

The Board Meeting, which was held October 1, 2019 at EBRPD, 2950 Peralta Oaks Court, Oakland, CA 94605 called its **Closed Session** to order at 11:44 a.m. by Board President Ayn Wieskamp.

ROLL CALL

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

Directors Absent: None.

The **Open Session** of the Board Meeting was called to order at 1:05 p.m. by President Wieskamp.

Staff Present: Ana Alvarez, Carol Victor, Debra Auker, Anthony Ciaburro, Toby Perry, Anna Fong, Jim O'Connor, Carol Johnson, Kristina Kelchner, Steve Castile, Al Love, Lance Brede, Dave Mason, Lisa Goorjian, Chris Newey, Dan Cunning, Michael Reeves, Aileen Thiele, Clay Simmons, Tiffany Margulici, Ruby Tumber, Renee Patterson, Jason McCrystle, Kelly Barrington, Katherine Dudney.

Guests: Maureen Forney, William Yragui, Frank Mellon, Cort Cooper, Lawrence Nagel, Paula Breen, Don Patterson, Rochelle Nason.

PLEDGE OF ALLEGIANCE

A. APPROVAL OF AGENDA

By motion of Director Waespi, and seconded by Director Lane, 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

Maureen Forney spoke about clear cutting being done by PG&E. She handed out material, and noted correspondence received from Fr. Cannon, Great Old Broads for Wilderness, and Holy Hikes that asked EBRPD to develop its own policy to include minimum vegetation clearance distances as referred to in the Wildfire Hazard Reduction and Resource Management Plan documents, provide appropriate environmental review, and mitigation for the trees lost.

William Yragui commented that Mission Peak Conservancy will celebrate its five-year anniversary. Yragui stated that the Park District showed no funding in the budget for the Mission Peak staging area. He referred to comments by the AGM of ASD Kelchner and handed out Board minutes of 2016. He asked that funds be put back into the budget for Mission Peak planning and staging area.

Frank Mellon, Castro Valley Sports Foundation Board member handed out Lake Chabot Trails Challenge t-shirts to the Board members. He asked, on behalf of the Castro Valley Sports Foundation Board, for sponsorships and a waiver of fees for next year's event, so they may continue the Challenge. Director Waespi commented that it is a great organization.

President Wieskamp asked if there was someone from Finance who could speak to the suggestion by Mr. Yragui that something was dropped from the budget. Debra Auker, AGM Finance, said the District's current budget was originally over \$1.5 million, Mission Peak is still included in our budget. Expenditures have been charged against that budget but \$900,000 in funds are available.

Cort Cooper, member of the Kensington Network for Wildfire Prevention, encouraged the Board to consider updating the 2010 fuels reduction plan to account for lessons learned from fires, for increase in temperature and dryer conditions, and to develop a long term plan to bring vegetation growth to a steady state. Lawrence Nagel, Kensington Fire Protection District, echoed Mr. Cooper's comment that the document needs to be brought up to date, adding that fires are different than they were 10 years ago. Nagel praised the District Fire Department which has gone through many regulatory, financial and staff obstacles. Paula Breen (and Don Patterson) residents of San Leandro and heavy user of the parks echoed the concern raised by Maureen Forney on the clear cutting being done by PG&E and commented that the District should develop its own plan around clear cutting near power lines.

Rochelle Nason, Mayor of Albany, commented on a 261-space parking lot operated by MTC, that is being locked on the weekends and is near the Bay Trail. The City of Albany seeks a meeting with MTC to make the lot available on the weekend. Nason stated she hopes the District will work with the city to revisit the proposed management of the lot.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Lane, and seconded by Director Corbett, 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 August 12, 2019 to August 25, 2019
Resolution No. 2019 – 10 - 240 (attached)
- b. Approval of the Minutes for the Board Meeting of September 17, 2019
- c. Authorization to Renew a Twenty-year Right of Way Use Agreement with American Tower Corporation: Tilden Regional Park
Resolution No. 2019 – 10 - 241 (attached)
- d. Authorization to Transfer and Appropriate Funds for the Repair Star Residence Project: Deer Valley Regional Park
Resolution No. 2019 – 10 - 242 (attached)

- e. Authorization to Purchase Five Mowers from John Deere Company for Equipment Replacements and Additions to the Fleet
Resolution No. 2019 – 10 - 243 (attached)

Director Waespi asked what is done with the used mowers once they are replaced by new mowers. Jason McCrystle, Fleet Manager, replied they are auctioned off and sometimes one is kept as a loaner. Director Corbett asked why this model of mower was chosen, as opposed to electric. Steve Castile, Chief of Park Operations, said that the electric capabilities aren't there yet for the District's needs. It takes 12 hours to charge and the battery life is only 2 ½ to 3 hours. We need an 8-hour run time to be productive.

2. GENERAL MANAGER DIVISION

By motion of Director Lane, and seconded by Director Waespi, the Board voted unanimously to approve **Item 2a.**

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

- a. Authorization to Commence Process to Fill Ward I Vacancy on East Bay Regional Park District Board of Directors by Appointment
Resolution No. 2019 – 10 - 244 (attached)

President Wieskamp stated that Director Dotson has announced his retirement and therefore the appointment process will begin. District Counsel Carol Victor stated this action will be the appointment process for the Ward I Vacancy. On September 19, 2019, Director Dotson announced that after 10 years of distinguished service on this Board he will be retiring on December 17, 2019. Victor explained the process for selection as discussed in the staff report.

Director Rosario asked about the provision wherein the Contra Costa (CC) Board of Supervisors can make the appointment. Victor replied the Board of Supervisors can only appoint if the Park District Board doesn't make an appointment or call for an election. CC Board of Supervisors as the larger area, would then make the appointment. Victor stated, this is not recommended. Director Lane added that there are more voters in Contra Costa County also. She continued that the District made an appointment some years ago and wanted to know if we could bring more than three candidates. Victor replied this is correct. Director Corbett asked if there is an election schedule. Victor said there is a tentative schedule for the appointment process. The Nominating Committee will interview candidates in December, and the appointment process will be in January. President Wieskamp said that the nominating committee will meet directly after this Board meeting. President Wieskamp announced that she, and Directors Lane and Waespi will serve on this committee. Director Coffey suggested that once the nominating committee has vetted applicants, the Board consider asking those candidates to fill out and submit on a volunteer basis, an FPPC Form 700. It is a good exercise and encourages the applicants to think about it.

DGM Alvarez stated that District Counsel will provide support to the nominating committee. DGM Alvarez commented that it is important to acknowledge Director Dotson's service and the Park District will prepare the right retirement public acknowledgement. Alvarez thanked Director Dotson for his public service.

3. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

By motion of Director Waespi, 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.

- a. Authorization to Award a Construction Contract with Teichert Energy & Utilities Group, Inc. to Transfer and Appropriate Funds for the Renovate Water System Project: Del Valle Regional Park
Resolution No. 2019 – 10 - 245 (attached)

Lisa Goorjian, Chief of Design & Construction introduced the item. Clay Simmons, Project Manager and Civil Engineer, gave this presentation. Simmons discussed the project goals which are to improve reliability, provide redundancy, improve water treatment and reuse components. Simmons gave an extensive background and explanation of each of the goals and the budget. There were three responsive bidders whose bids were relatively close in number and within the \$5 million range.

Director Lane asked how much of the distribution system would be replaced. Simmons responded about 50-60% and eventually the whole distribution system will be replaced. Lane asked how long the system will last. Simmons replied the system should last about 40-50 years with the new equipment.

Lane asked about water quality, and if it means better tasting water for the campers. Simmons replied yes. Lane inquired if there is a connection to the numbers of workers and water quality. Simmons explained that the Division of Drinking Water (DDW) stipulates the number of employees irrespective of the number of campers; campers are there for a day or a couple of days, whereas workers are there all day every day and it is the build-up of contaminants in the water that the DDW is concerned about.

Director Corbett thanked staff for this important project. Corbett asked if the contract anticipates penalties if timelines are not met. District Counsel Victor replied that the District's standard contract had a major overhaul two years ago, and there is a liquidated damage clause. All contractors must post a performance bond and if they fail to perform on the contract, the District will seek remedies with the surety to ensure performance. Corbett asked if the District has project timelines for completion. Clay answered that the schedule is clearly defined in the contract, and it is up to the contractor to decide how they meet those deadlines. Corbett asked that a progress report on the project be brought back to the Board.

Director Rosario commented that the cities of Pleasanton and Oakland have both finished a recycled water project. Is there an opportunity to use recycled water? Matt Graul, Chief of Stewardship replied that the sewage treatment system is fully contained, and the District doesn't treat wastewater, only water for drinking is treated. Director Waespi stated that this is an excellent project and long overdue. He asked that the resolution include acknowledgment of Senator Glazer and Assemblymember Baker's help in getting \$4 million in funding. Waespi asked how much water the District treats per day. Kelly Barrington, MAST answered the system is capable of producing up to 600,000 gallons/day. Waespi commented on the number of employees and asked what it costs to upgrade the non-transient community system. Clay responded that the only difference would be the granular activated carbon which is about \$750,00. Waespi asked if Teichert Energy & Utilities group has done this type of work with the District before. Simmons said that Teichert Construction has, and the energy company is a subsidiary. Waespi asked about the 15% contingency and if it normal. Simmons replied it is. Corbett added that this is prudent that the District has planned for an increase in water quality standards. President Wieskamp stated that this is a small city and those who visit and are

employed there deserve the highest standard in water quality. She thanked Senator Glazer and Assemblymember Baker.

District Counsel Victor clarified that the District is moving away from this transient system to meet to a higher standard with this project. Victor sad that the resolution will be revised to include an additional Whereas acknowledgment of Senator Glazer and Assemblymember Baker.

By motion of Director Lane, and seconded by Director Rosario, 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.

- b. 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 3.25± Acres of Real Property from Barbara Carney and Dennis Bloching, as Surviving Trustees of the Bloching Trust: Morgan Territory Regional Preserve
Resolution No. 2019 – 10 - 246 (attached)

Michael Reeves, Chief of Land Acquisition, gave this PowerPoint presentation. He oriented the Board to the location of the subject property. Reeves explained that this acquisition removes private inholding to establish a more logical park boundary, protects significant riparian habitat along Marsh Creek, potential train connection from Morgan Territory Road to the ridgeline trail network above Marsh Creek Canyon, and it is located within a priority conservation area for the East Contra Costa County Habitat Conservancy. This property was appraised at \$260,000 and the District is purchasing it for \$210,000.

Director Waespi commented on this great purchase and asked if the bridge on Morgan Territory Road belongs to the County. Reeves replied that it crosses Marsh Creek, is a part of Morgan Territory Road and does belong to the County. Director Lane commented that it is within her ward, and a good purchase.

4. PUBLIC SAFETY DIVISION

By motion of Director Corbett, and seconded by Director Rosario, 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.

- a. Authorization to Establish a Capital Project and Transfer Funds to Upgrade the Low-Band Radio Communications System: District-wide
Resolution No. 2019 – 10 - 247 (attached)

AGM of Public Safety Anthony Ciaburro, stated that communications are a cornerstone of safety and safety of the public and staff is a part of public safety. Alan Love, Support Services Captain and Patty Gershaneck, Communications and Records Manager provided an update of the Radio System.

Love gave the history of the Park District's radio system. It was established in the 1970s and has been on and in use ever since. In 2005, it transitioned from analog to digital, and in 2017, East Bay Regional Communications System (EBRCS) is used by park police and fire.

Low band portables and necessary infrastructure are being phased out by Motorola and Kenwood. There are 60 remaining low band portables in stock, and the District will refurbish the remaining radios currently in use. Love explained he created a Radio Task Force to look at the internal staff using the radio system. Some of the findings were discussed. Love reported there are 380 portable radios and 192 mobile radios which are mounted in District Public Safety vehicles. CSI Communications did an external radio study in 2016, and it was found that there are not enough VHF frequencies available to build a new system. There is enough UHF frequency to build a new system and EBRCS. EBRCS is Project 25 compliant and there is a monthly subscription. The newer technology is cellular based and doesn't work in all District parks. Love discussed potential costs and the recommendation to upgrade the Park District's radio system to current technology standards. Low band frequencies work best in the Park District, and Park District towers are placed for greatest effectiveness within the EBPRD and are cost effective.

Director Rosario asked if there are cell phone capabilities on the District's existing towers. Gershaneck replied there are none, towers are based on radio signals. Rosario asked if staff have a vendor to repair this equipment? Gershaneck said there are currently two companies that work with the District, and it would be to replace not repair equipment. Director Waespi stated he supports the recommendation. Waespi asked if there are any safety concerns with electromagnetic waves. Director Coffey asked for clarification on what will be replaced. Love answered that the District has radios currently in stock, and are re-tuning those that get turned back in. Coffey asked if the stock radios will cover the District for another 15 years. Love replied yes. Director Corbett asked if it can be assumed there will be vendors that can continue to repair the stock on hand? Gershaneck answered there are two companies still in existence. Corbett asked for and received clarification on EBRCS mobile and EBRCS portable. Director Lane asked if the District is the only agency in the county with this challenge. Love explained there are many other agencies. Lane asked the potential timeline before this will need to be addressed again. Love speculated that it will be 10-15 years because technology moves quickly, so it's hard to gauge the actual time. President Wieskamp said she has faith in Public Safety to keep our communication system up and thanked them for their work.

5. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

DGM Alvarez discussed the items on this report.

Director Waespi asked if the District can put interpretive panel overlooking the Brickyard.

Brian Holt, Chief of Planning replied he will be meeting with Caltrans staff and that is a great suggestion.

6. GENERAL MANAGER'S COMMENTS

a. Assistant General Manager of Public Safety/Chief of Police Anthony Ciaburro will present on Precision Policing and Partnerships.

DGM Alvarez introduced AGM Public Safety of Anthony Ciaburro who gave this presentation. Ciaburro emphasized the teamwork by both internal and external law enforcement agencies. Ciaburro cited that the core values are safety, service and stewardship. The challenges for District policing are the vast terrain, finite resources, and precision policing. Ciaburro highlighted and showed photos of the various ways information is received and captured in a CAD system. Ciaburro commented on successful partnerships with EBMUD, US Fish & wildlife, and social media education which is a part of enforcement. Ciaburro thanked the Board of Directors for their support. Director Rosario thanked the officers for their service and asked how the incidences are tracked. and AGM said they are tracked. Rosario asked why is it incumbent on individual

parks to come up with funding to purchase cameras, and it isn't in the District budget. DGM Alvarez replied the costs are subsidized by General Funds. Captain Brede commented that this was brought before the Board years ago, and it serves to help out the entire District, not just Public Safety. Operations continues to work to develop the program using solar energy.

President Wieskamp exclaimed that the horses help relationships with the public. She asked the name of the new horse. Ciaburro said the horse's name is Romeo.

7. ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements.

8. BOARD COMMITTEE REPORTS

- | | | | |
|----|----------------------|-----------|------------|
| a. | Operations Committee | (8-29-19) | (Corbett) |
| b. | Executive Committee | (8-01-19) | (Wieskamp) |
| c. | Operations Committee | (7-18-19) | (Corbett) |
| d. | Operations Committee | (6-20-19) | (Corbett) |

9. PUBLIC COMMENTS

Chris Newey, President of AFSCME, extended thanks to Director Dotson for his years of service in Ward I, and to the District. Newey commented on the laying off of employees by the Fire department. He asked the department put money into the 2020 budget extend positions so they can be full. Newey added that he would not like to see the District break the long history of avoiding layoffs. DGM Alvarez said that staff are planning the 2020 budget and Chief Ciaburro has placed a request that those three positions be added as part of the base budget. Waespi asked for a report to the Board on an update on Art in the Park from Operations.

10. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Ad Hoc committee on GM evaluation;
- Attended Operations Committee meeting;
- Attended the Niles Canyon Stroll and Roll;
- Attended the Finance Committee meeting;
- Met with District Counsel Victor to discuss Ward I Board appointment.

Wieskamp congratulated Mary Mattingly on the FamFest. Wieskamp said staff should start the process of naming a trail for Judi Bank; one where no bikes are permitted.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Health & Safety Fair;
- Met with District Counsel Victor to discuss the Ward I Board appointment;
- Attended Multicultural Wellness Walk at Lake Chabot;
- Attended United Nations Day of Peace at Lake Chabot;
- Attended Sierra Club's David Brower Dinner;
- Attended the Ad Hoc committee on GM evaluation;
- Attended the Niles Canyon Roll and Stroll;
- Attended California Special Districts Association Conferences in Anaheim;
- Attended FamFest at Brickyard Judge John J. Sutter Shoreline.

Waespi asked how many violations are given for people parking over the line? Chief Ciaburro said it is less than two per month.

Director Lane reported on meetings attended. Director Lane

- Attended the Health & Safety Fair;
- Attended the Operations Committee meeting;
- Attended the Ecology Committee meeting;
- Attended the Park Advisory Committee meeting;
- Attended Casey Brierly's retirement party;
- Attended the Sierra Club's David Brower Dinner;
- Attended the Niles Canyon Roll and Stroll;
- Attended San Ramon Valley Democratic Club Dinner;
- Attended FamFest at Brickyard Judge John J. Sutter Shoreline;
- Attended California Special Districts Association Conferences in Anaheim.

Lane thanked Lt. Dave Pulps for picking up her and Wieskamp. Commented on two articles in the Bay Nature Magazine centered around the District.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Health & Safety Fair;
- Attended the CNA rally at Alameda Hospital;
- Attended the Finance Committee meeting;
- Met with Executive Director of Friends of Sausal Creek;
- Attended the CCC Hiking Club Memorial to honor Harold French;
- Speaker before the business and economic class at St. Mary's College;
- Attended FamFest at Brickyard Judge John J. Sutter Shoreline;
- Attended a park trail maintenance project for FOSC in Dimond Park with 11 high school students from San Mateo and Walnut Creek.

Rosario commented on his attendance at his 50-year high school reunion.

Director Corbett reported on meetings attended. Director Corbett

- Attended the San Leandro Creek Alliance;
- Attended the Alameda Point Ferry Terminal groundbreaking;
- Attended the ribbon cutting of the HARD Community Garden;
- Attended the Health & Safety Fair;
- Attended the Ad Hoc committee on GM evaluation;
- Attended the Operations Committee meeting;
- Attended the Niles Canyon Roll and Stroll;
- Attended FamFest at Brickyard Judge John J. Sutter Shoreline;
- Attended the Annual Nursing Home BBQ at Crab Cove;
- Attended the Unity Dinner of Alameda County Democratic Party;
- Attending a meeting with DGM Alvarez and San Leandro city officials.

Corbett expressed her appreciation for Director Dotson's time on the Board.

Director Coffey reported on meetings attended. Director Coffey

- Attended California Special Districts Association Conferences in Anaheim;
- Attended the CC County's Annual Fish and Wildlife Forum with Chief Ciaburro;
- Attended the Coastal Cleanup with Supervisor Burgis along Marsh Creek;
- Attended the Sierra Club's David Brower Dinner;
- Attended FamFest at Brickyard Judge John J. Sutter Shoreline.

Coffey shared his heartfelt thanks for Mary Mattingly and Brenda Montano who put this event together.

Director Dotson reported on meetings attended. Director Dotson

- Stated that he has enjoyed being on the Board working and living near the park that he loved – Pt. Pinole. Dotson said his father was very impactful on his life. Dotson said that the kids are our future.
- Attending the North Richmond Shoreline Festival.

D. ADJOURNMENT

DGM Alvarez said that she will share acknowledgements with Mary Mattingly and Brenda Montana on their work on FamFest. Alvarez added that this is a huge event with efforts by many staff. DGM extended her thanks to the Operations and Public Affairs Departments.

President Wieskamp adjourned the meeting in honor of Park Ranger II, Omar Gutierrez who died in a motorcycle accident on August 25, 2019. The family is suggesting that donations in his honor be given to the Parks Foundation for the Fishing Derby. AGM O'Connor will provide the information to the Board.