

The Board Meeting, which was held on November 18, 2014 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland CA 94605 was called to order at 12:50 p.m. by Board President Ayn Wieskamp.

ROLL CALL

Directors Present: Ayn Wieskamp, President
Doug Siden, Secretary
Beverly Lane
Carol Severin
John Sutter

Directors Absent: Whitney Dotson, Vice President
Ted Radke, Treasurer

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 President Ayn Wieskamp.

Staff Present: Dave Collins (Acting for GM Robert Doyle), Jim O'Connor, Debra Auker, Bob Nisbet, Police Chief Anderson, Carol Victor, Kristina Kelchner, Mona Koh, Liz Musbach, Annie Riviere, Jim Townsend, Jeff Rasmussen, Mark Ragatz, Kelly Barrington, Erich Pfuehler, Matt Graul

A. APPROVAL OF AGENDA

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

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

B. PUBLIC COMMENTS

There were no Public Comments at this time.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

Items C-I-j and C-I-L were pulled for separate consideration to allow Director Dotson to recuse himself due to the proximity of his residence to Point Pinole Regional Shoreline.

By motion of Director Lane and seconded by Director Severin, the Board voted unanimously to approve itemc C-I-j and C-I-l:

Directors Present: Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Recused: Whitney Dotson.
Directors Absent: Ted Radke.

C-I-j. Authorization to Amend the Contract for Professional Services with Ghirardelli Associates to Perform Construction Management for Breuner Marsh Restoration and Public Access Project - Phase 2 Public Access: Point Pinole Regional Shoreline
Resolution No. 2014 – 11 - 288 (attached)

C-I-l. Authorization to Enter into an Ingress, Egress and Utility Easement Agreement and Grant a 60-foot Wide Non-Exclusive Easement for Pedestrian and Vehicular Access and Underground Utility Purposes to the Trustee of the Lonnie Jean Carr 2013 Revocable Trust and Transfer and Appropriate Funds for Associated Costs: Point Pinole Regional Shoreline
Resolution No. 2014 – 11 - 289 (attached)

Item C-I-g was pulled for separate consideration.

By motion of Director Siden and seconded by Director Sutter, the Board voted unanimously to approve item C-I-g:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

C-I-g. Authorization to Enter into a Second Amendment to the Lease Agreement with the Chabot Gun Club, Inc. to Extend the Term for One Year
Resolution No. 2014 – 11 - 290 (attached)

Carol Victor, District Counsel, provided a brief presentation on this item, stating that the 25 year lease entered into between the gun club and the District in 1989 expires on January 1, 2015. She stated that the gun club has been in operation since the mid-1960s at Anthony Chabot Regional Park. Under the terms of the 1989 lease, the gun club has an option to negotiate a new lease with the District, but only if the parties can agree on terms and conditions. The gun club has signified its intention to negotiate a new lease; however, staff needs to conduct a number of studies in preparation for these discussions. Studies would include an assessment of the current facilities, a hydrology study to determine if any actions are necessary to ensure that the facility stays in compliance with existing storm water permits and new regulations being adopted by the Regional Water Quality Control Board, and noise and acoustical studies. She added that due to the very low rainfall amounts in recent years, staff was not able to get sufficient data to evaluate on-site hydrology conditions. Capital improvements that may be necessary will also be analyzed.

Ms. Victor stated that under the terms of the proposed second amendment, an updated Storm Water Pollution Prevention Plan has been added to give the District greater enforcement and authority to ensure compliance. The gun club, at the District's request, has also agreed to retain a professional storm water consultant or civil engineer who will be responsible for evaluating storm water conditions, although the District retains oversight responsibility.

Two dozen members of the public addressed the Board. Those in support of the gun club and the extension of its lease stated, among other things, that the facility provides a safe environment for the sport of shooting with a history of responsible operation, is the only location in the area, serves numerous families and individuals coming from several bay area counties, serves various law enforcement agencies, that it is not the only source of noise in the area - there are others such as the Oakland airport.

Those speaking against the lease extension stated that the noise from the gun club affects their quality of life, preventing them from even staying out in their yards. It was added that noise measurements they conducted showed very high levels measuring over 90 decibels. Suggestions included eliminating the gun range, limiting the gun club's hours of operation, conducting a noise study at different times of the day and days of the week to more accurately measure noise generated, any inspector employed should be hired and paid for jointly by the gun club and the District to maintain impartiality. In addition, it was stated that in 2010, tests for lead in the storm water runoff from the streams leading from the gun club to Lake Chabot was over 20 times the EPA limit, and in 2012, it was over 14 times the limit. These tests were conducted by the District.

Board members reiterated that this item seeks only to extend the contract for one year, and that there will be more opportunities in the future to address this issue with the Board, and that the staff findings will be reviewed at the Board Operations Committee who will then provide a recommendation to the full Board.

By motion of Director Sutter and seconded by Director Siden, the Board voted unanimously to approve the **balance of the Consent Calendar**:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

- C-I-a. Approval of District Check Listing for the Period of October 6, 2014 through October 19, 2014
Resolution No. 2014 – 11 - 278 (attached)
- C-I-b. Approval of the Minutes for the Board Meeting of October 7, 2014
- C-I-c. Authorization to Negotiate with Various Property Owners
Resolution No. 2014 – 11 - 279 (attached)
- C-I-d. Authorization to Partner with Alameda County Resource Conservation District and San Francisco Public Utilities Commission for the Implementation of a Coastal Conservancy Grant: Sunol Regional Wilderness
Resolution No. 2014 – 11 - 280 (attached)
- C-I-e. Authorization to Appropriate Measure WW Local Grant Funds to the City of El Cerrito for the Hillside Natural Area/Madera Property Acquisition
Resolution No. 2014 – 11 - 281 (attached)
- C-I-f. Acceptance of the Second Quarter 2014 General Fund and Other Governmental Funds Financial Reports
Resolution No. 2014 – 11 - 282 (attached)
- C-I-h. Authorization to Execute a Two-Year Grazing License with Bryan Smith: Diablo Foothills Regional Park
Resolution No. 2014 – 11 - 283 (attached)
- C-I-i. Authorization to Transfer Funds and Award a Contract to Area West Environmental to Provide Biological Permitting Support for the Implementation of the FEMA Fuel Reduction Project
Resolution No. 2014 – 11 - 284 (attached)

C-1-k. Authorization to Accept the Assignment of Easement from Contra Costa County for the Remaining 0.98-Mile Segment of the County Road Known as Feeder Trail No. 1: Bay Area Ridge Trail
Resolution No. 2014 – 11 - 285 (attached)

C-1-m. Authorization to Grant a 3,462-square foot Easement, Issue an Encroachment Permit to Pacific Gas and Electric Company (“PG&E”) for the Placement, Operation and Maintenance of an Overhead Power Transmission Line, and Accept Funds from PG&E: Delta Access Regional Recreation Area
Resolution No. 2014 – 11 - 286 (attached)

C-1-n. Authorization to Enter into a Farming Special Use Agreement with Perry Farms: Coyote Hills Regional Park
Resolution No. 2014 – 11 - 287 (attached)

2. BOARD OF DIRECTORS

C-2-a. Election of Board Officers for 2015
Resolution No. 2014 – 11 - 291 (attached)

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

Directors Present: Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Whitney Dotson, Ted Radke,

President Wieskamp announced that the Nominating Committee has met and recommend the following as the Board Officers for 2015:

President	–	Whitney Dotson
Vice President -		Doug Siden
Treasurer -		Beverly Lane

The next Secretary was determined via a coin-toss to choose between Diane Burgis and Dennis Waespi:
Secretary - Dennis Waespi

The new officers will assume their positions at the first Board meeting in 2015.

Dennis Waespi, Director-elect Ward 3, commented that he was looking forward to joining the Board in 2015.

3. ACQUISITION, STEWARDSHIP & DEVELOPMENT

C-3-a. Authorization to Accept Recreational Trail and Emergency Vehicle and Trail and Road Maintenance Access Easements over Real Property Owned by H.F. Louie et al., and Transfer and Appropriate Funds: Bay Area Ridge Trail/Vargas Plateau to Garin Regional Park
Resolution No. 2014 – 11 - 292 (attached)

By motion of Director Severin and seconded by Director Lane, the Board voted unanimously to approve item C-3-a:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

Bob Nisbet, AGM for Acquisition, Stewardship and Development, provided an introduction, stating that the items before the Board are all related to the Bay Area Ridge Trail.

Liz Musbach, Land Acquisition Manager, provided a brief background on this item, stating that it covers a 20-foot wide 3.64 mile public recreational trail easement and a 3.85 mile emergency vehicle and trail and road maintenance access easement. The summary of funding involved was shown as:

This action makes transfers and appropriates the following additional funds:

PROPOSED TRANSFER OF FUNDS:

Designated for Land Acquisition – Measure WW Undesignated (CIP 229900WW00) Amount Available	\$ 28,363,810
Less: Proposed Transfer to Project 233800	<u>205,817</u>
REMAINING BALANCE	\$ 28,157,993

PROPOSED SOURCE OF FUNDS: CIP 233800

Previous Board Action for Purchase Price, Legal and Other Costs	\$ 756,183
Proposed transfer from CIP 229900WW00	<u>205,817</u>
TOTAL PROJECT COSTS	\$ 962,000

PROPOSED USE OF FUNDS:

Louie, et al/Bay Area Ridge Trail Acquisition (CIP 233800)	
Balance of Purchase Price	\$ 178,817
Legal and Other Professional Fees	17,000
Staff Time and Closing Costs	<u>10,000</u>
TOTAL CURRENT ACTION	\$ 205,817

C-3-b. Authorization to Accept Fee Interest in 989.87± Acres of Real Property, Recreational Trail and Emergency Vehicle and Maintenance Access Easements, and a Parking Area License to be Donated by Stonebrae L.P., a Delaware Limited Partnership; Execute a Memorandum of Understanding with and Accept and Appropriate Funds from Stonebrae L.P.; and Appropriate and Transfer Funds for Associated Costs: Garin/Dry Creek Pioneer Regional Parks
Resolution No. 2014 – 11 - 293 (attached)

By motion of Director Severin and seconded by Director Lane, the Board voted unanimously to approve item C-3-b:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

Annie Riviore Thomson provided a brief presentation, stating that this item is a donation offered by the developer of the Stonebrae Project, with its representative, Joanna Callenbach, present at today's meeting. Ms. Thomson enumerated the highlights of the property: it provides a 3.5-mile extension of the Bay Area Ridge Trail, permanently preserves sensitive habitat along the Walpert Ridge, creates a parkland connection from existing Garin/Dry Creek to North Garin and the Gelderman landbank, and provides an additional future access point to the Bay Area Ridge Trail. The only costs to be incurred by the District would be \$153,000 for acquisition-related expenses and \$77,600 for safety and security improvements.

The Board was unanimous in expressing its appreciation for the donation and the extensive work between the Park District staff and the developer in concluding the acquisition.

C-3-c Recognition of the Bay Area Ridge Trail Council on its 25th Anniversary
Resolution No. 2014 – 11 - 294 (attached)

By motion of Director Siden and seconded by Director Sutter, the Board voted unanimously to approve item C-3-c:

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Absent: Ted Radke.

Jim Townsend, Trails Development Program Manager, provided brief presentation, stating that Nearly fifty years ago, National Park Service Director and former East Bay Regional Park District General Manager William Penn Mott came up with an idea for a continuous trail that would circle the bay on the ridgeline. In 1987, representatives of Bay Area open space agencies, including the Park District and the Greenbelt Alliance organized the Bay Area Ridge Trail project and in 1989, the Ridge Trail Council was formed. That year, the first segments of the Ridge Trail were dedicated. In 1990, the first segments within the Park District, extending from Tilden Park to Cull Canyon were dedicated, including the 100th mile of Ridge Trail. Subsequently, the 200th and 300th miles of dedicated Ridge Trail were also located within Park District lands. Today, 57 miles of Ridge Trail are located within the East Bay Regional Park District, with 27 more proposed. He added that through the dedicated efforts of the Ridge Trail Council, over 350 miles of the proposed 550-mile Bay Area Ridge Trail are now open to the public.

Members of the Bay Area Ridge Trail Board addressed the District Board and expressed appreciation for Park District commitment and efforts in support and development of the Bay Area Ridge Trail, benefitting bay area residents.

4. BOARD AND STAFF REPORTS

C-4-a. Actions Taken by Other Jurisdictions Affecting the Park District

Dave Collins, AGM for Finance and Management Services, (Acting for GM Doyle) discussed those items listed on the staff report. He added that law enforcement efforts at Mission Peak are continuing to inform the public of the temporary, new operating hours.

5. GENERAL MANAGER'S COMMENTS

Diane Althoff, Chief of Design, updated the Board on various projects completed by her group. She also introduced members of the Design group.

6. ANNOUNCEMENTS FROM CLOSED SESSION

President Wieskamp announced that the Board by a vote of 6-0 with Director Radke absent authorized a settlement of a workers' compensation claim of Ryan Lehew in the amount of \$75,000 subject to approval of the Workers Compensation Appeals Board.

7. BOARD COMMITTEE MINUTES

C-7-a. Finance Committee (10-22-2014) (Siden)

8. BOARD COMMENTS

Director Sutter reported on meetings attended. Director Sutter

- Attended a meeting of the Measure DD Committee in Oakland;
- Attended the EBRPD/EBMUD Liaison Committee meeting wherein Willow Park was discussed;
- Attended the Board Executive Committee meeting;
- Attended the Bay Nature event at the Brazil Room;

Director Siden reported on meetings attended. Director Siden

- Attended the Bay Nature event;
- On November 5 attended the San Leandro Chamber of Commerce event;
- Viewed the ABI234 Ethics Training video at the District office;
- On November 10 attended the EBRPD/EBMUD Liaison Committee
- On November 12, attended the Alameda County CSDA meeting at Oro Loma Sanitary District;
- Attended the Oakland Chamber of Commerce power breakfast meeting;
- Will attend the Finance Committee and PAC meetings and District Holiday Luncheon.

Director Lane reported on meetings attended. Director Lane

- Will attend the Finance Committee meeting tomorrow, especially since she is incoming Treasurer;
- Through the Leadership Council of the East Bay, working with Save Mount Diablo for the descriptions for the “Northern Waterfront” document;
- Attended the Bay Nature event and the Tri Valley Conservancy event;
- Attended the EBRPD/EBMUD Liaison Committee meeting;
- Had a tour of Briones Regional Park with Unit Manager Dan Cunning and Park Supervisor Joe Miller;
- With staff from the District, took a tour of some properties on the west side of San Ramon.

Director Severin reported on meetings attended. Director Severin

- Attended her regularly scheduled meetings.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Alameda County Mayors Conference in Dublin;
- Attended the Tri Valley Conservancy event with Director Lane;
- Attended the Alameda County CSDA meeting at Oro Loma Sanitary District;
- Attended meetings of the Alameda County Lafco, Executive Committee and the Elected Womens.

Director Dotson reported on meetings attended. Director Dotson

- Attended the Restore America’s Estuaries Conference in Washington, DC;
- Attended the Board Executive Committee meeting.

D. ADJOURNMENT

The Board meeting was adjourned at 4:50 pm by Board President Ayn Wieskamp in honor of Jim Coelho who passed away recently. He has been a District grazer since 1976 at Mission Peak and since 1986 the Sunol side of Mission Peak.

Respectfully submitted:

Allen Pulido
Clerk of the Board