

The Board Meeting, which was held on March 1, 2016 at the East Bay Regional Park District, 17007 Redwood Road, Castro Valley was called to order at 1:10 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 2:15 p.m. by Board President Siden.

Staff Present: Robert Doyle, Debra Aufer, Carol Victor, Carol Johnson, Erich Pfuehler, Mona Koh, Aaron Roth, Rob Lim, Mimi Waluch, Anne Kassebaum, Matt Graul, Liz Musbach, Mark Ragatz, Alicia Gonzales, Anthony Ciaburro, Al Love, Mimi Waluch, Bob Nisbet, Bill Zenoni, Bob Nisbet, Larry Tong, Julie Bondurant, Kelly Barrington, Jeff Rasmussen, Tim Anderson, Carolyn Jones, Sean Dougan, Lance Brede, Brian Holt, Michael McNally, Tiffany Margulici, Timothy Anderson, Dr. Ana Alvarez, Denise Valentine, Karla Cuero.

Guests: None.

## **A. APPROVAL OF AGENDA**

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

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

District Counsel Carol Victor clarified that a revised agenda was posted indicating that Director Sutter would appear telephonically because he was ill; however, he is in good health today and able to join us so the teleconference was cancelled.

## **B. PUBLIC COMMENTS**

There were none.

## **C. BUSINESS BEFORE THE BOARD**

### I. CONSENT CALENDAR

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

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

Directors Absent: None.

- a. Approval of District Check Listing for the Period of January 18, 2016 to January 31, 2016  
Resolution No. 2016 – 03 – 041 (attached)
  
- Approval of the Minutes for the Board Meeting of February 16, 2016
- c. Authorization to Negotiate with Various Property Owners  
Resolution No. 2016 – 03 – 042 (attached)
- d. Authorization to Accept and Appropriate Funds for Resource Management Improvements Related to the Acquisition of the 191.45± Acre Moller Ranch Property from the Antioch Unified School District and Amend the 2016 Budget to Increase Revenue and Expenses: Black Diamond Mines Regional Preserve  
Resolution No. 2016 – 03 – 043 (attached)
- e. Authorization to Purchase Five Ford Pursuit Utility Vehicles from Folsom Lake Ford of Folsom, California  
Resolution No. 2016 – 03 – 044 (attached)
- g. Authorization to Appropriate General Fund EBMUD/JPA Restricted Funds and Purchase One Ford Pursuit Utility Vehicle from Lake Ford of Folsom, California  
Resolution No. 2016 – 03 – 045 (attached)
- h. Authorization to Purchase Two Honda ATV's and Two Suzuki Dual-Sport Motorcycles from Contra Costa Powersports of Concord, California  
Resolution No. 2016 – 03 – 046 (attached)
- i. Authorization to Enter into a Contract for Services Agreement With Nathan Lawrence for Caretaker Services: Big Break Regional Shoreline  
Resolution No. 2016 – 03 – 047 (attached)
- j. Authorization to Extend the Bay Area Air Quality Management District Communication Site License: South County Corporation Yard, Lake Chabot Regional Park  
Resolution No. 2016 – 03 – 048 (attached)

- k. Authorization to Enter into a Communication Site License Agreement with State of California, Acting By and Through the Director of the Department of General Services, with the Consent of the California Highway Patrol: Vollmer Peak Tilden Regional Park  
Resolution No. 2016 – 03 – 049 (attached)
  
- l. Authorization to Enter into a Special Use Agreement with Newfoundland Club of Northern California: Del Valle Regional Park  
Resolution No. 2016 – 03 – 050 (attached)
  
- m. Authorization to Enter into a Contract with Taser International for “Phase Two” Replacement of EMDT (Taser) Devices for District Police Officers  
Resolution No. 2016 – 03 – 051 (attached)

Director Sutter asked for an explanation of deployment and the difference between these tasers and the ones currently in use. Chief Anderson responded that the deployment mechanism is advanced and when deployed records the length of time. The tasers have a 12-hour battery life.

- m. Contracts for Goat Grazing Services to Goats R Us, Star Creek Land Stewards and Ecosystem Concepts: District-wide  
Resolution No. 2016 – 03 – 052 (attached)

President Siden inquired about the different costs for each service. Dan McCormick, Fire Chief, explained that the contracts were awarded on a breakdown of the entire bid area. There were 2 public comments. The Clerk called their names several times and they never appeared. President Siden continued with the meeting.

## 2. OPERATIONS DIVISION

By motion of Director Burgis, and seconded by Director Wieskamp, the Board voted unanimously to approve Item C-2-a.

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

Directors Absent: None.

- a. Authorization to Close the Anthony Chabot Marksmanship Range and for Staff to Negotiate a Six-Month Lease Extension with the Chabot Gun Club for a Transition Period: Anthony Chabot Regional Park  
Resolution No. 2016 – 03 – 053 (attached)

Jim O'Connor, AGM Operations, gave a PowerPoint presentation on this authorization which has been through a 21-month negotiation process. O'Connor reviewed the process for renewal of the Industrial General Permit (IGP). In 2014, the requirements for the IGP became very strict. The Gun Club has challenges such as: lead accumulation, noise impacts, and facility capital maintenance. The Club expressed that they could meet the costs and meet the challenges however they needed more time. The District extended the Gun Club's lease and agreed with the Club (and at the Board's direction) to retain a third party consultant. The Club submitted their report and District staff reviewed the report. O'Connor outlined the

costs necessary for the Club to be in compliance and the District's analysis of the Club's proposal, which included potential effects of lead on the health of humans and the environment. The District believes that operating the Club is no longer financially sustainable. O'Connor explained that the District as the land owner and permittee of IGP, assumes all redress for any third-party lawsuits, and must meet the highest standards.

Director Sutter asked what has been spent over the last few years and if the Club has reimbursed the District. District Counsel Victor and O'Connor referred the Board to a slide (attached) which enumerated costs. Victor said that costs from the consultants were one-time, and added that with staff time totaled hundreds of hours over the years. Director Waespi noted that with the increase in regulations, District staff will be more involved. Director Wieskamp asked about the costs of Level 1. O'Connor explained there will be an increase in monitoring, reporting and administrative costs. Sutter asked if the Club's proposal was based on Alternative 4. O'Connor responded the proposal is based on Alternative 2.

Public Comments. There were 236 speakers; each given 1 minute to speak. Dennis Staats, President of the CGC, John Maunder, Senior Range Master and John Freytag, Freytag & Associates, Noise Expert spoke on behalf of the Club. Experts and management representing the CGC said they could prove they can manage the range and were given 5 minutes each to speak. Speakers were Dr. Tim Bauter, Senior Consultant/Environmental Expert, Golder Associates, Inc; Dwight Hoenig, Environmental Consultants, Turner Maclane, Inc; and Chuck Michel, Senior Counsel, Michel & Associates. The remaining speakers had similar comments related to why they believed the Chabot Gun Club (CGC) should be allowed to remain open: it is a community, generations have used it, excellent record of no accidents, it is their recreation, wildlife is not harmed, installation of stormwater retention storage systems, asked the District to give the Club a chance to pay for it instead of taxpayers, why the strict timeline to close the facility, what is the policy objective, the CGC serves the public, give the CGC time to see if it will work, it is a good place to learn how to use a firearm and law enforcement also uses the CGC. There were also representatives from the Sierra Club, the Regional Parks Association, as well as members of the public who spoke in favor of closing the Club. Reasons included: impacts of gunfire on habitat, on campers and visitors to the park; lead impacts, Master Plan's environmental ethic, taxpayers are paying for the cleanup, possible long-term effects on the environment.

O'Connor acknowledged John Maunder, Senior Range master, and his staff for their excellent job in operating the range. He added that the decision to close is not based on the operation of the Club, but on lead and environmental impacts. Director Lane asked if people from the Club have offered to end use of lead bullets. O'Connor replied it was mentioned; however was not an offer. O'Connor continued that the challenge is that even if there is a switch to non-lead, stormwater would have to be maintained and the site remediated. Lane asked for more details on the stormwater requirements that have become more stringent. O'Connor explained that the consultants believe that the range will move to Level 1 with the potential in 2 years to move to Level 2. GM Doyle framed the issue by stating that there is no question that more is known now about lead than in the '60s. GM Doyle continued, that the issue is not birds or noise however, but 53 years of tons of lead deposited into the soil. After over a year of study and outside consultants, District staff does not believe it is financially feasible to continue the lease. GM Doyle stated that the Gun Club has been a wonderful site. The District is now focusing on it because the lease is up, and under IGP the requirements, which have become more stringent, the District as the land owner is financially responsible to manage this land. No one has shown up to address the long term cleanup of the lead on the site on behalf of the Club.

Director Wieskamp expressed appreciation for all of the emails and letters received both pro and con from the public. Wieskamp added that the closure is a very difficult decision, and as an elected, part of your job requires you to make difficult decisions. Wieskamp read from pg. 84 of the board packet which outlined the impact of lead on the environment and on the health of humans. Wieskamp added that the Club has been very responsible, however it has to be closed for the health of the community. Wieskamp stated she would

be willing to think about extending the term from 6 months to longer.

Director Burgis said that when she first came on the Board she thought it was outrageous that staff was looking at closing the Club. She has enjoyed the Club, shoots, and has sent her children to learn how to shoot. Burgis believes that this is a partnership and it is a privilege to use land that belongs to the voters and taxpayers; continuing that more outdoor gun clubs are being shut down because of the issues being discussed tonight. The problem is that not enough is being done proactively to prevent this kind of pollution. Burgis commented that she would like to see our state/federal leaders create funding that is built into gun and ammunition sales. Burgis stated that this is not a gun issue, and she has never seen any evidence of the District being against guns. Burgis cautioned that we need to stop polarizing; the State is mandating that we be responsible stewards. Burgis recognized that there is a commitment and a passion from the Club members and would be open to extend the Club's lease for 18 months. Burgis stated that lead is serious and this is about being environmentally and fiscally responsible, and true to our mission.

Director Lane expressed appreciation for the emails. She commented that we should value the area and appreciate the use of guns as part of our history. Lane said her father was a career marine master sergeant. She continued that the Club is unique and appreciated greatly by its users. However, the Park District has changed and has moved its focus more towards the environment, education, non-motorized recreation, and open space. The recent Master Plan points out that an environmental ethic guides the District. The District is bringing more young people and inner city children into the parks. Lane stated that she would be willing to keep the Club open 18 months, with the stipulation that no lead bullets are used and testing is done by District stewards. Lane ended her comments by thanking everyone for attending the meeting today.

Director Dotson stated that this is a controversial issue and it has implications in terms of who has guns, and how they learn to shoot them. Dotson agreed with the General Manager's comments. Dotson commented that he relied on his background in public health to make his decision. Dotson said that as a public health issue this is unacceptable and we should develop an effective time to clean it up in a manner that is acceptable to the general public.

Director Sutter thanked the Club for 50 plus years of service to the community providing recreation and training with an impeccable safety record. Sutter indicated that times have changed, and environmental regulations have become strict. In the beginning this was a lease that paid rent, and it was self-supporting. Now the District is faced with regulatory challenges and costs. Sutter said that the Club's proposal doesn't come close to satisfying the need, and how much of a subsidy can the District justify to the taxpayers? Sutter agreed with the staff recommendation of 6 months.

Director Waespi thanked the Club for coming. Waespi said that this is not a second amendment issue, and he is not opposed to the Club. Waespi commented that the Gun Club is an asset to the community. The overwhelming issue is lead which is a threat to the environment. The District has hired three environmental consultants and have reviewed the lead issue and they agree on a need for a storm water treatment system. The costs have become too prohibitive. Waespi represents a wide variety of people that have different forms of recreation and it is his responsibility to ensure the health and safety of park users. He is not prepared to take a chance. The District holds all of the risk and all of the liability. We need to be sure we are in compliance so we did get a peer review. Waespi continued that as regulators and policy makers holding the risk for all of our constituents, the District needs to hold to a higher standard. Based on the financials, Waespi said he will vote with the staff proposal.

Director Siden said that he is in his 24<sup>th</sup> year on the board and this will be the most difficult vote he will make. He started on the premise that he wanted to see the Club continue. Siden spent 2 hours with Mr. Maunder who was most courteous. Siden stated that one purpose of the District is to provide recreation

and he recognized that this is CGC's form of recreation and their community. Siden indicated it is acknowledged on pg. 59 that this is a valuable service. And voiced it is the public who will lose. Siden questioned what the District could do for 45,000 CGC users, and could the District replace this at another location.

Siden stated that as leaders we need to think ahead. He explained that he read the Board material many times and came the conclusion to close the Club. On pg. 66 Siden read the impacts of lead on humans.

President Siden called for an informal conversation on Burgis' proposal to be open for 18 months. Burgis challenged the Club to come up with the money to fix this situation which is why she called for 18 months to give them the time. Lane, Waespi, Wieskamp were ok with 18 months. Siden proposed 12 months. Burgis added that we will not pass on the science. Siden indicated that the staff report did give staff a 12-month alternative. GM Doyle also commented on the 12-month time period for a wind down as an alternative. GM Doyle said there here would be no stipulation on non-lead bullets and the District will not renegotiate.

Director Sutter moved the staff resolution with a 6-month extension. After more conversation, Sutter withdrew the motion.

Director Burgis moved and Director Wieskamp seconded the resolution to close the range in one year. President Siden requested the Clerk call the roll for a vote. Directors: Waespi – aye, Sutter – aye, Dotson – aye, Siden – aye, Lane – aye, Burgis – aye, Wieskamp – aye.

The vote was unanimous.

#### **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**

General Manager, Robert Doyle did not have any additional comments. There was no staff presentation.

Board thanked staff for all the work that has had to go into the Gun Club. GM Doyle acknowledged Jim O'Connor and Carol Victor.

#### **6. ANNOUNCEMENTS FROM CLOSED SESSION**

District Counsel Carol Victor had no announcements.

#### **7. BOARD COMMITTEE REPORTS**

- a. Operations Committee (12/17/15) (Siden)
- b. Executive Committee (02/05/16) (Siden)

Kelly Abreu stated that his comments were not accurate in the minutes above. The minutes will be revised to say that he recommended we address the Vargas to Sunol project as a first priority.

## 8. BOARD COMMENTS

Director Siden reported on meetings attended. Director Siden

- Attended the Board workshop;
- Held a coffee appreciation at Crab Cove and MLK;
- Attended Inside Oakland;
- Attended the PCL Annual Symposium;
- Attended the San Leandro City Council – Oyster Bay;
- Attended the Operations Committee meeting;
- Will attend the City of Alameda/EBRPD Liaison Committee;
- Will attend the CPRS Conference in Long Beach;
- Thanked staff for all of their work on this meeting.

Director Sutter reported on meetings attended. Director Sutter

- Attended the Board workshop;
- Attended the Operations committee meeting;
- Attended the PAC meeting;
- He talked about the SFBRA and the Project Labor Agreement (PLA);
- Announced he will not be running for office this year. Endorsing Audrey Jones Taylor, recently retired Director of the Oakland Parks and Recreation.

Director Lane reported on meetings attended. Director Lane

- Attended the Board workshop;
- Attended the Natural & Cultural Resources Committee meeting;
- Seeing the Trailhead at the Oakland Museum;
- Went through the Pacheco Corp yard and Bay trail with Dan Cunnings;
- Attended the Concord City Council meeting, thanked Mary Mattingly;
- Attended the Danville State of the Town lunch;
- Attended Catharine Bakers Environmental Committee meeting;
- Thanked Jim O'Connor and Carol Victor for all of their work;
- Thanked staff for putting this meeting together at the golf course;
- Took a tour of Redwood Canyon Golf Course.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Board workshop;
- Spoke at a press conference that Sen. Weickowski held at Hayward Shoreline Interpretive Center;
- Went to the Oakland Museum Trailhead;
- Attended the Castro Valley Eden awards ceremony.

Director Burgis reported on meetings attended. Director Burgis

- Attended the Board workshop;
- Welcomed Dr. Ana Alvarez, Deputy City Manager;
- Recognized all of our staff for the work in this meeting;
- Attended Finance Committee meeting;
- Attended Natural & Cultural Resources Committee meeting;
- Spoke on careers and environments with park district staff at Independence High School.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Thanked Redwood Canyon personal and District staff;
- Attended the Board workshop;
- Attended Operations Committee meeting;
- Attended Finance Committee meeting;
- Attended Catharine Baker Environmental Forum;
- Attending a Pleasanton Liaison Committee meeting;
- Suggested that Ecology and Natural & Cultural Resources hear a report on restoration.

Director Dotson reported on meetings attended. Director Dotson

- Attended the ACA conference in Atlanta, GA - will give a presentation at the next meeting;
- On vacation.

#### **D. ADJOURNMENT**

The meeting was adjourned at 7:52 pm by Board President Doug Siden.

Respectfully submitted:

/s/ Yolande Barial Knight  
Clerk of the Board

# EBRPD COST ESTIMATE TO DATE

EKI:	\$25,000 plus
Geosyntec - SWPPP Preparation and Conceptual Stormwater Design:	\$125,000
Geosyntec – Ongoing Oversight:	\$75,000
Sound Study:	\$56,860
Lab and Environmental Stewardship Staff Costs:	\$30,419 annually
<b>Sub Total:</b>	<b>\$312,279</b>