5. ANNOUNCEMENTS FROM THE CLOSED SESSION

President Ayn Wieskamp announced that the Board, with a vote of 7-0, unanimously approved the settlement of the Workers' Compensation Claim of Thomas Keefe:

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

Approval of Settlement of Workers' Compensation Claim of Thomas Keefe
Resolution No. 2014 – 05 – 096 (attached)

6. BOARD COMMITTEES

a.	Executive Committee	(4-10-2014)	(Wieskamp)
b.	Natural/Cultural Resources Committee	(3-11-2014)	(Dotson)

7. BOARD COMMENTS

Director Sutter reported on meetings attended. Director Sutter

- Attended the meetings of the Executive and Legislative Committees;
- Attended the SF Bay Restoration Authority meeting, wherein there is discussion to submit a parcel tax to the voters for the November elections;
- Attended the EBMUD Liaison Committee meeting;
- Attended the Special Park Districts Forum in Orange County;
- Had a meeting with Oakland Mayor Quan and Superintendent of Schools Yee and representatives of Chabot Space and Science Center relating to CSSC's funding problems; he pointed out at the meeting that the JPA agreement states that that CSSC is not supposed to request funds from the District;
- Mentioned that he was working on the possibility of having Gateway Park be considered as a location for the George Lucas Museum.

Director Dotson reported on meetings attended. Director Dotson

- Attended the scheduled Board and Board Committee meetings and Finance workshop;
- Attended the Point Molate Beach Park Opening as sponsored by the Richmond City Council;
- Attended the Breuner Marsh Dedication on April 22;
- Attended the Special Park Districts Forum in Orange County from April 30 – May 2.

Director Siden reported on meetings attended. Director Siden

- Attended the Legislative Committee meeting;
- Attended the Special Park Districts Forum in Orange County;
- With AGM of Land Bob Nisbet, attended the San Leandro City Council meeting last night wherein District staff Diane Althoff and Michelle Julene gave a presentation on Oyster Bay;
- Announced the petition by Friends of Crown Beach gathered enough signatures (submitted to the Registrar of Voters for verification) to have a ballot on the November elections.

Director Lane reported on meetings attended. Director Lane

- Attended the Special Park Districts Forum in Orange County;
- Attended her regularly scheduled Board, Committee and Liaison Committee meetings;
- Attended the Cong. George Miller Youth Fundraising event;
- Attended the Black Diamond Mines/HCP event with US Dept. of Interior Secretary Sally Jewell in attendance;
- Working on an 80th Anniversary exhibit at the San Ramon Valley Museum;
- Mentioned that she noticed that Tassajara Creek Regional Park is no longer on the Master Plan map and asked for a future staff discussion;
- Regarding future RFP's, asked that more information be provided to the Board Operations Committee early on in the process.

Director Severin reported on meetings attended. Director Severin

- Attended the Special Park Districts Forum in Orange County;
- Attended her scheduled Board and Board committee meetings;
- Will attend the CARPD Awards Ceremony on Saturday, May 17 in South Lake Tahoe.

Director Radke reported on meetings attended. Director Radke

- Suggested that the "seal picture" on the Board agenda cover page be replaced.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended Newark's State of the City event;
- Attended the Board Finance Workshop;
- Attended the LARPD/EBRPD Liaison Committee meeting;
- Attended her regularly scheduled Board and Board committee meetings;
- Attended the League of Women Voters Luncheon.

D. WORKSHOP TO REVIEW THE RECENT NRPA LEGISLATIVE FORUM

Directors Lane, Siden, Dotson met with staff to discuss the results of the meetings conducted in Washington, DC with Congressional representatives.

E. ADJOURNMENT

The meeting was adjourned at 5:20 pm.

Respectfully submitted:

Allen Pulido
Clerk of the Board