

The Board Meeting, which was held November 7, 2017 at the East Bay Regional District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:40 am by Board President Beverly Lane.

ROLL CALL

Directors Present: Beverly Lane, President
Dennis Waespi, Vice President
Ayn Wieskamp, Treasurer
Ellen Corbett, Secretary
Whitney Dotson
Dee Rosario
Colin Coffey

Directors Absent: None

PUBLIC COMMENTS:

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 1:10 p.m. by President Lane.

Staff Present: Robert Doyle, Ana Alvarez, Debra Auker, Carol Victor, Carol Johnson, Steve Castile, Anne Kassebaum, Liz Musbach, Dave Mason, Matt Graul, Jim O'Connor, Kelly Barrington, Acting Captain Al Love, Mona Koh, Erich Pfoehler, Lt. Lance Brede, Kip Walsh, Suzanne Wilson, Sean Dougan, Ren Bates, Deborah Spaulding, Dave Sumner, Michael McNally, Bob Nisbet, Chris Barton, Tiffany Margulici, Renee Patterson Mimi Waluch, Kristina Kelchner

Guests: KNN Public Finance Financial Advisors: David Brodsly and Nedko Nedev
Jones Hall: Bond Counsel's Steve Melikian and Katie Dobson
Barb Johnson, Congressman Miller's office
YES: Eric Aalon and Peter Flom

President Lane opened the meeting and adjourned for cake to welcome Kip Walsh to the District as the new Human Resources Manager. The meeting was reopened at 1:32 pm.

A. APPROVAL OF AGENDA

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

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

B. PUBLIC COMMENTS

Kelly Abreu spoke about the lawsuit that was filed to seek to stop the parking lot at Mission Peak.

John Helms, docent at Botanic Garden, spoke to request increasing 2 park staff employees' hours at Botanic Garden. Helms talked about the grant that his group has obtained to help in this endeavor. Rosemary Hardy, Chair of the Docent Steering Committee, Liz Horowitz, a docent at Botanic Garden and a member of the Friends of the Regional Parks, David Shererts, a docent and board member of the Friends of Botanic Garden and Renee Cohen, a docent who read a letter into the record, spoke in favor of increasing staff hours for the Botanic Garden. Jim O'Connor, AGM Operations, explained the process by which the Park District manages staff requests. O'Connor talked about staff turnover, expansion of use District-wide and the challenge on how to manage the budget request. He thanked the volunteers present at the meeting, and all Park District volunteers. O'Connor explained that this year, Operations has received 41-FTE's staffing positions. Chief of Operations, Steve Castile and O'Connor will set a meeting with the Botanic Garden Friends group. GM Doyle commented that if the District receives a grant to bring more people into the Garden, it will increase staffing needs and those needs should be addressed in the grant.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Corbett, and seconded by Director Rosario, the Board voted unanimously to approve the **Consent Calendar**.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

Directors Absent: None.

- a. Approval of District Check Listing for the Period of September 18, 2017 to October 8, 2017
Resolution No. 2017 – 11 - 300 (attached)

Approval of the Minutes for the Board Meeting of October 3 and October 17, 2017

- c. Authorization to Negotiate with Various Property Owners
Resolution No. 2017 – 11 - 301 (attached)
- d. Finding of Necessity for Emergency Work to Avoid Impending and Further Damage to Property as a Result of Gradual Earth Movement; and Authorization of an Emergency Contract: Kennedy Grove Regional Recreation Area
Resolution No. 2017 – 11 - 302 (attached)

Director Rosario asked if the outfall from the private properties contribute to the failure and is there a possibility of cost sharing. District Counsel Victor agreed with Rosario adding the District will look into cost sharing.

- e. Authorization to Execute a Consulting Services Contract with Interactive Resources, Inc. for Design and Construction Administration of the Dumbarton Quarry on the Bay Campground Service Yard: Coyote Hills Regional Park
Resolution No. 2017 – 11 - 303 (attached)

Director Wieskamp commented that this is a good example of smart planning from staff.

- f. Authorization to Apply for Grant Funds through the Bay Area Ridge Trail Council and California Coastal Conservancy for Construction of the Bay Area Ridge Trail in Fremont: Garin Regional Park to Nilcs Canyon
Resolution No. 2017 – 11 -304 (attached)
- g. Authorization to Apply for Grant Funds from the San Francisco Bay Restoration Authority for Restoration Projects: Coyote Hills Regional Park and Alameda Point
Resolution No. 2017 – 11 - 305 (attached)
- h. Authorization to Apply for Grant Funds from the California Department of Boating and Waterways for Boat Launch Improvements: Martin Luther King Jr. Regional Shoreline
Resolution No. 2017 – 11 - 306 (attached)

Director Rosario asked the status of the Doolittle trail alignment. Ren Bates, Capital Program Manager reported that the alignment was taken to BCDC and to the Executive Committee. Staff is finishing CEQA documentation and at the beginning of 2018 will work on 90% CDs. Even though this grant will add funds, the project is still underfunded by \$4 million.

- i. Authorization to Apply for Federal Grant Funds for Public Access Improvements: Martin Luther King Jr. Regional Shoreline
Resolution No. 2017 – 11 - 307 (attached)

Director Rosario asked if there is consideration of a service yard at MLK. Ren Bates, Capital Program Manager, replied yes, and staff will look into it. President Lane asked if the LUP amendment has been done. Bates said that staff are using the LUP for the Tidewater property, adopted in 1977, and in this initial phase staff will not go beyond what that LUP proposes.

- j. Authorization to Renew the Concession Agreement with Outback Adventures: Del Valle Regional Park
Resolution No. 2017 – 11 -308 (attached)

Director Wieskamp requested staff respond to a letter received regarding this item. Mimi Waluch, Business Services Manager, previously read and reviewed the letter from Mr. Pierpont regarding the two-year option. Waluch replied to some of the points outlined in the letter; a written response will be crafted and sent. Staff is satisfied with the concessionaire.

- k. Authorization to Transfer and Appropriate Funds for Procurement of Computerized Maintenance Management Software
Resolution No. 2017 – 11 - 309 (attached)
- L. Resolution to Support H.R. 3768 (Quigley D-IL) – Reducing Waste in National Parks Act
Resolution No. 2017 – 11 - 310 (attached)

Director Waespi stated he hoped the Park District would consider doing a similar ban and outreach to the Park District's concessionaires and park users. Erich Pfuehler, Legislative Manager, replied that there was a robust conversation at the next Climate Action meeting and will look into this for the District's use.

- m. Authorization to Transfer and Appropriate Funds to Design and Install a New Coal Mine Exhibit: Black Diamond Mines Regional Preserve
Resolution No. 2017 – 11 - 311 (attached)

2. FINANCE AND MANAGEMENT SERVICES DIVISION

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

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

- a. Authorizing the Issuance and Sale of Measure WW General Obligation Bonds, Series 2017A and 2017 General Obligation Refunding Bonds, and Approving Related Bond Documents and Actions
Resolution No. 2017 – 11 - 312 (attached)

Debra Auker, CFO, Finance and Management Services introduced KNN Finance, Bond Counsel, Rachel Sater and Carol Victor, all who were a part of this team. The team presented a presentation to Moody's and as a result, received AAA ratings. Deborah Spaulding, AFO, focused her presentation on recapping the New WW Bond Issuance, advanced refunding of 2009 bonds, cost of debit service to tax payers, and Certified Green Bonds. Green bonds proceeds need to be used on environmental projects.

Director Coffey, recalled that at the Finance meeting, he thought the entire issuance was green and questioned why the distinction was made at \$30 million. Spaulding replied that even though the total bond is \$80 million, she wanted to be conservative with the Park District's first issuance of \$30 million, to make sure the projects are 100% certifiable. President Lane stated green bonds need to be environmental and efficient. GM Doyle answered that since this is the first time, the Park District wants to be innovative, but protect the bond rating. Director Waespi said that he is always amazed at the hardworking staff and the generous voters. GM Doyle commented that this is an opportunity to look at what the Park District wants to invest in as opposed to what not to invest in. Director Wieskamp stated this is an opportunity to be proactive. Director Corbett thanked staff for the outstanding innovation

3. ACQUISITION, STEWARDSHIP AND DEVELOPMENT DIVISION

By motion of Director Waespi, and seconded by Director Dotson, the Board voted unanimously to approve Item **C-3-a**.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

- a. Authorization to Appropriate Measure WW Development Funds for Trail Planning and Construction and to Execute a Contract for Services with Nichols Consulting Engineers, Inc. for Environmental Analysis and Permitting: Dunsmuir Heights to Chabot Regional Trail
Resolution No. 2017 – 11 - 313 (attached)

Sean Dougan, Trails Development Program Manager introduced Suzanne Wilson, Senior Planner who will present. Wilson stated that Nichols Consulting Engineers (NCE) were chosen after a competitive process with 4 consultants. Wilson went through the CEQA process. As a part of the agreement, the City will donate a recreational trail easement. Wilson used maps to describe and point out locations, roads and trails. Director Corbett asked since there are deconstruction materials from the Cypress freeway structure at the site, whose responsibility will it be to clean it up? Wilson answered that she will have to navigate with the City of Oakland as it is their property. Director Rosario asked if the trail was for hikers only. Wilson replied it is being designed as multiuse. Rosario asked if there was an equestrian staging area. Wilson said they will probably use Chabot City Park terminus. Corbett asked about the parking. Wilson said it currently is in a cul-de-sac and people park in that area. GM Doyle added there is adequate parking. Director Rosario asked if there are any FTE's. GM Doyle said that is an item that would go through the pipeline and be included. President Lane asked that Emeritus Director Sutter be sent a copy of the materials and the PowerPoint as this was of interest to him.

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

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Ayn Wieskamp, Dennis Waespi.
Directors Against: None.

- b. Authorization to Award Job Order Contracts JOC-007 and JOC-008 to Agbayani Construction Corporation and Federal Solutions Group, Inc., Respectively: District-wide
Resolution No. 2017 – 11 - 314 (attached)

Ren Bates, Capital Programs Manager, presented the history of the beginning of Job Order Contracting (JOC). The Board awarded 6 each \$1 million contracts in 2016. The award of bid is based on the lowest Award Criteria. Director Rosario asked if there is a way to track problems that might occur after contractors have completed their job. Bates replied that the District will track, and as of now nothing has come up. President Lane had questions on working hours vs. non-working hours. Bates said this phrase refers to the fact that at present, the District works during the day which are normal working hours. Director Waespi asked if the prices are set by the contractor. Bates said they are set before the Park District sends projects out to bid. The cost is locked in for the year. GM Doyle said with the loss of 800 structures up North from the fire there will be a labor and materials shortage. Laborers have gone and this will impact Park District projects – locally and nationwide. GM Doyle expressed his appreciation for staffs' work on these projects.

By motion of Director Wieskamp, and seconded by Director Rosario, the Board voted unanimously to approve Item **C-3-c**.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Ayn Wieskamp, Dennis Waespi.
Directors Against: None.

- c. Authorization to Award Job Order Contracts JOC-009, -010, -011, and -012 to Agbayani Construction Corporation, Mark Scott Construction, Inc., Exbon Development, Inc., and Devaney Engineering, Inc., Respectively: District-wide
Resolution No. 2017 – 11 - 315 (attached)

By motion of Director Wieskamp, and seconded by Director Rosario, the Board voted unanimously to approve Item **C-3-d**.

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

- d. Authorization to Enter into Agreements with K. Shawn Smallwood and Patrick Kolar for Research of Wind Turbine Impacts on Wildlife, including Golden Eagles: Altamont Pass Wind Resource Area
Resolution No. 2017 – 11 - 316 (attached)

Tiffany Margulici, Grant Manager, Matt Graul, Chief of Stewardship, and Mary Brown, Account Clerk. Tiffany Margulici, Grants Manager, gave background on the repowering agreement of 2012 and the MOU between the settling parties and the Park District in 2012. Matt Graul, Chief of Stewardship, spoke on behalf of Doug Bell, Wildlife Program Manager. Research has been done by Doug Bell, Shawn Smallwood, USGS and The Peregrine Fund based on the overall population of golden eagles, risk mapping, slope and wind maps which have informed turbine location. There has been golden eagle surveys and eagle population monitoring. Graul acknowledged all of the volunteers and USGS that have been very helpful.

GM Doyle said that the District is one of the few public agencies that owns land with private wind turbine leases. This research has put the District in an incredible scientific position. This area has the highest nesting golden eagles in Northern America. Director Wieskamp asked have bats been studied and the turbine impacts on their population. Graul announced that the District has just received a grant from HCP to look at bats. Director Dotson asked if there are there any methods to screen the birds out of the turbines. Graul said the turbines are much too large to do screenings. Director Corbett remarked that this is such an important stewardship project and alternative energy wouldn't be going forward without our efforts. President Lane commented that when the Park District gets to the end of the contracts there should be a thorough discussion about whether to continue or keep turbines on District property.

4. BOARD AND STAFF REPORTS

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

GM Doyle talked about the items in the report.

5. GM COMMENTS

Jim O'Connor, AGM Operations presented an Update on Adventure Crew Youth Program giving historical perspective on the topic. O'Connor introduced Dave Zuckermann, Regional Interpretive & Recreation Services Manager for the North and West Region. Zuckermann said this program has been in existence for one year. It is a longitudinal youth engagement program which means having the same students over time. The Adventure Crew Youth Program goals are to foster leadership, promote a sense of connection to nature and stewardship and improve health and wellness. Zuckermann played a 6-minute video that focused on the children. YES Executive Director Eric Aaholm, and Aiko Yoshido, Professor at SF State University, Barb Johnson of Cong Miller's office and James Wilson Park Supervisor spoke. Director Wieskamp congratulated them on the program's 90% attendance rate. Director Rosario said that this is like a dream come true. Now is time to turn our eyes to the population that will use it. Director Coffey asked if there is any part of this program that exposes them to college. Dave Zuckermann replied this program is focused primarily on 11 to 13 years old. Director Waespi extended his congratulations on a great program, and asked if they are coordinating with Richmond YMCA. YES said they have worked with the YMCA. The program started with 15 kids and 13

have remained. President Lane thanked the staff for their presentation and complimented the volunteers, especially for the school program.

GM Doyle formally introduced Kip Walsh as the Chief of Human Resources.

Sean Dougan, Trails Manager played a time lapse camera video of the bridge being constructed on the Pinole Shores to Bay Point Park and Trail Project. Dougan remarked that the link will be on the website and emailed to the Board.

6. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Carol Victor announced that there are no announcements.

7. BOARD COMMENTS

Director Lane reported on meetings attended. Director Lane

- Attended the Measure CC meeting-Richmond;
- Attended the Measure CC meeting-Alameda;
- Attended I- on-I with GM;
- Attended the Legislative Committee meeting;
- Attended the Natural and Cultural Resources meeting;
- Attended the Executive Committee meeting;
- Attended the CCC Water Liaison meeting;
- Attended the CPRS Executive Summit;
- Attended the CC Women's Lunch, Pittsburg;
- Attended the Stewardship Seminar - afternoon;
- Attended the Annual Service Awards dinner;
- Attended the Sunol Cowboy Hootenanny;
- Attended the staff Halloween Play;
- Attended the Tri-Valley Conservancy's Jeans & Jewels event.

Lane walked at Black Diamond and at Tidewater.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Fremont Liaison meeting;
- Attended the Annual Service Awards dinner;
- Attended EBMUD Celebration;
- Attended the Operations Committee meeting;
- Attended the Stewardship Seminar;
- Attended the Executive Committee meeting;
- Attended Multicultural Advisory Committee;
- Attended the Measure CC Community meeting.

Waespi talked about the letter in the correspondence that complimented Tilden Park staff. Acknowledged Stan Wong, from the Lake Chabot Marina, who is retiring and was a good friend of the park District.

Director Wieskamp reported on meetings attended: Director Wieskamp

- Attended Fremont Liaison meeting;
- Attended the Annual Service Awards dinner;
- Attended the Sunol Cowboy Hootenanny event;
- Attended the Finance Committee meeting;

- Attended the staff Halloween play;
- Met with Chris Barton on Coyote Hills;
- Attended the Executive Committee meeting;
- Attended the Tri-Valley Conservancy Jeans & Jewels event;
- Attending the Mayors Conference tomorrow;
- Attended the Special District meeting in Oakland.

Director Corbett reported on meetings attended. Director Corbett

- Attended the Legislative Committee meeting;
- Attended the Annual Service Awards dinner;
- Attended the Chabot Dam Upgrade;
- Attended the Operations Committee meeting;
- Attended the San Leandro Creek Alliance meeting;
- Attended the Stewardship Seminar;
- Attended the Measure CC meeting, Alameda.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Natural and Cultural Resources meeting;
- Attended the CPRS Executive Summit;
- Attended Measure CC stakeholders meeting at Peralta Oaks;
- Toured the gaps along the Oakland Estuary with Jen Cavanaugh, Councilmember Piedmont; Joel Peters, Oakland DD Commission and Rick Rickard, PAC;
- Attended EBMUD celebration;
- Attended the celebration for Larry Itliong, Filipino Leader in the Farmworker movement;
- Attended the Operations Committee meeting
- Attended a Measure CC meeting, Richmond;
- Attended the Multicultural Walk in Contra Loma;
- Attended the staff Halloween play;
- Attended the Stewardship Seminar;
- Attended the CCC Mayors Conference at Moraga;
- Attended Measure CC meeting, Alameda.

Rosario met with Jim O'Connor, Tiffany Margulici and Jeff Rasmussen to discuss Chabot Space & Science Center. Attended the memorial for Lloyd Graham, met with folks from Art and Nature with Directors Lane and Waespi. Shout out to the folks from the Trust for Public Lands for engaging communities and tying it with Healthy Parks, Healthy People and to Public Affairs and the partnership with SF State.

Director Coffey reported on meetings attended. Director Coffey

- Attended the Contra Costa Liaison meeting;
- Attended the District's Annual Awards dinner;
- Staffed the District table at the John Marsh Heritage Day;
- Attended the PAC meeting;
- Attended the Finance Committee meeting;
- Attended the John Muir Trust Annual Open House, Martinez;
- Attended Black Diamond Interpretive Interns Graduation ceremony;
- Attended a Walk and Talk with Antioch Councilmember Monica Wilson at Black Diamond.

Director Dotson reported on meetings attended. Director Dotson

- Attended the Measure CC meeting in Richmond;
- Attending the Measure CC meeting in Oakland;
- Invited and attending the tour with Richmond's Lincoln Elementary School children at the Botanic Garden.

E. PUBLIC COMMENTS

There were none.

F. ADJOURNMENT

President Lane adjourned the meeting at 5:04 pm in honor and memory of Margaret Kelley who recently passed away. She was devoted to environmental education and a driving force in Camp Arroyo and the curriculum.

Respectfully submitted:

/s/ Yolande Barial Knight
Clerk of the Board