

The Board Meeting, which was held on October 18, 2016 at the East Bay Regional District, 2950 Peralta Oaks Court, Oakland, CA was called to order at 11:40 a.m. by Board President Siden.

ROLL CALL

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

Directors Absent: None.

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 by Board President Siden.

Staff Present: Carol Victor, Carol Johnson, Jim O'Connor, Bob Nisbet, Liz Musbach, Mark Ragatz, Aaron Roth, Ana Alvarez, Suzanne Lusk, Kelly Barrington, Sean Dougan, Mona Koh, John Bouyea, Capt. Theile, Matt Graul, Glenn Gilchrist, Jeff Rasmussen, Mona Koh, Kelly Barrington, Anne Kassebaum, Tiffany Margulici. Dan McCormick, Michael McNally, Pete DeQuincy, Kristina Kelchner, Katy Hornbeck, Lt. Gretchen Rose, Kyle Maxwell, Brian Holt, Bill Zenoni.

Guests: None.

A. APPROVAL OF AGENDA

By motion of Director Dotson, and seconded by Director Wieskamp, the Board voted unanimously to approve the revised agenda pulling items d f and g for a separate vote.

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

Directors Against: None.

Directors Absent: None.

B. SPECIAL RECOGNITION

The 80th Anniversary of the opening of Redwood Bowl was celebrated.

C. PUBLIC COMMENTS

Stan Kolodzie, Briones Archers President, presented an adopted resolution to the Board suggesting that the archery range be renamed in honor of Ted Radke. President Siden commented that the Park District is working with the Radke family on naming proposals to honor Director Radke.

Bruce Beyaert, TRAC, handed out a map to the Board and gave a brief update on the Bay Trail in Richmond. Beyaert extended thanks to Director Sutter for all of his work. President Siden and Director Sutter extended appreciation to TRAC. GM Doyle commented on the importance to have someone work in the city boundaries of Richmond.

D. BUSINESS BEFORE THE BOARD

CONSENT CALENDAR

By motion of Director Wieskamp, and seconded by Director Burgis, the Board voted unanimously to approve the Consent Calendar except for item d.

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

- a. Approval of District Check Listing for the Period of September 5, 2016 to September 18, 2016
Resolution No. 2016 – 10 – 267 (attached)
- b. Approval of the Minutes for the Board Meeting of October 4, 2016
- c. Approval of Out-of-State Travel for Directors Doug Siden, Diane Burgis and Whitney Dotson to Attend the 2016 Restore America's Estuaries Summit New Orleans, Louisiana from December 10 - 15, 2016
Resolution No. 2016 – 10 – 268 (attached)
- d. Authorization to Execute an Extension of a Donation Agreement with Chevron U.S.A. Inc. for a Recreational Trail Easement at Point San Pablo Peninsula: San Francisco Bay Trail
Resolution No. 2016 – 10 – 269 (attached)

Bruce Beyaert, TRAC President, asked the Board to include an additional 'whereas' to the current resolution. The new whereas reads: "Whereas, Chevron entered into a January 23, 2009 agreement with the State Lands Commission committing to provide both the Phase 1 and Phase 2 Bay Trail easements to a public agency; and". The Board discussed the request and GM Doyle weighed in that this addition is a statement of fact not related to our agency, but to the State Lands Commission. District Counsel Victor stated that it be added as the 4th whereas in the resolution. Director Lane asked if both trails would be eligible to apply for TIGER grants. Jeff Rasmussen, AFO, commented that the trails would be eligible for a TIGER Grant.

Director Lane moved and Director Wieskamp motioned that the Board authorize the execution of this extension adding an additional fourth whereas to read, "Whereas, Chevron entered into a January 23, 2009 agreement with the State Lands Commission committing to provide both the Phase 1 and Phase 2 Bay Trail easements to a public agency; and". The motion passed unanimously.

- e. Authorization to Enter into a Lease Agreement with the State Lands Commission: San Francisco Bay Trail
Resolution No. 2016 – 10 – 270 (attached)

- f. Authorization to Award a Contract for Fuels/Vegetation Management Services to ArborWorks, Inc.: Wildcat Canyon Regional Park
Resolution No. 2016 – 10 – 271 (attached)

President Siden wanted to ensure that Director Dotson did not have to recuse himself for item f. District Counsel stated that this is on the San Pablo Peninsula and Director Dotson may stay. Director Sutter questioned the reason for the large discrepancies in the bid prices. Capt. Theile of the Fire Dept. commented that it is fairly typical of the spread that Public Safety receives in bids from contractors; Theile didn't know the reason for the spread in bid prices. President Siden asked about prevention treatment and how many times are areas treated. Theile replied it is a one-time treatment about 70% of the time, annually it is monitored and if necessary treated as part of the long term fuels management maintenance. Sutter asked how many treatment areas it covers Theile answered it is only one treatment area; the overall objective is to reduce the overstory of eucalyptus. Sutter asked how many contractors bid. Theile responded that it varies depending on project size, time of year, etc.

- g. Approval of Revisions to the East Bay Regional District Retirement Plans Investment Policy
Resolution No. 2016 – 10 – 272 (attached)
- h. Authorization to Apply to the East Contra Costa County Habitat Conservancy Science and Research Grant Program for Small Mammal Burrow Mapping: District-wide
Resolution No. 2016 – 10 – 273 (attached)
- i. Authorization to Approve Grant Application to the Urban Areas Security Initiative for Radios: District-wide
Resolution No. 2016 – 10 – 274 (attached)

2. ACQUISITION AND STEWARDSHIP DIVISION

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

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

- 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 10.5± Acres of Real Property from Save Mount Diablo, a California Non-Profit Public Benefit Corporation: Black Diamond Mines Regional Preserve
Resolution No. 2016 – 10 – 275 (attached)

John Bouyea, Senior Land Acquisition Specialist, gave a PowerPoint presentation; showing and describing various views of this property. President Siden asked where the additional funds are likely to come from. Bouyea replied that the Conservancy has agreed to fund 90% and the District will provide 10% funding with the possibility of obtaining funds from grants. Director Sutter asked if there are any recreational opportunities on the property. Bouyea answered it is unlikely, the land is important for habitat and protection, and as an entrance to Nortonville. Sutter asked about a staging area. Bouyea pointed to the area on the slide. Director Lane asked where the trail would be located. Liz Musbach, Chief of Land Acquisition

replied that the District is currently in confidential negotiations, so she could only answer in generalities. Director Sutter asked if the cattle tunnel is usable for pedestrian travel. Bouyea answered with some work it could be.

By motion of Director Burgis, and seconded by Director Lane, the Board voted unanimously to approve item 2b.

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

- b. Authorization to Accept Easements from Union Pacific Railroad Company and Accept and Appropriate Funds from Union Pacific Railroad Company and Enter into a Pedestrian Overpass and Trail Agreement: San Francisco Bay Trail
Resolution No. 2016 – 10 – 276 (attached)

Sean Dougan, Trails Development Program Manager gave a PowerPoint presentation on this item; highlighting the specifics of the project. Dougan explained that neighbors in this area wanted changes to the bridge specifically removing the observation deck and changing the ornamental railing. Director Waespi asked instead of going on the expensive overcrossing why not go on the road. Dougan replied that the landowners were concerned with the instability of the bluff, which would require a massive retaining wall. Director Lane in referring to the staff report's last paragraph, asked what does 'non-exclusive aerial and recreation trail easement' mean. Dougan explained that the RR owns the air above their tracks and in this case they did not charge the District for the aerial easement as part of the settlement and the MOU. District Counsel Victor mentioned the excellent work of Assistant District Counsel Kelchner on this project. Director Sutter asked if BNSF is involved. Dougan said they are not and the District is not impacting their right of way. Sutter asked what the annual estimated maintenance cost will be. Dougan answered that he will check with engineers and get back to the Director. GM Doyle explained that the District is responsible to maintain the physical surface of the bridge. Director Burgis asked if the sound impacts have been studied. Dougan replied that construction equipment will come in from Tennent and work has been tailored to minimize the sound impact on the neighbors. Director Waespi asked if there are lights on the bridge. Dougan answered that the neighbors didn't want lights; the bridge will have infrared cameras instead. Director Sutter asked about park hours. Dougan replied Public Safety will determine the hours. GM Doyle discussed the possibility of returning to the Board during Ordinance 38 review as the trails are being used by bicyclists for commuting during after-hours. Director Wieskamp commented that this project could be used as an excellent model showing the many reasons it takes so long to build a trail. GM Doyle gave a brief history of the relationship between the railroads and the Park District working collaboratively on projects, and the benefit of good legal counsel to stop the merger of two railroads. Director Sutter and Director Siden both stated that this is a unique story, worthy of an article from Public Affairs. Victor said the RR was proud of this as well. Director Lane stated the District needs to make a special effort to do a presentation at WCCTAC and other regional transportation groups to talk about this project, thank them for funding, and remind them of what the District has provided. Dougan reviewed the funding table. Director Sutter asked about the fund shortfall, and if staff will request funding from Measure WW. Dougan added that staff will also apply for Measure J funding. Director Sutter expressed concern that when there is a shortfall the District takes money out of contingency fund. Dougan clarified that WW Bay Trail Funding is not a part of that contingency.

3. BOARD AND STAFF REPORT

a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle and Brian Holt commented on the item in the report.

4. GENERAL MANAGER'S COMMENTS

Aquatic Assistant Kyle Maxwell presented on engaging youth through water safety education.

- 7th year no guarded drownings;
- 38,000 Lifejackets provided;
- 602 Junior Lifeguards;
- Taught almost 1500 swim lessons
- *Vamos Aprender* (Let's Learn) water safety program - 846 Spanish speaking participants;
- Aquatic Adventure free summer camp;
- 30 Junior Cadets – 13-17 year olds.

Director Lane asked if the Aquatics Division is able to fill staffing needs. Maxwell replied yes. Lane asked if there are *Vamos Aprender* programs at Shadow Cliffs or just Del Valle. Pete DeQuincy, Aquatics Manager, said that the grant is for Del Valle and from the Dept. of Water Resources. Lane suggested staff consider other grants and Spanish language organizations for resources. GM Doyle suggested staff look at a possible grant from the Bureau of Reclamation for Contra Loma. The Board was impressed with the teamwork and the presentation. Director Wieskamp suggested staff consider using board contingency funds for life jackets. DeQuincy stated he attributes the program's success to the seasonal staff who have been encouraged to embrace public service engagement, and the park Aquatics staff has played in engaging them at their level and providing a healthy environment. Director Sutter commented on the dogs on pg. 76; encouraging staff to include dogs in the overall planning process of any new trail or park.

5. ANNOUNCEMENTS FROM CLOSED SESSION

There were no announcements.

6. BOARD COMMITTEE REPORTS

- a. Executive Committee (9/02/16) (Siden)

Director Sutter encouraged the District to work with Ohlone College on parking for Mission Peak. Jim O'Connor, AGM Operations, said that the College and will start charging parking fees on Sundays.

7. BOARD COMMENTS

President Siden reported on meetings attended. President Siden

- Attended the CSDA meeting;
- Attended the Labor Closed Session;
- Attended the Executive Committee meeting;
- Attending the Operations Committee meeting;
- Attending Annual Service Awards dinner;
- Attending Grazing Dinner at Camp Arroyo.

Siden received the Board Member of the Year award (CSDA);

Siden congratulated Brian Holt for his role as Acting, Chief of Planning;

Siden commented on the Swalwell letter which Erich Pfuehler is currently working on;

Siden thanked Sharon Clay for all of her work on the 80th anniversary recognition.

Director Lane reported on meetings attended. Director Lane

- Attended the Labor Closed Session;
- Attended the Executive Committee meeting;
- Attended the Walnut Creek Water Council Meeting;
- Attending the 75th Anniversary at the Brazilian Room;
- Attending staff's presentation practices;
- Attending the Tri Valley History Symposium;
- Meeting with Camille neighbors to talk about staging area.

Lane commented that there should be a discussion on electric bikes and Ordinance 38.

Lane commented that staff should look at all options for namings in recognition of Ted Radke.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Agriculture Day;
- Attended the CSDA;
- Attended the HASPA meeting;
- Attended the Labor Closed Session;
- Attended a meeting with Bill Quirk and his staff;
- Attended FamFest that Nate Miley holds every year;
- Attended the San Leandro Creek Alliance meeting;
- Attending Annual Service Awards dinner.

Waespi congratulated Director Sutter on his well-deserved awards.

Waespi congratulated President Siden for his leadership on having the first Alameda County Watershed Conference in Alameda County.

Director Burgis reported on meetings attended. Director Burgis

- Attended the Oakley Harvest Festival;
- Attended the Labor Closed Session.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Elected Women's lunch;
- Attended the Labor Closed Session;
- Attended a meeting at LAFCO on Eden Township;
- Attending Annual Service Awards dinner.

Wieskamp read an article re: the benefits of walking in the park.

Wieskamp congratulated Brian Holt for Acting Chief of Planning.

Wieskamp presented a book to GM Doyle on Frederick Law Olmstead Sr.

Director Sutter reported on meetings attended. Director Sutter

- Attended the SFBRA meeting;
- Attended the Labor Closed Session;
- Attended the Legislative picnic at Tidewater;
- Attended the Alameda Liaison Committee meeting;
- Attended the NRPA Conference in St. Louis;
- Received several awards: the Pugsley, Legend AARPA, Greenbelt Alliance, Measure DD;
- Attending Annual Service Awards dinner.

Sutter complimented the Clerk of the Board on timely and complete minutes.

Sutter commented that staff should look at all options for naming things after Radke.

Director Dotson reported on meetings attended. Director Dotson

- Attended the NRPA conference in St. Louis;
- Attended the Labor Closed Session;
- Attended the Executive Board meeting.

Dotson complimented Brian Holt on the presentation on CNWS.

8. PUBLIC COMMENTS

Kelly Abreu commented on the letter from the District's legal dept. on Vargas.

E. ADJOURNMENT

The meeting was adjourned at 4:15 p.m. by Board President Doug Siden.

Respectfully submitted:

/s/ Yolande Barial Knight
Clerk of the Board