

The Board Meeting, which was held on June 5, 2018 at the East Bay Regional District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:08 a.m. by Board President Dennis Waespi.

ROLL CALL

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

Directors Absent: Colin Coffey

The **Open Session** of the Board Meeting was called to order at 1:00 p.m. by President Waespi.

Director Coffey arrived to the meeting.

All board members present for the Consent Calendar.

Staff Present: Robert Doyle, Ana Alvarez, Carol Victor, Jim O'Connor, Debra Auker, Bob Nisbet, Juliana Schirmer, Alan Love, Michael Reeves, Anne Kassebaum, Lance Brede, Sean Dougan, Tiffany Margulici, Suzanne Wilson, Dave Mason, Deborah Spaulding, Erich Pfuehler, Deborah Spaulding, Anthony Ciaburro, Matt Graul, Steve Castile, Eri Suzuki, Aileen Thiele, Rachel Slater, Lisa Goorjian, Ruby Tumber, Mary Mattingly, Lisa Baldinger, Kelly Barrington, Mimi Waluch, Anna Fong, Matt Norton, Mona Koh, Kristina Kelchner.

Guest: Colleen Haley, Bay Area Field Coordinator CSDA, Sky Woodruff, Meyers Nave, and Stephanie Parsons, NBS

A. APPROVAL OF AGENDA

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

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

Directors Against: None.

Directors Absent: None.

B. PUBLIC COMMENTS

Robert Hufford, a drone pilot and owner of Drone Zone Services, asked the District to consider designating several parks to allow hobbyists to fly drones. He offered to assist the District in crafting the rules and regulations for safe and sane operation of drones. Hufford presented the Board with his written comments and copies of his license and business card.

C. SPECIAL PRESENTATION

Presentation of District Transparency Certificate of Excellence to the East Bay Regional Park District by the California Special Districts Association.

Colleen Haley, Bay Area Field Coordinator, California Special Districts Association was in attendance. Haley walked the Board through the requirements to obtain the Transparency Certification. The certificate was presented to Board President Waespi.

GM Doyle acknowledged the leadership of DGM Alvarez and the work of Mona Palacios on this project.

D. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

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

Directors Against: None.

Directors Absent: None.

- a. Approval of District Check Listing for the Period of April 16, 2018 to May 6, 2018
Resolution No. 2018 – 05 – 121 (attached)
- b. Approval of the Minutes for the Board Meeting of June 5, 2018
Resolution No. 2018 – 05 – 122 (attached)
- c. Authorization to Negotiate with Various Property Owners
Resolution No. 2018 – 05 – 123 (attached)
- d. Authorization to Amend a Contract for Services with WSP USA, Inc. for Construction Management Services for the Pinole Shores to Bayfront Park Trail Segment: San Francisco Bay Trail
Resolution No. 2018 – 05 – 124 (attached)
- e. Authorization to Appropriate Measure WW Acquisition Funds for Final Design and Environmental Permitting of the Nejedly Staging Area to Berrellesa Street Trail Segment: San Francisco Bay Trail
Resolution No. 2018 – 05 - 125 (attached)

Director Coffey asked for a presentation on the significant history behind this project, an explanation of the MOU with the railroad, and the location of a 44,000-sq. ft. conveyance to the city. Sean Dougan, Trails Program Manager, said that in 1996 the District entered into a settlement through a MOU which in 2016 was restated and amended. The action today is to finalize the design. Coffey commented that getting this trail segment done allows people to walk on a trail and not a county road. GM Doyle commented on the 1996 merger where Martinez and EBRPD intervened and got all of the crossings included in the CEQA agreement. Doyle said that the permitting on the north Contra Costa shoreline, environmental clearances, the design and the money; all had to come before the District could implement the agreement. Director Lane is pleased to see this happening and appreciates the work of staff in working with the railroad.

- f. Authorization to Appropriate Funds and Execute a Contract with American Technologies, Inc. for Restroom Renovation at Little Hills Picnic Ranch: Las Trampas Regional Wilderness
Resolution No. 2018 – 05 - 126 (attached)

- g. Authorization to Amend the Professional Services Contract with CES Engineering, Inc. for Electrical Engineering for the Dumbarton Quarry Transition Project:
Coyote Hills Regional Park
Resolution No. 2018 – 05 – 127 (attached)

Director Lane appreciates that this item came to the Executive Committee. Director Wieskamp added that this is a complicated process and with other things in progress in Fremont possibly related to the next phase, it is good for the District to have it clarified, and an update is appropriate.

- h. Authorization to Award a Contract to Matheson Tri- Gas, Inc. for Lake Anza Liquid Oxygen Storage and Feed Facility, Enter into a Five-Year Lease, and Transfer and Appropriate Funds: Tilden Regional Park
Resolution No. 2018 – 05 - 128 (attached)
- i. Authorization to Apply for Federal Grant Funds from the Outdoor Recreation Legacy Partnership: San Francisco Bay Trail at Point Molate
Resolution No. 2018 – 05 - 129 (attached)
- j. Authorization to Accept and Appropriate Landscape Improvement Grant Funds from StopWaste for Public Access Improvements: Martin Luther King Jr. Regional Shoreline
Resolution No. 2018 – 05 - 130 (attached)
- k. Authorization to Apply to the California Department of Forestry and Fire Protection for Fuels Management Grants: East Bay Hills
Resolution No. 2018 – 05 - 131 (attached)
- L. Authorization to Appropriate Funds and Apply for Federal Grant from the Bureau of Reclamation for Park Improvements: Contra Loma Regional Park
Resolution No. 2018 – 05 - 132 (attached)

Director Lane wondered if, when the Bureau deeds the title for this property to CCWD, will the District be precluded from applying for federal grants for park improvements. GM Doyle replied that he is uncertain if the criteria requires ownership by the Bureau. The District has received grants on other projects from the Bureau. Staff will check with the Grants division. Doyle added that Senator Feinstein will introduce legislation to provide senate approval of the transfer. Director Coffey asked if the boat ramp improvement project, which is nearing completion, and the Phase 2 fixing the board dock are independent of this project. AGM Nisbet answered they are independent.

- m. Authorization to Renew the East Bay Regional Park District's Insurance Program
Resolution No. 2018 – 05 - 133 (attached)

2. GENERAL MANAGER

To extend the existing Measure CC parcel tax, the Board of Directors will consider the following actions to place a special tax levy on the ballot for Tuesday, November 6, 2018:

President Waespi announced that the PUBLIC HEARING is open.

GM Doyle stated this is an important day for the Board to consider the extension of Measure CC, which was approved in 2005. Over the past 15 years, Measure CC has provided funding for staff positions, public safety, park rangers and interpreters to our District and its citizens. This parcel tax has provided several improvements

to many District flagship parks created in the 1930's. The District is not increasing the amount of the tax which is currently \$1/month. The District has been working for 3 years on this extension, has held three public workshops within the CC area, and established a stakeholder advisory committee made up of a diverse group of people. The extension sunsets at 2020, and the renewal of Measure CC will add another 20 years. This measure provides permanent staff positions to be good stewards of the land, and educate the public about the environment.

District Counsel Carol Victor introduced outside Counsel Sky Woodruff with the law firm of Meyers Nave, who has been special counsel on this matter. This matter has been thoroughly reviewed by legal counsel and it has been determined that it complies with the government code, the elections code, and applicable laws. If the Board should have any legal questions both counsels are available to respond.

Debra Auker, AGM Finance Management Services/CFO introduced the staff team and Stephanie Parsons, NBS and outside Counsel Woodruff, who assisted on this extension of the parcel tax. The Board is being asked to approve three resolutions. Auker walked the Board through the steps for each resolutions.

Auker stated that the extensions consist of a parcel tax \$12/yr for single family homes, and \$8.28 for multi-family units. It covers the Zone I boundary and is in the heaviest used parks and newer shoreline parks. The current tax has provided between \$3.1 - \$3.3 million annually in Zone I and provided over \$34 million over the 15-year life of the measure. The boundary for the extensions remains the same with the addition of two parks: Alameda and Gateway Parks which will open in the near future. Services provided for the current tax include staffing for police and park operations, fire prevention for a vegetation plan, and advanced access and amenities to these parks with over 30% designated for resource related programs. The polling suggests that if a similar measure is crafted, the voters are interested in moving forward with Measure CC. The voters are being asked to approve the tax and the District will provide services for a minimum of 20 years. The board has met and adopted local goals and policies for a Community Facilities District (CFD), re-adopted the boundary map, approved the rate and method of apportionment, and adopted a resolution of intention to move forward. With the adoption of the expenditure plan allocation of proceeds from special tax include 40% natural resource related, 50% safety, access and facility improvements, 10% contingency with an annual appropriation limit of \$3.3 million, including an accountability measure that requires annual reporting on the use of funds. Director Rosario suggested that the map should include the other cities. Auker said the District will make sure the other cities are included. Director Lane asked for clarification on the minimum of 30%. Auker explained that the District allows for the total of the 20 years to no less than 30%. Lisa Baldinger, Legislative Asst., 30% is reflective of the original CC. Lane added that perhaps the asterisk should reference the 2004 measure. Erich Pfuehler, Government Affairs Manager said that this was a very lengthy and transparent public process. Parameters for looking at projects included no reduction of staff, equitable by county, with 30% commitment to resources. The information was distilled into seven categories and Lisa Baldinger developed a workbook which led to the commitment list. Debra Auker added that this measure funds 25 staff positions, and proposed funding in the commitment list.

Public Comments: Mary Sue Meads thinks the Measure CC is important however her main concern is wildfire protection. She has given testimony in the past about the importance of not cutting down trees and the use of poisons. Meads passed out a handout on her comments and suggested that if the measure was updated to read that the District is not using poisons and not cutting down healthy trees, she would support the measure. Isis Feral, Coalition to Defend East Bay Forests, commented that she opposes the commitment list, commented on the stakeholder list, says her comments have been ignored and commented on "thinning" of trees. Feral said that trees are not individual, but communities connected underground. Trees do not catch fire easily unlike grass fires. Feral said as long as Measure CC involves large scale tree removal and use of pesticides, she will not support it and will work to oppose the measure. Stephanie Thomas stated that she is not sure that she can support this measure unless some things are clarified. One aspect for her is water quality and what is in the soil for people, insects, birds and animals. Concerned with cutting trees, the use of herbicides and what is the definition of stewardship of restoration. Thomas left a book and an article for the Board/staff to read.

President Waespi asked if the Clerk's office has received written protests.

Clerk of the Board replied that no written protests were received. President Waespi closed the public hearing.

Director Lane commented that the older parks in Zone I need extra care. Director Corbett thanked the staff for putting together this information, adding that locally there is interest in our parks and these funds will go a long way to support continued efforts to protect the environment. Director Wieskamp expressed that the District is fortunate to have people that support the parks. Director Wieskamp thanked staff for going through this transparent process meticulously. Director Rosario stated that the present Measure CC has shown that the Park District has made commitments and kept its promises. Director Dotson said he spends quite a bit of time in Pt. Pinole and there is no choice but to support this vital part of our community.

President Waespi moved forward with each resolution.

To extend the existing Measure CC parcel tax, the Board of Directors will consider the following actions to place a special tax levy on the ballot for Tuesday, November 6, 2018:

- i. Resolution of the Board of Directors of the East Bay Regional Park District, California, Declaring the Formation of a Community Facilities District East Bay Regional Park District Community Facilities District No. A/C-3.
Resolution No. 2018 – 05 - 134 (attached)

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

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

Directors Against: None.

Directors Absent: None.

- ii. Adoption of an Expenditure Plan and a Statement Regarding Annual Appropriations Limit and Accountability Measures for East Bay Regional Park District Community Facilities District No. A/C-3.
Resolution No. 2018 – 05 - 135 (attached)

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

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

Directors Against: None.

Directors Absent: None.

- iii. Resolution Ordering and Giving Notice of an Election to be Held in a Portion of the East Bay Regional Park District for the Purpose of Submitting a Measure to the Voters of Community Facilities District No. A/C-3 to Levy a Special Tax for Wildfire Protection, Safe Parks and Trails, Public Access, and Natural Habitat and Requesting the Boards of Supervisors of Alameda and Contra Costa Counties to Consolidate the District Election with the Statewide General Election Being Held on Tuesday, November 6, 2018.
Resolution No. 2018 – 05 - 136 (attached)

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

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

GM Doyle stated that this is one of his proudest moments. Doyle acknowledged the incredible work of all staff: field, stewardships, finance, construction, all levels of staff as well as the stakeholders. Director Corbett added that the Park District has an amazing positive reputation for preservation of natural resources, park maintenance, and the safety of the parks. Director Lane mentioned all seven of the board members are committed to have these funds be used in addition to the regular support for the parks in this area. Director Rosario stated that the District is committed to using less herbicides in the parks. President Waespi thanked Mr. Woodruff, Ms. Parsons, Dr. Manross, and the public. President Waespi commended Directors Rosario and Corbett for chairing the committee. These are promises kept.

3. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorization to Enter into an Option, Purchase and Sale Agreement and Transfer and Appropriate Funds for the Acquisition, in Partnership with the East Contra Costa County Habitat Conservancy, of 71.99+ Acres of Real Property from Shelly Poppi and Kelly Halstead, as Joint Tenants: Deer Valley Regional Park
Resolution No. 2018 – 05 -137 (attached)

Suzanne Lusk, Senior Land Acquisition Specialist using a PowerPoint presentation, showed the Deer Valley Regional Park map. This initial board action seeks funds to pay for the option payment which will expand the boundary of the existing park, provide foraging and nesting habitat for raptors, prevent fragmentation of the Briones Valley floor, and preserve existing Briones Valley floor landscape. Director Lane asked if staff anticipates getting funding from the Conservancy. Lusk answered that the funding will come from the Conservancy and Next Era.

By motion of Director Coffey, and seconded by Director Lane, the Board voted unanimously to approve **Item 3a**.

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

- b. Authorization to Increase Contract Limit of JOC-010 with Mark Scott Construction, Inc. for Job Order Contracting: District-wide
Resolution No. 2018 – 05 -138 (attached)

Ren Bates, Capital Program Manager, gave a brief history of the Job Order Contracting (JOC) program which began in 2015, and the Board adopted a JOC Policy in 2017. JOC is a procurement method whereby agencies may award annual contracts for repair, remodeling, or other repetitive work to be done according to unit process. Director Rosario asked if money will be moved to Mark Scott Construction from another contractor. Bates said JOC does not move money around; instead the limit of the contract is increased. President Waespi wanted to know if there is a provision for change order. Bates said there are no change orders, the prices are fixed, and if any more work is needed, another order is submitted.

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

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

4. OPERATIONS DIVISION

- a. Authorization to Purchase One VAC-CON Combination Jet/Vacuum Sewer Cleaner Truck from Atlantic Machinery, Inc. for Equipment Replacement
Resolution No. 2018 – 05 -139 (attached)

Jim O'Connor, AGM Operations said that this is such a unique purchase that the GM thought the Board would enjoy a presentation. Kelly Barrington, Chief of MAST and Matt Norton, Sanitation Recycling Supervisor, presented the PowerPoint. Barrington said the District's sanitation truck is due for a replacement and staff is recommending the purchase of the VAC CON JET VAC. The benefits of the VAC CON JET VAC are many, it can clean out the sewer system, perform hydro evacuation, has an increased capacity, perform pot holing, clean culverts, and more. The VAC CON JET VAC has 11.5 cubic yard capacity, holds 1,100 gals of water, and is self-cleaning.

Director Rosario asked where will staff place the removed soil. Barrington replied it will go to a site already set up at a location determined by staff. Director Corbett asked if the savings was calculated. Barrington responded the savings is not calculated, and are significant. Director Wieskamp asked if staff is prepared to operate this truck. Barrington answered the manufacturer provides training. Rosario asked if this truck is wider than the other trucks. Barrington said it is taller and there will be places it cannot go. President Waespi complimented Matt Norton on continuing to do the research to justify the purchase of this truck.

By motion of Director Wieskamp, and seconded by Director Dotson, the Board voted unanimously to approve the **Item 4a**.

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

4. BOARD AND STAFF REPORTS

- a. Actions Taken by Other Jurisdictions Affecting the Park District
GM Doyle discussed the items in this report.

5. GM COMMENTS

GM Doyle announced no staff presentations. GM Doyle played a video narrated by Doug McConnell entitled 'Yes on 68.'

6. ANNOUNCEMENTS FROM CLOSED SESSION

Carol Victor, District Counsel, announced there was an item to report out. The board voted 7-0 to give direction to legal counsel, and authorized the dismissal in the case of: EBRPD v. Golden Gate Land Holdings, Case No. RG18902530.

7. BOARD COMMITTEE REPORTS

- | | | | |
|----|-----------------------|------------|------------|
| a. | Operations Committee | (03/20/18) | (Wieskamp) |
| b. | Legislative Committee | (01/08/18) | (Rosario) |

Director Lane had questions about an article on pg. 201 that refers to the name of Gateway Park as the working title. AGM Nisbet said it is clear in the partnership that the District will decide on the name. Lane asked about the rescue of a hiker in a District park by the California Highway Patrol, and if this something they do. AGM Ciaburro replied CHP has statewide jurisdiction and has undertaken rescues in District parks.

8. BOARD COMMENTS

Director Waespi reported on meetings attended. Director Waespi

- Attended the Operations Committee meeting;
- Attended the Alameda County Fire Commission meeting;
- Attended the Legislative Committee meeting;
- Attended the Multicultural Wellness walk;
- Attended the Special Park District Forum in South Carolina;
- Attended the CARPD Conference;
- Attended Tim Barry's retirement;
- Attended the Coyote Hills Butterfly and Bird Festival;

Waespi walked Lake Chabot, donated blood in honor of District helicopter pilots tragically killed. Went on ride a long on Memorial Day with the Chief Ciaburro and Lt. Brede;

Director Wieskamp reported on meetings attended: Director Wieskamp

- Attended the Operations Committee meeting;
- Attended the Cull Canyon Volunteer Recognition dinner;
- Attended the Del Valle tour;
- Attended the Livermore Chamber of Commerce luncheon;
- Attended the scoping meeting for Coyote Hills new expansion;
- Attended the Coyote Hills Butterfly and Bird Festival;
- Attending the Livermore Rodeo Parade;
- Attending the All Staff Family Picnic;

Wieskamp commented that Ohlone College will not charge parking fees during the May/June break.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Oakland DD Bay Trail Subcommittee meeting;
- Attended the What's Brewing in the Parks at Lake Temescal;
- Attended Legislative Committee meeting;
- Attended Multicultural Walk at Lake Chabot;
- Worked with Friends of Sausal Creek on removing goat grass;
- Attended the Cull Canyon Volunteer Recognition dinner;
- Attended the PGM One Conference;
- Attended Measure CC meetings;
- Attended the Alameda Labor Council dinner;
- Attended Ivan Dickson National Trail Days;

Rosario rode the Bay Trail to Berkeley with his wife, led a trail maintenance crew.

Director Corbett reported on meetings attended. Director Corbett

- Attended the Alameda Labor Council Annual dinner;
- Attended the Finance Committee;
- Attended the Crown Beach Sandcastle contest;
- Attended the Cherry Festival in San Leandro;
- Attended the Crown Beach California Natives Garden with EBMUD as partner;

Corbett commented thanked Public Affairs for helping at the Cherry Festival.

Director Lane reported on meetings attended. Director Lane

- Attended the Legislative Committee meeting;
- Attended the Ironhorse Trail staff's. Share the Trail event;
- Attended the Cull Canyon Volunteer Recognition dinner;
- Attended one afternoon of the Children in Nature conference in Oakland;
- Visited Coyote Hills on Saturday to see the 50th history exhibit;
- Attended the National Trails Day;
- About to finish the Chinese and the Iron Road at the Museum of the San Ramon Valley in Danville;
- Multicultural committee will tour the Museum of the San Ramon Valley exhibit;
- Attended Memorial service for a former Contra Costa County Supervisor Eric Hasseltine;
- Attended a Historical Society program by Goeff Gillette, PIO, City of Danville;

Lane commented that she looked through the RIN for arts programming and found it.

Director Dotson reported on meetings attended. Director Dotson

- Attended the Cull Canyon Volunteer Appreciation dinner;

Dotson walked at Pt. Pinole Regional Shoreline.

Director Coffey reported on meetings attended. Director Coffey

- Attended the Volunteer Appreciation dinner at Cull Canyon;
- Attended the Finance Committee meeting;
- Attended the Contra Costa Building Trades Networking Conference in Concord;
- Attended the Alameda Labor Council Annual dinner;

Coffey hiked the George Miller trail and explored the Port Costa Brickyard property.

9. PUBLIC COMMENT

D. ADJOURNMENT

President Waespi adjourned the meeting at 4:14 pm.