

The Board Meeting, which was held on October 6, 2015 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland was called to order at 12:35 p.m. by Board President Whitney Dotson.

ROLL CALL

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

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 2:03 p.m. by President Dotson.

Staff Present: Jim O'Connor, Debra Auker, Carol Victor, Police Chief Tim Anderson, Steve Myli, Michael McNally, Erich Pfuehler, Aaron Roth, Rob Lim, Nelson Lam, Mimi Waluch, Anne Kassebaum, Kim Fisher, Matt Graul, Precious, Linda Wu, Sean Dougan, Liz Musbach, Jeff Rasmussen, Mona Koh, Anne Kassebaum, Alicia Gonzales, Tiffany Margulici, Carolyn Jones, Mimi Waluch, Jason McCrystle, Bob Nisbet, Mark Ragatz, Ruby Tumber, Sue Shallenberger, Carolyn Jones, Debra Auker, Bill Zenoni, Mike Nolan,

Guests: Kyle Manahan: NAM, Chris Otness & Kyle Kearney: Borrego Solar, Gray B. Dougherty: Dougherty and Dougherty Architects

A. APPROVAL OF AGENDA

By motion of Director Siden, and seconded by Director Lane, the Board voted unanimously to approve the Agenda reversing the order of review of items 2a and 2b.

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

Directors Absent: None.

B. PUBLIC COMMENTS

Mr. Stuart Rupp commented on the Chabot Gun Club draft (former environmental manager) requested the board hold stakeholder meetings to discuss 3 alternatives: closing the range, continue the existing lease, working through the new lease with cost savings in environmental protections.

Mr. Anthony Hare, former Director for Catastrophic Management, read a newspaper article on the closing of the range. He did not read the draft report. His focus is on the people that are not counted as stakeholders; those who just like to watch, disabled veterans and marksman, encouraging staff to engage them also.

Chad Inman talked about the possibility of exploring disc golf at the Nejedly staging area. He volunteered to do a walk through with staff to see if it could be considered fit for this sport.

C. BUSINESS BEFORE THE BOARD

By motion of Director Lane, and seconded by Director Burgis, the Board voted unanimously to approve the consent calendar. Item k was pulled for a separate vote.

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

Directors Absent: None.

- k. Authorization to Transfer and Appropriate Funds and Award of Contract for Consulting Services to Kjeldsen, Sinnock & Neudeck, Inc. for Water System Master Study: Del Valle Regional Park
Resolution No. 2015 – 10 – 289 (attached)

Director Lane had questions on the water system and if we are looking at non-potable water. Nelson Lam, Civil Engineer, said that we are looking at the entire system for vegetation, fire suppression and human consumption.

I. CONSENT CALENDAR

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted unanimously to approve the consent calendar. Item k was pulled for a separate vote.

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 August 17, 2015 to September 6, 2015
Resolution No. 2015 – 10 – 280 (attached)

Approval of the Minutes for the Board Meeting of September 15, 2015

- b. Authorization to Negotiate with Various Property Owners
Resolution No. 2015 – 10 – 281 (attached)

Director Sutter wanted some explanation on this authorization. Liz Musbach, Land Acquisition Manager, said that we are seeking authorization because all of the parcels on this list are owned by EBMUD. Staff is engaging with EBMUD staff to develop a new master lease to cover Lake Chabot.

- d. Authorization to Amend the 2015 Budget to Increase Revenue and Expense Budget for Equipment Donation from the Regional Parks Foundation: Camp Arroyo
Resolution No. 2015 – 10 – 282 (attached)

- e. Acceptance of Formal Bid from WestMark, Inc. and Authorization to Purchase One Freightliner Vacuum Tank Truck
Resolution No. 2015 – 10 – 283 (attached)

- f. Acceptance of Formal Bid from WestMark, Inc. and Authorization to Purchase One Potable Water Tank System
Resolution No. 2015 – 10 – 284 (attached)
- g. Approval of Out-of-State Travel for Board Member Diane Burgis to Attend the 2015 Rising Seas Summit in Boston, Massachusetts on November 3 - 5, 2015
Resolution No. 2015 – 10 – 285 (attached)
- h. Authorization to Transfer and Appropriate Funds and to Extend a Lease Agreement with the State Lands Commission for 80 Acres of Wetlands: Bay Point Regional Shoreline
Resolution No. 2015 – 10 – 286 (attached)
- i. Authorization to Enter into a License Agreement with East Bay Municipal Utility District for the Placement, Operation and Maintenance of a Temporary Bypass Valve: Huckleberry Botanic Regional Preserve
Resolution No. 2015 – 10 – 287 (attached)

Director Sutter asked about the fencing and explanation of the temporary license. Liz Musbach, Land Acquisition Manager, explained the rationale for the above ground valve which would have no impact on the public or operations. EBMUD would be 100% responsible for its maintenance and it will be up about 2 years.

- j. Authorization to Award a Contract to John Clay General Engineering Contractors, Inc. for the Campground Restroom Buildings #9 and #20 Demolition and Replacement: Del Valle Regional Park
Resolution No. 2015 – 10 – 288 (attached)

Director Sutter asked about the aesthetics of the restrooms. Rob Lim, Chief of Design and Construction, showed a graphic of the building. Director Waespi asked about if there would be skylights. Staff will look at the aesthetics.

- L. Authorization to Execute a Consulting Services Contract with GHD Inc. for Design Services Associated with Structural Repairs to the Fishing Pier: Point Pinole Regional Shoreline
Resolution No. 2015 – 10 – 290 (attached)
- m. Authorization to Augment Construction Contingency for Construction of Staging Area Improvements: Vargas Plateau Regional Park
Resolution No. 2015 – 10 – 291 (attached)
- n. Authorization to Extend and Amend the Contract for Services with URS Corporation for Final Design, Approval and Bid Support Services Required for the Pinole Shores to Bayfront Park Project: San Francisco Bay Trail
Resolution No. 2015 – 10 – 292 (attached)

Director Siden asked about whether staff is going back to the railroad for a crossing. Sean Dougan, Trails Development Manager, said that we are currently discussing this with the railroad however the crossing already exists and the District is connecting to it.

- o. Authorization to Appropriate and Transfer Funds for Trail and Staging Area Renovation: Sibley/Huckleberry Regional Preserve
Resolution No. 2015 – 10 – 293 (attached)

- p. Authorization to Purchase Replacement AutoDesk Civil 3D Workstations from CadMasters, Inc.
Resolution No. 2015 – 10 – 294 (attached))
- q. Authorization to Enter into a Contract with Condor Earth Technologies for Design of Main Stair Replacement: Black Diamond Mines
Resolution No. 2015 – 10 – 295 (attached)

Director Burgis acknowledged the work of Sue Schallenberger and gave her bio touching on her many contributions to the park district. In particular at Black Diamond Mines where she is the Mine Supervisor.

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

The board voted unanimously to reverse the order of the Open Session items 2-a and 2-b; whereby 2-b was discussed first, followed by 2-a.

- b. Authorization to Execute a Sole Source Agreement for Job Order Contracting (“JOC”) Program Development, Implementation, and Management Services with The Gordian Group, Inc. d/b/a The Mellon Group
Resolution No. 2015 – 10 – 296 (attached)

By motion of Director Sutter, and seconded by Director Wieskamp, the Board voted unanimously to pull Item C-2-b and move it to the earliest reasonable option.

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

Rob Lim, Chief of Design and Construction, gave a PowerPoint presentation about Job Order Contracting (JOC) which is an alternative procurement method. Lim stated that it simplifies the procurement process for small and medium sized projects, faster start of construction and improves overall efficiency. Design - Bid - Build methods are still available. JOC contractors are incentivized to do good work thereby encouraging future assignments be assigned to them. JOC will reduce our backlog, a positive return on investment and is innovative because new to the District however it is established with about 2000 agencies.

Aaron Roth, AFSCME, Local 2428 read an email from their business agent, Sharon McAleavey, to HR Director, Sukari Beshears, sent on October 6th regarding JOC. The union is asking the Board to request that the item be pulled from the agenda, until request for information has been completely addressed. Jim O’Connor, we have met and confer with the union. The request for additional information was after the original meet and confer. We have had a delay in HR due to some personnel matters.

Director Sutter asked if there is time to have further discussions with the union. What percentage of the repair budget would the JOC require? Jim O’Connor, AGM Operations responded that we can go back and talk. Bob Nisbet, AGM ASD said that there is a cap and the Gordian group is only paid based on the value of the work. Their fee is 5% of the construction costs. They provide a task catalog, consultation, professional services group providing program management to us.

Director Siden asked what is the role of the Board and does the Board award a construction contract? Siden continued asking how will the District know the record of these companies, do they employ a union workforce

and what is their workforce diversity. Nisbet says this item will come back to the board to proceed. Gordian Group is a large company who has an office in San Francisco. To the extent allowed by law nothing has changed as it applies to diversity of contractors, union vs. non-union. Public contract code requires awarding a contract to the lowest responsible responsive bidder. Nisbet underscored that staff did attend meet and confer, a letter was received from the business manager and a short answer was provided and in meet and confer staff answered all questions. If the desire of the Board is to have one more check-in, there is no urgency except our desire to meet the obligations of the Board and get our work done. Director Siden departed the meeting at 3:16 pm.

Director Waespi expressed that it would be a courtesy to the Union to delay action on this item. Waespi asked if the cost savings is net of their fee. Lim said yes. He added that The Gordian Group is utilized by Contra Costa and Alameda County. Nisbet added that JOC cannot be used on new construction. A good tool for capital maintenance type projects; not a tool for corrective or preventative maintenance. Director Lane asked about the disadvantages in using JOC. Lim said since it is new to the District there is a learning curve and training. Lane added that in response to AFSCME, I would like to have at least one other meeting. Director Burgis agreed with delaying action in order to answer AFSCME questions. What would we be able to do if we are not happy with the contractor in the middle of the project. Lim responded that if we are not happy and we have met our financial obligation of \$50K we do not have to use them and they will not be assigned new projects.

Director Wieskamp has no problem with waiting for staff to meet with the union and get all their questions answered. Wieskamp asked if we could get something in writing from the two counties about their experiences with JOC. Director Burgis asked for a long list of projects. O'Connor added that JOC would be helpful for paving.

- a. Authorization to Exercise the Option and Transfer and Appropriate Funds for the Acquisition of 71.37± Acres of Real Property from Russell T. Heilig and Timothy M. Heilig: Las Trampas Wilderness Regional Preserve
Resolution No. 2015 – 10 – 297 (attached)

By motion of Director Lane, and seconded by Director Sutter, the Board voted unanimously to approve Item C-2-a:

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

Suzanne Lusk, Land Acquisition Specialist, presented a PowerPoint presentation on this item. Director Lane asked if the bridge has public access. Lusk responded that is a private access however it would be determined by the LUP and there are other ways into the property. Director Sutter asked about the fence and trail development. Lane requested that staff obtain the Moeller family's oral history.

3. FINANCE AND MANAGEMENT SERVICES DIVISION

- a. Authorization to Transfer and Appropriate Funds and Award Contract to Borrego Solar Systems Inc. for the Construction of Solar / Photovoltaic System: Shadow Cliffs Regional Recreation Area
Resolution No. 2015 – 10 – 298 (attached)

By motion of Director Wieskamp, and seconded by Director Sutter, the Board voted unanimously to approve Item C-3-a:

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

Directors Absent: Doug Siden.

Jeff Rasmussen, Asst. Finance Officer, introduced consultants - Kyle Manahan: NAM; Chris Otness & Kyle Kearney: Borrego Solar; Gray B. Dougherty: Dougherty and Dougherty Architects and thanked staff for all of their expertise and input. Each consultant presented their individual study. Director Sutter asked about the cost increase from \$2.9 million to \$4 million how did we get to that. Rasmussen said the District originally was going to have the solar panels in one location. The additional cost is for moving the panels in 3 locations throughout the park. Director Burgis asked if we will be charging for vehicle charging stations. Rasmussen is proposing fee based. AGM O'Connor asked if there is a performance guarantee and Rasmussen said yes. Director Wieskamp liked the aesthetics and met on recycled water with the City and they had no problem sharing the water. Director Lane asked if we can we use recycled water. Carol Victor, District Counsel, replied that it is a regulated area and we have to look at this issue. Director Sutter asked about the rain and the effect on the panels. Rasmussen said they are not made to catch water, it falls in sheets on the panels. Director Lane asked if park users will be staging in parking lot under the parking spaces. O'Connor said that park users may but it is not encouraged. Director Waespi asked how many spaces are under the panels and the payback. Director Lane asked what is the life of the solar panel? Mr. Kearney said it has a guaranteed life of 25 years and useful life about 35 years. They will be District assets.

4. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

Acting General Manager Jim O'Connor discussed those items listed on the staff report. Bob Nisbet and Erich Pfuehler presented the entire master plan as a Priority Conservation Area (PCA) and only public agencies were allowed to nominate.

Debra Auker, Acting AGM Finance and Management Services, introduced the Interim CFO, Bill Zenoni.

5. GENERAL MANAGER'S COMMENTS

Carol Johnson, AGM Public Affairs, presented an update on the evolution of the Healthy Parks Healthy People (HPPH) Initiative; including the parks prescription program.

5. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Carol Victor announced no announcements.

6. BOARD COMMITTEE REPORTS

a. City of Alameda Liaison Committee (7/14/15) (Siden)

7. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended a meeting on recycled water with EBRPD staff, Livermore and County staff;

- Attended the Rotary Meeting in Pleasanton;
- Attended the Alameda Mayors Conference in Pleasanton;
- Attended former Board Clerk, Beverly Copeland's memorial;
- Attended the CSDA Conference in Monterey;
- Attended the Finance Committee meeting;
- Attended the Gathering of the Ohlone;
- Attended the Niles Canyon Roll & Stroll;
- Thanked Steve Myli for the good job on the reconfiguration of the Board Room.

Director Lane reported on meetings attended. Director Lane

- Attended the Finance Committee meeting;
- Attended the San Ramon City Council meeting;
- Attended Catharine Baker's Breakfast meeting;
- Went on a Walk & Talk at Bishop Ranch Preserve;
- Attended the Oakland Afro's Glamp Out;
- Announced her new book has come out on San Ramon;
- Attended the O'Neill Festival;
- Attended the Lunch for Elected Women in Contra Costa;
- Attended the Walnut Creek Watershed Ecology meeting
- Attended the memorial service for John Rusek;
- Attended retirement for Erika Herron;
- Attended retirement for Dave Collins;
- Attended the Health & Safety Fair;
- Attended dedication ceremony on Juan Bautista de Anza in El Cerrito;
- Biked on the Niles Canyon Roll & Stroll.

Director Sutter reported on meetings attended. Director Sutter

- Attended the SF Bay Restoration Authority meeting;
- Attended the SF Estuary Conference;
- Attended the Oakland City Council Meeting;
- Attended Art & Nature in Redwood Park;
- Attended the Oakland Measure DD Advisory Committee meeting;
- Attended the Bay Area Ridge Trail meeting;
- Attended the Bill Lockyer Bay Trail Opening;
- Attended Dave Collins retirement;
- Attended the Outdoor Afro Glamp Out;
- Attended the Executive Committee meeting;
- Attended the PAC meeting;
- Attended the Operations Committee meeting.

Director Burgis reported on meetings attended. Director Burgis

- Attended the form Water Workshop at Big Break;
- Attended the Martinez Sportsman Fish & Wildlife dinner;
- Attended the Labor for Labor dinner;
- Attended the SF Estuary Conference;
- Helped to organize Coastal Cleanup on Marsh Creek Trail;
- Attended the CSDA Conference in Monterey;
- Attended the Richmond Liaison Committee meeting;
- Attended the Ecology meeting (conferenced in).

Director Waespi reported on meetings attended. Director Waespi

- Attended the CSDA Conference in Monterey;
- Attended the Bill Lockyer Bay Trail Dedication;
- Attended the Finance Committee meeting;
- Attended the Ecology Committee meeting;
- Attended Dave Collins retirement;
- Attended the Native Plant Sale at the Botanic Garden;
- Attended the North Richmond Shoreline Festival;
- Attending the Niles Canyon Roll & Stroll;
- Recognized the District's Lifeguard Service for 6 full seasons without a drowning;

Director Dotson reported on meetings attended. Director Dotson

- Attended the CSDA Conference in Monterey;
- Attended the NRPA in Las Vegas;
- Attended the Richmond Liaison Committee meeting;
- Attended the North Richmond Shoreline Festival.

D. ADJOURNMENT

The meeting was adjourned at 5:50 pm by Board President Dotson.

Respectfully submitted:

/s/ Yolande Barial Knight
Clerk of the Board