

The Board Meeting, which was held on November 3, 2015 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland was called to order at 12:30 p.m. by Board Vice President Doug Siden.

ROLL CALL

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

Directors Absent: Diane Burgis
Whitney Dotson

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 Vice President Siden.

Staff Present: Jim O'Connor, Debra Auker, Carol Victor, Steve Myli, Michael McNally, Sean Dougan, Lt. Love, Officer Urquhart, Police Captain Anthony Ciaburro, Erich Pfuehler, Aaron Roth, Rob Lim, Mimi Waluch, Anne Kassebaum, Matt Graul, Liz Musbach, Jeff Rasmussen, Mona Koh, Alicia Gonzales, Tiffany Margulici, Carolyn Jones, Mimi Waluch, Bob Nisbet, Dania Stoneham, Ruby Tumber, Debra Auker, Bill Zenoni

Guests: The Wiedemann Family, Friends of Crown Beach

A. APPROVAL OF AGENDA

By motion of Director Lane, and seconded by Director Wieskamp, the Board voted unanimously to approve the Agenda. The Board voted to move the order of Items C-2-a and C-3-a. C-3-a will be acted upon before C-2-a.

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

B. PUBLIC COMMENTS

No Public Comments.

V. President Siden announced that Directors Dotson and Burgis were not at the meeting as they are attending the Rising Seas Summit on behalf of the District.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

Directors Present: Beverly Lane, Doug Siden, John Sutter, Dennis Waespi, Ayn Wieskamp.

Directors Absent: Diane Burgis, Whitney Dotson.

- a. Approval of District Check Listing for the Period of September 21, 2015 to October 4, 2015
Resolution No. 2015 – 11 – 304 (attached)

- b. Authorization to Negotiate with Various Property Owners
Resolution No. 2015 – 11 – 305 (attached)

Approval of the Minutes for the Board Meeting of October 20, 2015

- c. Authorization to Execute a Services Contract for Project Management Software with Facility Wizard Software Inc. d/b/a Wizard Software Solutions
Resolution No. 2015 – 11 – 306 (attached)

- d. 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 – 11 – 307 (attached)

Director Sutter asked for examples of projects which will be used for Job Order Contracting, the limits on board approval of the contracts and does public bidding apply.

Rob Lim, Chief of Design and Construction gave examples of projects that are good candidates for JOC. He named examples of 5 contracts that are already bid and could be delivered via JOC and 5 more upcoming projects. JOC is fully compliant with the Public Resource Code and public bidding law. These contracts go out to bid. The limit is currently \$25,000 and will go up to \$50,000 in January 1, 2016. Carol Victor, District Counsel, stated that we are required to publicly bid anything over \$50,000 and we would follow our normal public bidding requirements. Director Lane appreciated staff for taking the time to meet with AFSCME.

- e. Authorization to Execute Five (5) Utility Crossing Agreements and Payment of Fees for Ten (10) Utility Crossing Agreements with the Union Pacific Railroad for the Atlas Road Extension Improvements Project: Point Pinole Regional Shoreline
Resolution No. 2015 – 11 – 308 (attached)
- f. Authorization to Execute a Contract with Geosyntec Consultants and Transfer and Appropriate Funds to Provide Industrial Stormwater General NPDES Permit Implementation Support and to Conduct Staff Training During 2015-2016: Anthony Chabot Regional Park and Other District Facilities
Resolution No. 2015 – 11 – 309 (attached)

Director Sutter asked what percentage of the total amount is for the gun range. Matt Graul, Chief of Stewardship the amount before you is approximately \$83,500. Director Waespi asked if we only have 3 sites for SWPPP. Graul agreed.

- g. Authorization to Amend the Consulting Contract for Biological Monitoring for Construction of Staging Area Improvements: Vargas Plateau Regional Park
Resolution No. 2015 – 11 – 310 (attached)

- h. Authorization to Award a Sole Source Contract for Professional Services to the University of California Center for Forestry, Berkeley, for Sudden Oak Death Mapping and Risk Assessment and to Transfer and Appropriate Funds
Resolution No. 2015 – 11 – 311 (attached)
- i. Authorization to Transfer and Appropriate Funds for Land Acquisition Department Projects
Resolution No. 2015 – 11 – 312 (attached)
- j. Authorization to Transfer and Appropriate Funds for Electrical Improvements Required for Fiber Optic Computer Network Upgrades: District-wide
Resolution No. 2015 – 11 – 313 (attached)
- k. Resolution to Oppose Export of Coal through the New Oakland Global Trade and Logistics Center
Resolution No. 2015 – 11 – 314 (attached)

Director Siden commented that since this district is part of a healthy parks, healthy people and coal coming through this district is not healthy. Director Sutter stated this is a matter of concern and public health with moving trainloads of coal through the port of Oakland which is right next to the proposed Gateway Park.

3. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

By motion of Director Lane, and seconded by Director Sutter the Board voted unanimously to approve Item a 1.

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

- a 1. Authorization to Exercise an Option, Purchase and Sale Agreement and Transfer and Appropriate Funds for the Acquisition of 362.33± Acres of Real Property from Wiedemann Ranch, Inc.: Bishop Ranch Open Space Regional Preserve
Resolution No. 2015 – 11 – 315 (attached)

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

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

- a 2. Authorization to Name a Property Feature on the 362.33± Wiedemann “AG LOT 2” Property after the Wiedemann Family: Bishop Ranch Open Space Regional Preserve

Liz Musbach, Land Acquisition Manager, brought 2 resolutions before the Board. The Wiedemann family were in the audience. Musbach gave a PowerPoint presentation which included an overview of the property, its history and a map which designate the trail connections. Director Lane thanked the Wiedemann’s for coming and for their stewardship of the land and expressed the beauty of the site. She added that it will remain as open space and ranched. Director Wieskamp thanked the family for allowing all people to enjoy the property. Director Waespi complimented the staff and the family. GM Doyle commented that it is a great day for the park district.

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

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

- b. Authorization to Exchange Existing Trail Easements for New Trail and Emergency Vehicle and Maintenance Access Easements from Eric and Megan Lindberg and Victoria Liviakis, Purchase a New Trail Easement from the Golden Rain Foundation of Walnut Creek, and Transfer and Appropriate Funds for Related Expenses: Calaveras Ridge Regional Trail Resolution No. 2015 – 11 – 316 (attached)

Michael Reeves, Land Acquisition Specialist, gave a PowerPoint presentation on the property donated by the Lindbergs and Liviakis, the proposed trail corridor and Rossmoor easement purchase. The total appropriation for this action is \$61,275.

Director Sutter stated that the Burton Trail was a part of 1988's Measure AA and has taken 25 years to get done. Director Lane commented that it is gratifying to finally have these agreements and thanked staff for their work on this. She asked what percentage of new trails would have to be built. Reeves estimated of the 3300 linear feet, 20-30% would be new trail construction. Lane asked if any work was done on access up at Olympic Blvd. Lane commented that Lafayette was talking about putting in a roundabout. Reeves said the trails development staff is aware of the roundabout.

*By motion of Director Siden, and seconded by Director Sutter, the Board voted unanimously to approve Item c.

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

- c. Authorization to Accept 3.89± Acres Representing a Portion of 620 Central Avenue, Alameda, California (APN: portion 074-1305-026) from the United States of America and Transfer and Appropriate Funds: Crown Memorial State Beach Resolution No. 2015 – 11 – 317 (attached)

Carol Victor, District Counsel, brought this item to finalization the acquisition of the almost 4 acre parcel. It is the finalization of a 10 year process and a successful citizen led movement. US has agreed to sell the property to the park district and deed McKay Avenue back to the State of California. Victor's PowerPoint displayed the site, the buildings and the street. Victor thanked the GM, the Board, the Friends of Crown Beach, the Sierra Club and Norman LaForce, outside lawyers, the GA's office and park district staff. It was a huge team effort. Director Lane congratulated the Friends. Director Wieskamp gave credit to Director Siden. Director Sutter thanked all the citizens that worked on this complicated acquisition which involved federal and state government and two city councils. Wieskamp thanked District Counsel Victor and all the lawyers who persisted.

*Note Director Lane took over the gavel and led the vote on this action.

Public Speakers

Karin Lucas and Irene Dieter spoke on behalf of the Friends of Crown Beach expressing their gratitude.

There was a 10 minute break.

2. OPERATIONS DIVISION

- a. Informational Report on the Chabot Gun Club and Facility Operations at Anthony Chabot Marksmanship Range: Anthony Chabot Regional Park

Director Siden reconvened the meeting and began by stating that there will not be any action taken on this item as it is informational only. He announced that there were 60 speakers and in an effort to move the meeting along it is requested the speakers speak 1 minute each, with the representative of the Gun Club and the Sierra Club being given 3 minutes. Due to the board room being at maximum capacity, it was suggested that after the speakers speak, they could leave the room to allow for those waiting in the hallway the opportunity to enter the room and speak.

Jim O'Connor, AGM Operations, gave a PowerPoint presentation to deliver the highlights for this report. O'Connor commented that this is the 4th meeting reviewing this report and part of this process is to gather public input. O'Connor gave a history of the gun club, the lease extension, noise emanating from the range and said that the industrial general permit was going to have to be updated that regulates storm water pollution. O'Connor touched on several subjects/questions included in the report: how many people use the range, how many other public ranges are in the area, fees paid to the District, environmental compliance, SWPPP (storm water pollution prevention plan), BMP's (best management practices) at the range, the consultants, what to do with the range when it is closed, the use of non-lead ammunition, the sound study and options for mitigating the sound, analysis of structures on site, options for cost plans for future operations, cost recovery and remediation costs. Matt Graul, Chief of Stewardship was introduced.

Director Wieskamp asked what is the short term range for keeping the Gun Club (Club) opened and what is the value in doing that. O'Connor said the District could stay compliant for 2 years and it would give the Club time to wind down operations and allow users time to find other locations to shoot and it would save the District capital costs required for a long term operation. Director Sutter asked what would be the cost for the EIR, O'Connor said \$200,000. Director Waespi restated the question. Carol Victor, District Counsel said that for a long term extension we would recommend a full EIR as the most defensible choice for the agency.

Public speakers

Dennis Staats, President of the Chabot Gun Club, gave some background to the origin of the Club in the 40's. There have been no fatalities or serious accidents in over 50 years, it is one of the premier marksmanship ranges in the bay area and represents 25% of the available shooting lanes in the bay area. The range is conscious stewards in regards to the environment and are in compliance with all regulatory agencies and if allowed, can meet the requirements in the future. The Club is asking the Board to defer any decisions on this report until such time as a report that contains other solutions and associated costs may be considered.

John Maunder, Senior Range Master of the Gun Club stated that there is no lead in the upper strata of the Lake, benchmarks are things to work from and not things to close us down. The Club has been compliant. He delivered the petition of over 6000 signatures in support of the gun range; along with 10 thumb drives to be distributed to the Board, GM and staff.

Glenn Kirby, representative of the Sierra Club, stated that the Sierra Clubs previous position was in support of doing an EIR. The Club is not environmentally or financially sustainable. The Sierra Club opposes the renewal of the lease and calls for the closure of the range. It clearly shows that there are unmitigatable impacts and no financial scenario that is sustainable.

There were 60 speakers who filled out speaker cards. Each speaker was given up to 1:20 seconds each. Some of the common points mentioned were:

- Gunshot noise prevents the public from using the trails and the campgrounds
- The Club allows gun owners to practice their firearms and it teaches safety
- Extend the lease
- Don't close the range
- Law enforcement practices at the range
- Sound problem can be fixed
- Delivery of petition with 6000 plus signatures to keep the Club open
- People that live in the area knew the range was there when they bought their homes
- The range respects wildlife – will stop shooting when an animal is spotted
- Delivery of petition of 4000 signatures in support of closure of the Club
- Psychological impact of gunfire on families and children
- Purpose of park is to enjoy nature
- The cost of remediation of the lead will be borne by taxpayers
- The public use (law enforcement) should be borne by the public and the private use should be borne by the range users
- There is lead contamination
- Now is the time to remediate the site because as time goes on it will get more expensive
- Mission Statement of the District was emphasized

Several letters, articles and petitions were submitted to the Clerk.

O'Connor stated that we will continue our conversation with the Club to see if they have some feedback on the report and other ideas for solution to this problem. The lease negotiation will come to the Board closed session and any result will come out at the Board meeting in public. GM Doyle said that staff wanted to get input from the Board and if there is additional information that you might need. We have not been in a hurry and is a valuable recreation resource however staff is concerned with the bottom line to taxpayers. At some point this site does have to get cleaned up.

Director Lane stated that the District tries to balance all park users and we are a public agency that supports the people. Lane asked if there will be more information now that we have had some rain. Matt Graul, Chief of Stewardship said that there will have to be several storms before there is run off. It takes about 10 days to turnaround results after the runoff. Right now we have 20 samples since 2009. Lane expressed the desire to see the information from the Club on this report. Director Waespi acknowledged the positives about the Club. Waespi stated that the Board is interested in seeing the Club's plan. Director Sutter referred to positive things about the Club and he also referred to the financial aspects of the master plan which states that revenues generated from leases should be at revenue neutral. The environmental laws related to the ranges have changed and it is the reality. The District is not picking on the Club and are the taxpayers going to have to subsidize. In order to extend the lease where is the \$200,000 going to come from to do the EIR.

Director Siden complimented staff for being thorough. Siden asked that since the current contract expires December 31 what will be the staff recommendation. District Counsel replied that we will seek direction from the Board in closed session. The Gun Club has asked for an extension of March 29. If the Board is inclined to entertain a response and an extension we would have to come to the Board. Direction in closed session and in any Final decision will be in a fully agendaized meeting and open to the public. Siden thanked the public for coming and appreciated and commended the thoughtfulness and courtesy of the speakers and their leadership.

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 introduced Steve Myli, Facilities Manager and Michael McNally, Acting Facilities Manager who deferred their presentation to another meeting due to the lateness of the hour.

6. BOARD COMMITTEE REPORTS

- a. Executive Committee (09/10/15) (Dotson)
- b. Natural & Cultural Resources Committee (08/19/15) (Nisbet/Lane)

7. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Carol Victor announced no announcements.

8. BOARD COMMENTS

Director Wieskamp had another appoint and had to leave the meeting.

Director Lane reported on meetings attended. Director Lane

- Attended the Heydey Event for Malcolm Margolin;
- Attended the District Service Awards;
- Attended the Action for Beauty Lunch in Walnut Creek;
- Attended the Cowboy Hootenanny;
- Attended the Central Counties meeting with PAC member Simmons;
- Attended the Stonebrae Dedication;
- Attended the Las Trampas field trip;
- Thanked Carol Johnson for the master plan map;
- Attended the Finance meeting.

Director Sutter reported on meetings attended. Director Sutter

- Attended the Heydey Event for Malcolm Margolin;
- Attended the Las Trampas field trip;
- Attended the Oakland Planning Commission meeting;
- Attended the Save the Bay meeting;
- Attended the Alameda Liaison Committee meeting;
- Attended the Public Works Meeting related to the Bay Trail.

Director Siden reported on meetings attended. Director Siden

- Attended the District Service awards dinner;
- Attended the City of Alameda Liaison Committee meeting;
- Attended City of San Leandro informational meeting;
- Attended San Leandro City Council meeting;

- Had lunch with retired State Senator Corbett;
- Appointed the nominating committee – Directors Wieskamp (Chair), Sutter and Dotson.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Las Trampas field trip;
- Attended the Ecology Committee meeting;
- Attended the Finance Committee meeting;
- Attended the Heydey Event for Malcolm Margolin;
- Attended the District Service Awards;
- Attended the Stonebrae Dedication.

D. ADJOURNMENT

The meeting was adjourned at 6:19 pm by Director Doug Siden.

Respectfully submitted:

/s/ Yolande Barial Knight
Clerk of the Board

Sandra Marburg – don't use several trails because of the gunshot noise or camp or boats
Greg LaFramboise – talked about what the park district has – one I range
Frank Burton delivering a petition that 4000 folks signed. No renewal lease.
Bruce Cameron – gun owner,
Chris Goodlow – we hear noise – keep the range,
Harry Y – Mentioned Clyde ? great facility
Feliz Hunziker – loves the trails and the range and lives in Richmond.
Shirley Gee – gun owner, likes the lease
James Petrice – law enforcement needs a place to train
Eugene Smith – been using the range weekly – dept of transportation, don't close 51 years no accidents
Gerri Joyce - don't close the range
Stuart Rupp – sound problem could be fixed, next july will know – extend lease for 2 years
Toni Mester – anything related to the environment is going to be expensive, whatever you decide the law enforcement is born by
Robert Kerrigan – open
Toy Byas – live in Oakland – keep range open
Daniel Goldstein –
Dr. Steven Clarke – report designed to find an excuse to close, if someone worked for him he would fire them.
Director Siden suggested he send in his recommendations.
Gerry Thompson – closing the range, can still hear noise
Miraya Alejo – live by lake Chabot, hear shotguns, think of war
James F. Ross – open the club – use the club to each safety firearm
Darryl Ray – C.Valley resident, keep it open, staff report is a starting point, no impact on fish
Amanda Johnson – come from a family of gunowners – distributing sound in house and in park – no on lease
Pete Volin – fact that there is lead contamination – the district is on hook for paying for it,
Corrine Lambden – don't renew the lease, psychological health
Marta Fearing – keep the range open, a choice of recreational activities ... there is a park for you
Jim Hyatt – keep range open
Suzanne Mounts – impacted,
Laurie Lezin-Schmidt – no on lease, the sound is threatening,
Dennise Burgess – purpose of a park is to preserve nature or enjoy – no on lease
Mike Barrick – gun owner, keep range, get copies of the studies made available to the public
Victor Cochran – keep the gun range open
Matt Eremko – nothing to do with antigun – anti location, can hear gunfire, close the range
Chris Kniel – closing down range is inevitable, give the range a chance
Warren Baccioco – teaching for 40 years,
Rexford Ansley –
Tim Bauters – Golder Associates – we will be commenting on the document – we largely agree with Geosyntec and some numbers high
Sutter – asked what do you think the min numbers should be – once it is internally reviewed will present to the board, where and what we want to clean up first, the ultimate use - is the factor which determines cost.
We either make money or cost neutral says sutter. B – says can narrow down the numbers
Bill Tharp – report out of wack, whose marching with whose orders, be transparent,
Claire Broome – it is a park district, not in parks shooting, close the gun club
Meg Bowerman – read our mission statement – environmental ethic guides us in all we do
Winnie Thompson – gun range noise – close it, other ranges,

Rachel Barrick – gun club is a resource, gun club open, if you bought a houses you received a disclosure

Wesley Scuble – Chabot gun club member, don't close,

Otto Holz – keep the gun club open – firearm needs to stay open for public safety reasons,dog waste

David Tam - SPRAWLDEF –handout letter – any firearm practice is unsafe – ord 38

Di Rosario – closing down the gun range, remediate and open park for other uses

Erik rocha – sound and lead – you knew it was there so you shouldn't complain, lead - encourage you to find reports from non partisan, keep the gun range open

Kelly Guterrez Johnson – gun not an issue for us. Make a compromise, why would you buy a house where you knew there was a range. Keep it open. Don't trust the report

Tim Morrison – keep the range open, a place to shoot safely, feel safe, handgun and hunter education

Joseph Graff – keep the range open, respect the animals

Anthony Hare – Director Sutter directed us to the mission statement, polarizing the community, will send it to us, take some time.
