

The Board Meeting, which was held on June 7, 2016 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA was called to order at 12:30 p.m. by Board President Siden.

ROLL CALL

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

Directors Absent: Diane Burgis, Secretary

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 Board President Siden.

Staff Present: Robert Doyle, Debra Aufer, Carol Victor, Ana Alvarez, Carol Johnson, Erich Pfoehler, Aaron Roth, Tiffany Margulici, Liz Musbach, Alicia Gonzales, Bob Nisbet, Nate Luna, Tim Anderson, Jim O'Connor, Kristina Kelchner, Matt Graul, Al Love, Anthony Ciaburro, Kelly Barrington, Isa Polt Jones, Mark Ragatz, Matt Graul, Sukari Beshears

Guests: Carin High, Sireesh Pedapenki, Siri Pedapenki, Melissa Liu, Abby Fateman, Meredith Hendricks, Paul Burns

A. APPROVAL OF AGENDA

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

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

Directors Against: None.

Directors Absent: Diane Burgis.

B. SPECIAL RECOGNITION

Director Wieskamp introduced the director of the program, Carin High – Friends of Coyote Hills. Habitat Means Home Posters Contest winners were presented with a District water bottle. First place: Sireesh Pedapenki, Second place: Melissa Liu, and Honorable Mention: Siri Pedapenki were honored. GM Doyle acknowledged Carin High as a true conservationist.

C. PUBLIC COMMENTS

Members of the public addressed the Board on the Anthony Chabot Gun Club's lease as well as maintenance needs at the Steam Trains at Tilden Park.

D. BUSINESS BEFORE THE BOARD

CONSENT CALENDAR

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

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

Directors Against: None.

Directors Absent: Diane Burgis.

- a. Approval of District Check Listing for the Period of
April 25, 2016 to May 8, 2016
Resolution No. 2016 – 06 – 125 (attached)
- b. Approval of the Minutes for the Board Meeting of June 7, 2016
- c. Authorization to Negotiate with Various Property Owners
Resolution No. 2016 – 06 – 126 (attached)
- d. Authorization to Enter into a Lease Agreement with Mussi Ag.
a California General Partnership: Delta Access Regional Recreation
Area
Resolution No. 2016 – 06 – 127 (attached)

President Siden had a question regarding the difference between the lease on farmable vs. non farmable land. Liz Musbach, Land Acquisition Manager, explained that the lease rate is based on only areas that can be farmed. Crops are alfalfa and baby lima beans.

- e. Authorization to Grant a 44-Square Foot Easement and Issue an
Encroachment Permit to the City of Lafayette for the Placement,
Operation and Maintenance of a Traffic Signal Pole, Utility Box and
Underground Appurtenances, and Require from the City a Sidewalk
Improvement: Lafayette – Moraga Regional Trail
Resolution No. 2016 – 06 – 128 (attached)

Director Sutter questioned whether the trail and maintenance issues could be done at the same time. Sean Dougan, Trails Development Manager, said they could not be done at the same time based on the right of way issues. Director Lane asked if Lafayette is planning a roundabout and how will the trail users access the trail. Dougan said he is aware of the roundabout, safety improvements are planned and access information will be forthcoming.

- f. Authorization to Transfer and Appropriate Measure WW and
Measure AA Funds for Land Acquisition Department Projects
Resolution No. 2016 – 06 – 129 (attached)
- g. Authorization to Award a Contract to TNB Construction for
Del Valle Service Yard Improvements, Phase I: Del Valle Regional Park
Resolution No. 2016 – 06 – 130 (attached)

President Siden complimented staff on the tour of the service yard and the improvements.

- h. Authorization to Award a Contract to VSS International, Inc. for Asphalt Maintenance: Iron Horse Regional Trail
Resolution No. 2016 – 06 – 131 (attached)
- i. Authorization to Apply to the California Office of Emergency Services for Funds from the Federal Emergency Management Agency for Hazard Mitigation Planning and Hazardous Fuels Management in the East Bay Hills
Resolution No. 2016 – 06 – 132 (attached)
- j. Authorization to Transfer and Appropriate Funds and Increase Construction Contingency for Campground Restrooms Replacements: Del Valle Regional Park
Resolution No. 2016 – 06 – 133 (attached)

President Siden complimented staff on the restrooms at Del Valle.

- k. Authorization for Budgetary Closure of Completed Projects, Related Transfer of Funds and Amendments to the 2016 Budget
Resolution No. 2016 – 06 – 134 (attached)

President Siden complimented staff on the number of completed projects under budget. A member of the public commented on Vargas Plateau.

- l. Authorization to Apply for Federal Grant Funds from the Active Transportation Program for San Francisco Bay Trail Projects: District- wide
Resolution No. 2016 – 06 – 135 (attached)

Director Sutter and President Siden commended staff on these projects.

- m. Authorization to Approve Recycled Water Service Agreements with City of Livermore and Alameda County for use at Shadow Cliffs Regional Recreation Area
Resolution No. 2016 – 06 – 136 (attached)

Director Sutter asked if the recycled water should have color added so that people won't drink it. Debra Aufer, AGM Finance and Management Services explained that the guidelines are set by code and they have determined that purple pipe is how the water is identified. Director Wieskamp said this is irrigation water and is marked as non-drinkable water. GM Doyle said is the water is for drip irrigation and is not accessible to the public. Wieskamp complimented the agencies on collaboration and adding recycled water to the park. GM Doyle said that this is the first purple pipe project for the District. Director Waespi added that this is forward thinking, cheaper, is clean water, and runs 16 miles parallel. Director Lane asked if the District can use this to water the grass. Deputy GM Alvarez said that the use of recycled water is bound by state code, Title 22 with specific guidelines on timing of irrigation.

- n. Approval of the Appointment of Julie Bueren to the Park Advisory Committee
Resolution No. 2016 – 06 – 137 (attached)

- o. Resolution to Support Pending State Legislation AB 2413 (Thurmond):
Sea Level Rise Preparation
Resolution No. 2016 – 06 – 138 (attached)

- p. Resolution to Oppose Pending State Legislation AB 2476 (Daly):
Parcel Tax Notification
Resolution No. 2016 – 06 – 139 (attached)

- q. Resolution to Support Pending Federal Legislation H. Res. 616 (DeSaulnier):
Port Chicago African American Sailors Exoneration
Resolution No. 2016 – 06 – 140 (attached)

- r. Resolution to Support Pending Federal Legislation S. 651 (Boxer):
John Muir National Historic Site Expansion Act
Resolution No. 2016 – 06 – 141 (attached)

- s. Resolution to Support Pending State Legislation SB 1062 (Lara):
Elephant Bullhook Ban
Resolution No. 2016 – 06 – 142 (attached)

- t. Resolution to Support Pending State Legislation SB 1172 (Hancock):
City of Albany Tidelands
Resolution No. 2016 – 06 – 143 (attached)

- u. Resolution to Support Pending State Legislation SB 1277 (Hancock):
Banning Port of Oakland Coal Exports
Resolution No. 2016 – 06 – 144 (attached)

2. FINANCE AND MANAGEMENT SERVICES DIVISION

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

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

Directors Against: None.

Directors Absent: Diane Burgis.

- a. Authorization to Accept a 4.88± acre Trail Easement (APN's: 060-2535-001 and 066-2680-003-05) from Golden Gate Land Holdings, LLC: McLaughlin Eastshore State Park
Resolution No. 2016 – 06 – 145 (attached)

AGM Nisbet provided the Board with a map showing the location of the acreage donated by Golden Gates Fields to the District. Director Sutter stated he was pleased to see this moving forward.

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

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

Directors Against: None.

Directors Absent: Diane Burgis.

- c. Authorization to Exercise the Option, Purchase and Sale Agreement and Accept, Transfer and Appropriate Funds for the Acquisition in Partnership with the East Contra Costa County Habitat Conservancy of 76.46± Acres of Real Property (Hanson) from Save Mount Diablo, a California Non-Profit Public Benefit Corporation:
Deer Valley Regional Park
Resolution No. 2016 – 06 – 146 (attached)

John Bouyea, Senior Land Acquisition Specialist, outlined the background on this action. This property is currently owned by Save Mt Diablo and was formerly the Hanson Ranch. It has an oak studded ridgeline that creates a long canyon and a creek. East Contra Costa County Habitat Conservancy will contribute 75% of the funding.

Director Sutter said the county is proposing a trail and will we have a staging area. GM Doyle replied that this property is on the steep side of Marsh Creek Road and he isn't certain about a staging area. GM Doyle stated that as we aggregate the Park District will look at a management plan with habitat. Abbey Fateman, Executive Director, East Contra Costa Habitat Conservancy remarked that the management plan has not yet started. Meredith Hendricks, Programs Director of Save Mt. Diablo added that they purchased this property to have it permanently preserved in hopes that the Park District would buy it. Fateman added that this is the 28th joint acquisition with the Park District. Fateman thanked the regional parks staff for their willingness to take on different projects in the spirit of partnership, and she expressed her appreciation to Save Mt. Diablo for their partnership. Lane suggested that there could be a celebration at the 10th year of our partnership.

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

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

- b. Authorization to Enter Into an Option, Purchase and Sale Agreement and Transfer and Appropriate Funds for the Acquisition of 20.0± Acres of Real Property from Lawrence J. O'Neill and Kathleen M. O'Neill, Trustees: Point Pinole Regional Shoreline
Resolution No. 2016 – 06 – 147 (attached)

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

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

Liz Musbach, Land Acquisition Manager, explained the need to acquire this property and the importance to protect significant shoreline habitat and preserve open space and eliminate the use of future non-compatible uses. Director Wieskamp asked if there is a need for a security fence between railroad right-of-way and the park. Musbach replied it could be determined for future planning. Director Lane asked where Rheem Creek meandered and what would need to be done to re-align it. Musbach indicated the location on the map. Chris Barton, Environmental Programs Manager provided information on the plans to re-engineer the Creek.

GM Doyle stated Contra Costa County Flood Control has expressed an interest in looking at potential projects on Rheem Creek. Director Siden inquired about the appraisal value if it is less than \$2 million. Musbach replied if it is less the offer will be off the table. GM Doyle added if it comes in higher than \$2 million the sellers are committed to sell it for \$ 2 million. Musbach agreed that they would be committed and willing to take a charitable donation towards the difference. Director Sutter complimented staff in getting to this point. He asked if the District could use the PG&E strip of land. Musbach answered it has no utility. Doyle says it will be open space absent the power lines.

- d. 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 199.43± Acres of Real Property from the Coelho Machado Family Limited Partnership, a California Limited Partnership: Vasco Hills Regional Preserve
Resolution No. 2016 – 06 – 148 (attached)

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

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

John Bouyea, Senior Land Acquisition Specialist using PowerPoint for presentation stated that ECCHC is paying 90% of this funding, 10% conservation fund and no cost to the District. An interesting feature of this property is that there is an undercrossing that allows for access to both sides of the property. Abbey Fateman, Executive Director, East Contra Costa Habitat Conservancy, said that this area is dry, hot and supports our rare and specialty status plants and animals. This is the 29th partnership acquisition.

Public commented that the District is not looking at public usage, proximity to public area or public access when acquiring properties. Director Sutter added that there is potential public use. Among the other properties there is a very elaborate stable, plans for trails and some of those trails will be popular for equestrians. The District has to think of not only existing populations but the future. GM Doyle added that 90% of the money comes from ECCHC whose dominate use is for habitat. It pre-allows for recreation even in a highly permitted and endangered area. The District is subject to federally regulated lands and rules for specie protection. Lane congratulated everyone and asked Matt Graul why the District refers to this as grassland and not prairie.

- e. Authorization to Award Job Order Contracts JOC-001, JOC-002, and JOC-003 to Agbayani Construction Corporation, Flint Builders, Inc., and Mark Scott Construction, Inc., Respectively: District Wide
Resolution No. 2016 – 06 – 149 (attached)

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

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

Bob Nisbet, AGMs ASD opened the discussion by clarifying responses to several questions. Nisbet stated that by using Job Order Contracts (JOC) it will be competitively bid, there is transparency, staff will report on how the District is contracting annually and status reports will be provided. Nisbet combined his Power Point presentation to cover both items e and f. Nisbet explained that JOC is about efficiently spending the money to get projects completed. Rob Lim, Chief of Design and Construction, passed out a hard copy of the PowerPoint to the Board. JOC is an alternative project delivery method. The District can task the job contractor with any number of job orders without having to competitively bid any of these projects. JOC creates and fosters a more collaborative environment and a less adversarial relationship and it does not replace existing methods. Lim walked the Board through a case study.

- f. Authorization to Award Job Order Contracts JOC-004, JOC-005, and JOC-006 to Agbayani Construction Corporation, Mark Scott Construction, Inc., and Flint Builders, Inc., Respectively: District Wide
Resolution No. 2016 – 06 – 149 (attached)

Director Sutter asked for clarification on the definition of 'adjustment factor'. Lim described it as a unit price book/catalog of costs that all of the contractors agree to use as their criteria for pricing each task. Change orders are dealt with after discussion between the contractor and the District. Doyle said this should reduce the amount of change orders due to the standardization of costs in the book. Director Wieskamp thanked staff for all of their hard work. Director Waespi asked if the contractors have had experience with JOC. Lim said that they have had experience in differing degrees. Director Siden asked for additional clarifications on a unit price book. The Gordian Group develops the unit price book. GM Doyle compared this book to the Blue Book.

BOARD AND STAFF REPORTS

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

General Manager Robert Doyle discussed those items listed on the staff report.

3. GENERAL MANAGER'S COMMENTS

Matt Graul, Chief of Stewardship, introduced his staff to discuss the blue green algae blooms. Hal MacLean, Water Management Supervisor provided and outline on the history of algal blooms in the Park District. He commented that it has become a worldwide problem due to aging reservoirs, sedimentation, drought and warmer temperatures. Cyanobacteria was detected in the 70's, a bloom in 2008 in Anza and first toxic bloom was in 2014, 2015 and 2016. The District put signage up in these areas of harmful blooms. MacLean showed the different types of signs used at the lakes. Staff has identified microcystin toxin in our waters. IPM Specialist, Casey Brierly's job is to try to find solutions for the problem. The best long term option is dredging, the short term is that, we can increase our sedimentation. Siden asked how difficult it is to get the permits. Graul replied that the District does have permits for maintenance, but the challenge is to increase the amount that can be removed. Brierly said the District could try to reestablish wetlands, short term solutions are Poslock, aeration, Pak 27 removal. Lane asked if EBMUD is doing anything. Brierly said the District is taking the lead, since this this is EBMUD's secondary water source, so they are not as concerned. Phosphorus is the food source for blue green algae. Brierly explained that future plans include: floating islands, an aeration system in Lake Anza for 2017, nutrient source study and continued networking. Graul said that staff is developing a brochure.

GM Doyle asked Matt Graul to summarize the hours/money staff has used on these blooms and give to the Board. GM Doyle announced that the District has received a unique competitive grant for Crown Beach which will start the process for expansion and internal changes in that education center. Staff did a great job to obtain this grant. GM Doyle acknowledged staff and Operations for Lake Chabot's 50th Anniversary.

4. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Victor announced that there were no announcements from closed session.

5. BOARD COMMENTS

Director Siden reported on meetings attended. Director Siden

- Attended CSDA's Special Legislative days;
- Attended the EB EDA Annual Economic Forecast meeting;
- Attended the Cull Canyon Volunteer picnic;
- Attended the Regional Park Foundation meeting;
- Attended the Lake Chabot's 50th Anniversary;
- Attended the Board Operation Committee meeting;
- Attended the Del Valle Board Tour;
- Attended the MLK Rally Committee meeting;
- Will attend the EB EDA planning retreat;
- Will attend the Concert at the Cove;
- Will attend the 50th Anniversary Sandcastle Contest.

Director Lane reported on meetings attended. Director Lane

- Attended the BAOSC in Richmond;
- Attended the Cull Canyon Volunteer picnic;
- Attended Lake Chabot's 50th Anniversary;
- Attended the Del Valle Board Tour;
- Attended political parties;
- Led a historical park tour of San Ramon Creek;
- Las Trampas staff came to Danville for a look at the history museum;
- Announced the CC County History Center opened a new exhibit on Judges of Justice;
- Thanked the Foundation for the new bottle;
- Attending Elected Women's picnic at Sycamore;
- Would like to be informed on Tilden railroad and the gun club issues;
- Announced that the map is being installed at Tilden today.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Cull Canyon Volunteer picnic;
- Attended the Finance Committee meeting;
- Attended the Executive Committee meeting;
- Attended the Foundation's event at Drake's Brewery;
- Attended Lake Chabot's 50th Anniversary;
- Announced the passing of Al Mendoza, a long time grazer;
- Attended CSDA's Special Legislative days;
- Attended the CARPD Conference;
- Presented an award from CARPD to the District's website and to Director Sutter who was awarded the Director of the Year Award.

Director Sutter reported on meetings attended. Director Sutter

- Attended the BAOSC in Richmond;
- Attended the discussion with staff on Chabot Science Center's project to build a camp;

- Attended the Operations Committee meeting;
- Attended the Del Valle Board Tour;
- Thanked staff, the General Manager and Public Affairs for making the nomination and for the CARPD award.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Livermore Chamber event;
- Attended the Ecology Committee meeting;
- Attended the Finance Committee meeting;
- Attended the Operations Committee meeting;
- Attended the Del Valle Board Tour;
- Making a Niles rotary presentation;
- Attending the Elected Women's picnic at Sycamore;
- Attending the Special Park Districts Forum;
- Would like to be informed on the Tilden railroad and the gun club issues.

Director Dotson reported on meetings attended. Director Dotson

- Attended Del Valle Board Tour;
- Attended the Board Executive Committee meeting;
- Attending the Legislative Luncheon in Sacramento.

6. WORKSHOP TO REVIEW THE RECENT CAPITOL HILL MEETINGS

Erich Pfuehler, Government Affairs Manager, used a PowerPoint to cover EBRPD's meetings while in Washington, DC, and handed out the Federal and Legislative priorities to the Board.

The Board thanked Yulie Padmore, Confidential Secretary, and Erich Pfuehler for a well thought out and organized schedule of meetings.

D. ADJOURNMENT

The meeting was adjourned at 6:23 pm by Board President Doug Siden.

Respectfully submitted:
/s/ Yolande Barial Knight
Clerk of the Board