

The Board Meeting, which was held on May 3, 2016 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA was called to order at 12:32 p.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

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 2:01 p.m. by Board President Siden.

Staff Present: Robert Doyle, Debra Auker, Carol Victor, Carol Johnson,
Erich Pfuehler, Juliana Schirmer, Aaron Roth, Anne Kassebaum, Al Love,
Liz Musbach, Alicia Gonzales, Bob Nisbet, Chris Barton, John Bouyea,
Bill Zenoni, Tim Anderson, Jim O'Connor, Sean Dougan, Kristina Kelchner,
Jeff Rasmussen, Matt Graul, Al Love, Anthony Ciaburro, Sara Rieck, Linda Wu,
Suzanne Lusk, Raphael Breines, Glenn Gilchrist, Dale McCourt, Kelly Barrington

Guests: Jim Townsend, Mike Conneran

A. APPROVAL OF AGENDA

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

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

Directors Against: None.

B. PUBLIC COMMENTS

None.

C. 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.

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

Directors Against: None.

- a. Approval of District Check Listing for the Period of
March 21, 2016 to April 3, 2016
Resolution No. 2016 – 05 – 102 (attached)
- b. Approval of the Minutes for the Board Meeting of April 19, 2016
- c. Authorization to Grant a Waterline Easement to the Kiely
Family Trust: Pleasanton Ridge Regional Park
Resolution No. 2016 – 05 – 103 (attached)
- d. Approval of Out-of-State Travel for Directors Dennis Waespi,
Whitney Dotson, John Sutter, and Ayn Wieskamp to Attend
the 2016 Special Park District Forum in Cleveland, Ohio from
June 13- 17, 2016
Resolution No. 2016 – 05 – 104 (attached)
- e. Approval of Resolution Initiating Proceedings and Ordering
Filing of Annual Report for Alameda County/Contra Costa
County Regional Trails Landscaping and Lighting Assessment
District (Two-County LLD)
Resolution No. 2016 – 05 – 105 (attached)
- f. Approval of Resolution Initiating Proceedings and Ordering
Filing of Annual Report for East Contra Costa County
Landscaping and Lighting Assessment District (ECCC LLD)
Resolution No. 2016 – 05 – 106 (attached)
- g. Authorization to Partner and Accept Funding from the City of
Alameda for Storm Drain Improvements and Amend the 2016
Budget: Robert W. Crown Memorial State Beach
Resolution No. 2016 – 05 – 107 (attached)
- h. Authorization to Convert One Full Time Equivalent (FTE)
Senior Office Assistant to Office Specialist: Public Affairs
Division
Resolution No. 2016 – 05 – 108 (attached)
- i. Authorization to Revise Measure AA Project Budgets and
Allocation Area Amounts
Resolution No. 2016 – 05 – 109 (attached)
- j. Authorization to Consolidate Remainder Measure AA Funds
Resolution No. 2016 – 05 – 110 (attached)
- k. Authorization to Apply for Grant Funds from the U.S.
Department of Justice for up to Two Police Officers: District
Wide
Resolution No. 2016 – 05 – 111 (attached)

- I. Authorization of Sole Source Agreement with Hallsten Corporation for the Purchase of New Aluminum Floating Dock System: Martin Luther King Jr. Regional Shoreline
Resolution No. 2016 – 05 – 112 (attached)

2. LEGAL AND ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

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

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

Directors Against: None.

- a. Authorization to Enter into an Amended and Restated Memorandum of Understanding with Union Pacific Railroad Regarding Recreational Trail Right-of-Way Over Railroad Property for Public Shoreline Access: District Wide
Resolution No. 2016 – 05 – 113 (attached)

GM Doyle gave the historical perspective of the railroads and trails. The District was the only petitioner that ever stopped a railroad merger based on CEQA and NEPA. By creating a longitudinal encroachment, staff was able to negotiate a very large number of crossings.

Kristina Kelchner, Assistant District Counsel, stated that the current agreement refines the list of trails where public investment provides the District the most benefit and clarifies which locations make sense, provides a more detailed process and timely implementation. Two of the projects Union Pacific Railroad (UPR) have already conceptually approved. Sean Dougan, Trails Development Program Manager, stated that UPR needs to have a construction maintenance agreement and District MOU for Public Shoreline Access. Dougan's overview of the shoreline trails walked through future projects and those that have been conveyed. Future projects consisted of: Pinole Shores to the Bayfront Park segment in Pinole which is 90% complete, Nejedly Staging Area to Berrelesa Street in Martinez which has been conceptually approved. Director Sutter asked, and Kelchner defined conceptual approval that UPR will accept. Director Lane asked how long the project will take to complete and does this need to have a fence. Jim Townsend, EBRPD retiree, gave history on this easement which was an exchange of rights with the railroad on a secondary agreement made in 2000, adding it does need a fence. Lone Tree Point is an aerial easement 100 ft. from bluff to bluff. Brickyard/TXI property was traded for White's resort. GM Doyle explained the history of White's Resort which was a very popular fishing pier that no longer exists, and is owned by state lands. Sutter asked if there are possible campsites. Jim O'Connor, AGM Operations responded that in the camping program update, the area that was considered would be the upland area. Sutter asked about the alternate crossing. GM Doyle said this is far superior as a major use area for the park system. Seaview School site trail is a longitudinal easement. Kelchner added that the District has about 10 homes on the District watch list at this easement. The last one to be implemented is the Wildcat Creek Trail overcrossing. Dougan highlighted the locations released from the MOU which include Railroad Ave. and Tennent St. in Pinole, HPI/Pacific Refinery in Hercules, Breuner Marsh and Wilson Point which is a very small piece of shoreline that will be underwater in about 60 years. Building a bridge to this location is difficult. Burgis commented on the hazard area at this site, Valona is a longitudinal crossing in Crockett. Lane wondered if the District should consider being more active in looking for funds to ensure it is a decent trail. Eckley Pier was redundant so it was released.

Kelchner added that UPR will contribute over \$3.8 million to the 6 projects that are going forward. Lane asked if there are any thoughts on Ozol. Doyle replied it is not included. Wieskamp commended staff on

their negotiation skills. Director Burgis asked about Lone Tree Point and the timeline. Dougan said the District is currently working on a SF Bay Trail connection. Sutter asked if the District is negotiating with the other railroad. Dougan said the District is not currently engaged with BSNF. Waespi asked if there is an estimated total cost for the 6 projects. Dougan said staff are close and will bring it to the Trails Workshop in a few weeks. GM Doyle stated that these negotiations shows the tenacity of the Park District to use great legal minds to see the project to fruition.

3. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

By motion of Director Burgis, and seconded by Director Wieskamp, the Board voted unanimously to approve item 3a.

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

Director Dotson recused himself from the discussion of item 3a due to the proximity to his home address.

- a. Authorization to Award a Contract to San Rafael Rock Quarry, Inc. for the Breuner Marsh Restoration and Public Access Project Phase 3 (2016); Amend Professional Services Contracts with Ghirardelli Associates and Questa Engineering Corporation; Pay City of Richmond Fees; and Transfer and Appropriate Funds Including Use of Measure WW Reserves: Point Pinole Regional Shoreline Resolution No. 2016 – 05 – 114 (attached)

Bob Nisbet, AGM ASD stated that there are 7 recommendations with a total project cost of \$14.2 million. This bridges the \$1.9 million gap of several sources moving a series of Measure CC funds from stalled projects. This is a total project cost and good for the next 10 years with a substantial contingency. Nisbet continued with critical reasons for moving forward on this project. This is an award winning salt marsh restoration project, it has been 7+ years in the making and close to the finish line, it is a critical gap of the Bay Trail, there is a tight construction window, and the District only received 3 bids on this project with the second low bid being one million dollars higher.

Director Lane appreciated the 5 critical reasons even though it wasn't discussed at the Board Executive Committee. She didn't think that there had been this much detail presented, and because of the important complexity it should have been seen by the Executive Committee before it came to the Board. Lane expressed concerns about proceeding because of its importance and complexity.

Chris Barton, continued with the presentation, and provided background, touching on details and the importance of keeping the schedule. Barton highlighted the project location and the project area, the project description, site plan, project status from 2013 to 2016, Phase 3 and moving forward into 2017 – 2025. Director Siden asked about the zoning for the Carr property, Barton replied it is light industrial. The project can't begin until September 1, with the rainy season which technically begins in October 1, and it must be done by February 1. Barton responded to Director Lane that the lead time to produce the structure is what is pushing the schedule. Director Sutter asked where the additional funds will come from. Nisbet answered it will come from the Bay Trail. Director Waespi asked if an engineer was included in the project. Barton replied that outside consultants were added. Lane asked if our road and bridge are paid for. Sutter commented that the use of contingency funds should be reserved for important projects and would be a legitimate use of the contingency.

4. **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.

5. **GENERAL MANAGER'S COMMENTS**

GM Doyle commented that the debriefing from Washington, DC visits will be forthcoming.

Juliana Schirmer, Development Director, delivered a PowerPoint presentation entitled Goals & Key Partnerships 2016. Schirmer touched on several key points including enlarging the membership base and expanding strategic partnerships. 2016 key partners include Kaiser Permanente, Tesoro, Chevron, Western State Petroleum Association (WSPA), Phillips 66, and PG&E. In kind partners include Children's Hospital, YMCA, Taylor Foundation and Legacy Giving Partners.

6. **ANNOUNCEMENTS FROM CLOSED SESSION**

District Counsel Victor announced that the Board by unanimous vote, determined that there was an urgent need to add an item to the closed session and the need arose after the agenda was published.

Board added I. Item to the closed session agenda pursuant to Government Code Section 54956.9 Subdivision (d)(2) – Conference with Legal Counsel – Anticipated Litigation (I) case.

7. **BOARD COMMENTS**

Director Siden reported on meetings attended. Director Siden

- Attended the Crown Beach staff meeting;
- Attended the Operations Recognitions Breakfast;
- Attended the Operations committee field trip;
- Attended the Oakland LWV Luncheon;
- Attended the Alameda County Historical Society;
- Attended the San Leandro Historical Society;
- Thanked staff for the Bob Walker photographs;
- Will attend the ACSDA meeting.

Director Lane reported on meetings attended. Director Lane

- Attended meetings and met with representatives in Washington, DC;
- Attended Operations Recognition Breakfast;
- Visited the Botanic Garden;
- Walked the Serpentine Prairie;
- Attended the Natural and Cultural Resources meeting;
- Attended the John Muir Land Trust Event;
- Thanked staff for the Bob Walker Photographs.

Director Sutter reported on meetings attended. Director Sutter

- Attended the Operations Committee meeting;
- Attended the Natural and Cultural Resources meeting;
- Attended the SF Bay Restoration Authority meeting;
- Attended the Oakland LWV luncheon

Sutter stated that his "comment in the April 19, 2016 minutes that the publicity about opening the McCosker Ranch to the public was not intended as criticism of the staff,

but rather as a reminder to the Board that the “check list” process needs to be reviewed by the Board, that the process does not provide for a hearing, so that some members of the public feel left out, and that the Board should know for what kind of projects it is being used. He also stated that LUPs and similar planning documents should deal with the issue of dog use.”

Director Waespi reported on meetings attended. Director Waespi

- Attended the Operations Recognition event;
- Attended the Earth Day Clean up event at Cull Canyon;
- Attended meetings and met with representatives in Washington, DC;
- Thanked Erich and the advocates for the Park District.

Director Burgis reported on meetings attended. Director Burgis

- Attended and met with representatives in Washington, DC;
- Attended the Outdoor Industry Reception.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the State of the city of Dublin;
- Visited the Wiedemann Property;
- Attended the Operations committee meeting and toured the stables;
- Toured Sunol with Gordon Wiley, Sunol Park Supervisor;
- Attended the Oakland LWV Luncheon;
- Attended the John Muir Land Trust event;
- Attended the PAC meeting;
- Requested Chief Anderson to give his presentation to the Board;
- Attended the Natural and Cultural Resources meeting;
- Looking forward with optimism to the opening of Vargas.

Director Dotson reported on meetings attended. Director Dotson

- Walked the wetland parks.

D. ADJOURNMENT

The meeting was adjourned at 5:18 pm by Board President Doug Siden.

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