

The Board Meeting, which was held on September 7, 2010 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:00 a.m. by Board President Doug Siden.

ROLL CALL

Directors Present: Doug Siden, President
Beverly Lane, Vice-President
John Sutter, Secretary
Carol Severin, Treasurer
Ayn Wieskamp
Ted Radke
Whitney Dotson (at 11:25 a.m.)

Directors Absent: None.

At this time, the Board of Directors met in Closed Session to discuss those items outlined on the Board Meeting Closed Session Agenda.

The Open Session of the Board Meeting was called to order at 2:00 p.m. by Board President Doug Siden.

Staff Present Included: Pat O'Brien, Ted Radosevich, Mike Anderson, John Escobar, Carol Victor, Police Chief Tim Anderson, Cinde Rubaloff, Anne Scheer, Nancy Wenninger, Shelly Lewis, Jeff Rasmussen, Carol Johnson, Deborah Spaulding, Diane Althoff, Jim Townsend.

A. APPROVAL OF AGENDA

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

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

Directors Absent: None.

B. PUBLIC COMMENTS

Kathy Orsino addressed the Board regarding safety issues at the Madrone Trail at Redwood Regional Park, stating that given the steep grade and reduced line-of-sight of the trail topography, mountain bikers pose a danger to other trail users. She added that mountain bikers ignore the restrictions. Ms. Orsino handed out a letter to the Board further explaining her concerns.

Brian Smalley reminded the Board that he spoke to them regarding his experience last June 2009 at the Madrone Trail, wherein he was pushed to the ground by a mountain biker when he tried to block the biker's path. He requested that the Board of Directors instruct the District's Chief of Police to provide him, by October 7, 2010, information on the number of warnings as well as citations issued by police officers for biking on restricted trails in the area from May 22, 2009 to September 1, 2010, including the date, time and nature of each infraction.

Police Chief and AGM Tim Anderson answered that he would be able to provide the information requested and noted that with resources stretched thin, the Public Safety department often relies on Volunteer Hiking Patrols to distribute information. They have no enforcement capacities, but their information is often effective. He will copy the Board on his response to Mr. Smalley.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

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

Directors Absent: None.

C-I-a. Approval of District Check Listing for the Period of July 26, 2010 Through August 22, 2010
Resolution No. 2010 – 9 - 214 (attached)

C-I-b. Authorization to Negotiate with Various Property Owners
Resolution No. 2010 – 9 - 215 (attached)

C-I-c. Approval of Out-of-State Travel for Director Carol Severin to Attend the
2010 IPMA-HR International Training Conference & Expo, October 2 – 6, 2010,
in Seattle, Washington
Resolution No. 2010 – 9 - 216 (attached)

C-I-d. Authorization to Contract for Appraisal Services with Paul A. Rowan, ASA
Resolution No. 2010 – 9 - 217 (attached)

C-I-e. Authorization to File an Application for Grant Funds through the Alameda County
Altamont Landfill and Resource Facility Open Space Advisory Committee to Acquire
Property: Doolan Canyon Regional Preserve
Resolution No. 2010 – 9 - 218 (attached)

C-I-f. Authorization to Enter into a 25-year License Agreement for 756-Linear Feet of Trail
with the City of Antioch: Delta DeAnza Regional Trail
Resolution No. 2010 – 9 - 219 (attached)

C-I-g. Authorization to Enter into an Agreement with the Ohlone Preserve Conservation Bank
for the Purchase of Mitigation Credits Required for the Construction of the Martin Canyon
Creek Trail Extension: Dublin Hills Regional Park
Resolution No. 2010 – 9 - 220 (attached)

C-I-h. Acceptance of Bid for ADA Upgrades and Asphalt Pavement Repairs:
Anthony Chabot Regional Park
Resolution No. 2010 – 9 - 221 (attached)

- C-I-i. Acceptance of Bid for Asphalt Repairs and ADA Upgrades: Contra Loma Regional Park
Resolution No. 2010 – 9 - 222 (attached)

Director Lane asked if the District should consider revising its method of estimating project costs, given that more recent bids have been coming in below staff's estimated costs. Anne Scheer, Chief of Maintenance and Skilled Trades, stated that the method used is a standard employed by other entities, and that the lower bids being received from are just indicative of the state of the economy.

- C-I-j. Authorization to Enter Into a Special Use Agreement with the City of Fremont
to Operate the Patterson House: Ardenwood Historic Farm
Resolution No. 2010 – 9 - 223 (attached)

In response to a question brought forth by Director Sutter, John Escobar, AGM of Operations, clarified that the District would not have any responsibilities for the physical repair of the Patterson House.

- C-I-k. Approval of Reappointment of James Vann and Jan Southworth to the Park Advisory Committee
Resolution No. 2010 – 9 - 224 (attached)

- C-I-l. Authorization to Accept the Bid for Installation of Recreational Vehicle Electrical Hookups:
Del Valle Regional Park/Campground
Resolution No. 2010 – 9 - 225 (attached)

- C-I-m. Authorization to Augment the Construction Contingency for Tidewater Aquatic Center:
Martin Luther King, Jr. Regional Shoreline
Resolution No. 2010 – 9 - 226 (attached)

- C-I-n. Authorization to Encumber Additional Funds for Engineering Services for the Tidewater
Aquatic Center: Martin Luther King, Jr. Regional Shoreline
Resolution No. 2010 – 9 - 227 (attached)

- C-I-o. Renewal of Grazing License for Five Years with Duane Martin Jr.: Black Diamond Mines
Regional Preserve
Resolution No. 2010 – 9 - 228 (attached)

- C-I-p. Approval of a Month-to-Month Grazing License with Jerry Galvin:
Clayton Ranch/Chaparral Spring Landbank
Resolution No. 2010 – 9 - 229 (attached)

In response to a question by Director Siden, Mike Anderson, AGM for Planning, Stewardship and Development, stated that staff would like to work with Mr. Galvin on a trial basis prior to offering a longer-term contract.

- C-I-q. Authorization to Appropriate and Transfer Funds for Capital Project Budget Reconciliation
Resolution No. 2010 – 9 - 230 (attached)

- C-I-r. Acceptance of the January 1, 2010 GASB 45 Actuarial Valuation for East Bay Regional Park District
Retiree Healthcare Plan (OPEB) and Acceptance of the 2010 report on CalPERS Actuarial Issues -
6/30/08 Valuation
Resolution No. 2010 – 9 - 231 (attached)

- C-1-s. Acceptance of the East Bay Regional Park District Investment Report for the Quarter Ending June 30, 2010
Resolution No. 2010 – 9 - 232 (attached)
- C-1-t. Acceptance of Quarterly Unaudited Financial Statements for the East Bay Regional Park District for the Period Ending June 30, 2010
Resolution No. 2010 – 9 - 233 (attached)
- C-1-u. Authorization to Amend the 2010 Capital Budget to Meet Grant Requirements
Resolution No. 2010 – 9 - 234 (attached)

2. PLANNING/STEWARDSHIP AND DEVELOPMENT

- C-2-a. Resolution in Support of the Cooperative Study of the Impact of Sea Level Rise on the Infrastructure of the San Leandro/Hayward Shoreline
Resolution No. 2010 – 9 - 235 (attached)

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

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

Directors Absent: None.

AGM Mike Anderson gave a presentation on this item, stating that staff has been working with the Hayward Area Shoreline Planning Agency (HASPA) on this preliminary study. He reviewed a topographical map of the shoreline area and explained its vulnerability to flooding. He suggested that parties from the San Mateo bridge to the San Leandro shoreline work to expand the HASPA area to cover the 8.5 mile shoreline area that includes San Leandro to the Oakland Airport. The resolution would not commit funds, but a willingness to work cooperatively with a group of interested parties on the shoreline area. Director Sutter wanted to know if there was funding available; AGM Anderson indicated there was not.

3. LAND DIVISION

- C-3-a. Authorization to Enter Into an Exchange Agreement and Convey an Approximately 20-foot long Non-Exclusive Subsurface Utility Easement with the West County Wastewater District: San Pablo Bay Regional Shoreline
Resolution No. 2010 – 9 - 236 (attached)

By motion of Director Dotson and seconded by Director Radke, the Board voted unanimously to approve item C-3-a.

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

Directors Absent: None.

Bob Doyle, AGM for Land Division, stated that this is an emergency item needing a unanimous vote of all Board members, and involves an existing pipeline that is at risk of failure. He gave a Powerpoint presentation of the area

which provided an overview of the request by the West County Wastewater District to relocate a sewer easement and reconstruct the pipeline.

Mr. E.J. Shalaby, General Manager for West County Wastewater District and a member of the District's Park Advisory Committee, spoke to the Board in support of approval of this item.

C-3-b. Authorization to Accept the Donation of 250± Acres of Land and Funding from OG Property Owner, LLC, (McCosker) and Appropriate and Transfer Funds: Sibley Volcanic Regional Preserve
Resolution No. 2010 – 9 - 237 (attached)

By motion of Director Sutter and seconded by Director Wieskamp, the Board voted unanimously to approve item C-3-b.

Directors Present: Whitney Dotson, Beverly Lane, Carol Severin, Ted Radke, Doug Siden, John Sutter, Ayn Wieskamp.
Directors Absent: None.

Bob Doyle, AGM for the Land Division, gave a presentation on this item, stating that is a donation at no cost to the District and has taken staff about 10 years to finally bring to the Board. He added that it is the beginning of additional acquisitions of nearly 450 acres in the future. He enumerated the funds to be received as follows:

Endowment for park operations (unrestricted) - \$	1,000,000
Land Use Plan/CEQA	100,000
Facility Development –	300,000
Design Review/Construction Management –	32,500
Weed Abatement –	<u>5,000</u>
Total from Developer:	\$ 1,437,500

AGM Doyle emphasized that while the District frequently works very hard to get a good deal on the land, more often now, staff also does its best to bring in funds to help maintain acquired properties. He added that the developer has done extensive grading and clean up at the site at no cost to the District.

AGM Doyle explained that this property lends itself to outstanding recreational opportunities; it is not in a totally natural condition as there was a quarry and construction companies, housing, buildings and utilities at the site before.

General Manager O'Brien recommended that as staff goes through the planning process that this property be considered as a separate regional recreation park, or at the minimum, be designated as a recreation unit. It would therefore qualify to have the improvements that will include group picnicking and camping. He stated that during the recent Board tour, it was evident that it already has graded areas and other amenities that lend itself to more public use.

Director Sutter asked if the title in the resolution should be revised to signify that the property is “adjacent” to Sibley Volcanic Regional Preserve, to which the entire Board unanimously agreed to.

Director Lane asked about the larger property shown on the map; she wanted to know if it would become a part of Sibley. AGM Doyle answered that the assumption is that it would become a part of Sibley but there would be restrictions for wetland preservations, whereas with this McCosker property, staff fought hard to not have any such restrictions. Director Lane then asked if the District had any assurances about public access to McCosker from the EBMUD watershed land which is adjacent to the property. AGM Doyle answered affirmatively.

Director Lane stated that she thought that this parcel does lend itself to being a separate park, and she expects that this land would be seen as a wildlife corridor.

Director Sutter noted that this acquisition is especially timely since the Camping Task Force will be meeting again, and that this would be a prime candidate for a camping area.

AGM Doyle agreed and added that there are no neighbors and a good entrance with no restrictions for camping.

C-3-c. Authorization to Purchase Fee Interest in 83.24± Acres of Real Property from Remington Ranch Properties, LLC and Accept, Appropriate and Transfer Funds Therefor: Briones Regional Park Resolution No. 2010 – 9 - 238 (attached)

By motion of Director Radke and seconded by Director Lane, the Board voted unanimously to approve item C-3-c.

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

Directors Absent: None.

AGM Doyle reminded the Board that this has been brought before them as an action under an option to purchase agreement, and that this is the formal purchase authorization. He enumerated the cost breakdown as follows:

EBRPD Measure WW	\$	558,355
Prop 40 per capita		126,569
Prop 40 Roberti-Z'berg		15,076
Regional Parks Foundation		<u>21,000</u>
	\$	721,000

Director Lane asked about public access to the site; AGM Doyle stated that there is a very good road system into the property and historically, the property owner has allowed for the neighbors to go up to the property for years and has allowed the existing gate to be left open. If the District installs a new gate (for vehicles), it would probably allow for a new trail gate to be put next to it just for access.

Director Wieskamp spoke about installing clearer signs at the park; she was advised by some members of the public about conflicting signs regarding access in the park.

C-3-d. Authorization to Enter into Option, Purchase and Sale Agreement and to Transfer Funds for 640 Acres of Real Property from Andrew and Carole Schmitz: Doolan Canyon Resolution No. 2010 – 9 - 239 (attached)

By motion of Director Wieskamp and seconded by Director Lane, the Board voted unanimously to approve item C-3-d.

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

Directors Absent: None.

AGM Doyle gave credit to Nancy Wenninger for her negotiating efforts regarding this property, and stated that this property has been in discussion at the District since 1973. It is a full square mile of the back of Doolan Canyon. He noted that the City of Livermore, as a supportive partner, has committed \$2 million towards this purchase as part of mitigation. He also discussed an application to the Altamont Landfill settlement, which provides open space funding for that area:

EBRPD Measure WW	\$	2,400,000
City of Livermore REP		2,000,000
Altamont Landfill Grant		<u>2,000,000</u>
	\$	6,400,000

Director Sutter asked if the Altamont Landfill grant would have to go through this year. AGM Doyle did not anticipate it being a problem. Director Wieskamp anticipates support from the Landfill and stated she thinks it's important to see an open space buffer between cities. She also mentioned it as a potential campsite area.

Director Lane suggested that staff provide a presentation on this item to the Livermore City Council.

Steve Steward from the City of Livermore's Community Development Department thanked the Board on behalf of the City and conveyed their support of this item.

4. BOARD AND STAFF REPORTS

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

GM Pat O'Brien discussed those items listed on the staff report.

5. GENERAL MANAGER'S COMMENTS

Dave Collins, AGM for Finance and Management Services, gave a presentation showing the results of the recently completed Customer Service Survey on the Finance, Information Services, Grants and Office Services departments as completed by District employees. The results showed excellent to very good performance; one item that showed needing improvement was in the area of IFAS, wherein processes are more complex.

Director Lane wanted to know what would be done with the input from the survey; AGM Collins stated that each manager would be able to look at the results and possibly improve areas as needed.

6. ANNOUNCEMENTS FROM THE CLOSED SESSION

President Siden announced that the Board voted 7 – 0 to deny the claim of Oscar and Emerita Aguirre.

Denial of Claim of Oscar and Emerita Aguirre (Parents of Deceased Minor Marlene Aguirre)
Resolution No. 2010 – 9 - 240 (attached)

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

Directors Absent: None.

7. BOARD COMMITTEE REPORTS

- a. Alameda County Liaison Committee (7-8-10) (Siden)
- b. Labor-Management Ecology Committee (6-9-10) (Dotson)

There was a discussion on the composition of the Ecology Committee and its intended purpose. It was clarified that its purpose and composition was defined via the Labor Agreement and it was supposed to be composed of Labor and Management representatives, not Board members. Director Radke clarified that Board members were involved when the Integrated Pest Management report was being discussed.

- c. Legislative Committee (6-18-10) (Radke)
- d. Operations Committee (7-15-10) (Lane)

8. BOARD COMMENTS

Director Radke reported on meetings attended. Director Radke

- Announced he was cancelling his planned vacation from September 8 - 19;
- Participated in the Closed Session meetings to interview the AGMs related to GM recruitment process;
- Pleased to see the use of a mule team for a fire break at Don Castro;

Director Sutter reported on meetings attended. Director Sutter

- Participated in the interviews of the AGMs;
- Attended the Finance Committee meeting;
- Attended the Moonlight on the Mountain event;
- Attended the Natural and Cultural Resources Committee meeting, wherein there was a staff presentation on the issue of the windmills in Altamont;
- Attended a meeting sponsored by FEMA relating to grant applications;
- Suggested that a calendar of activities be included in the RIN publication.

Director Lane reported on meetings attended. Director Lane

- Attended the interviews with the AGMs;
- Attended the Executive, Operations, and Cultural Resources Committee meetings;
- Took a park tour of Las Trampas and Black Diamond, visited the Tilden EEC, Miller Knox, and participated in a Public Safety ride along at Del Valle, Shadow Cliffs, and MLK;
- Attended the Contra Costa Mayor's conference;
- Attended the Fresh Aire Affair and Moonlight on the Mountain events;
- Visited the Richmond Plunge twice – the preview dinner and inaugural opening. Also commented that cities have been using their Measure WW Local Grant Funds to promote historical preservation;
- Went with Jim Townsend to Es Anderson to help feed a 5-day trek;
- Has been working on putting together the exhibition on George Cardinet and the Anza expedition;

Director Severin reported on meetings attended. Director Severin

- Attended the Land Session, the Schaefer Ranch dedication, EDMUD Liaison Committee, ABAG Regional Planning Committee, Finance Committee;
- Attended the two AGM interview sessions related to the GM Appointment process;

- Went with HR Officer Sonja Stanchina to SF State and met with 56 students who are interested in internship opportunities at the District;
- Attended the Fremont Liaison Committee meeting;
- Will be attending the Board field trip on September 9;
- Will be attending the Garin Apple Festival on Saturday, September 11;
- Invited SF State alumni to an event at Temescal on September 16 from 6-9pm.

Director Dotson reported on meetings attended. Director Dotson

- Went to the Edible Garden at MLK Jr. High in Berkeley with Carol Johnson and Erich Pfuehler;
- Attended the opening of the Richmond Plunge;
- Toured the Railroad Tracks at Miller Knox;
- Participated in the AGM interviews;

Director Wieskamp reported on meetings attended. Director Wieskamp

- Met with former PAC member from Pleasanton Jack Dove and had discussions regarding potential connections between District trails and those within the city;
- Attended the Elected Women's meeting;
- Attended the Finance and Board meetings, including the AGM interviews;
- Attended the Chamber of Commerce meeting;
- Attended the 100 Club meeting, as well as the Farm Bureau Cattlemen's meeting;
- Attended Fallon Sports park opening in Dublin;
- Attended the Day in the Park event;
- Attended the Fremont Liaison Committee meeting;
- Went on a Public Safety ride along on Labor Day;
- Extended an invitation to the upcoming Dairy Glen Group Camp dedication;
- Will attend the SF Water District Sunol Water Temple Event on September 25.

Director Siden reported on meetings attended. Director Siden

- Attended the last Concert at the Cove attended by about 1,500 people;
- Met with the new ACSDA President Tim Barry;
- Attended the CSSC JPA – Board Joint meeting; next meeting is September 21;
- Attended the retirement event for Donna McElligott; encouraged future Board presidents to attend retirements of long-term District employees;
- Attended the Fremont Liaison Committee meeting;
- Attended a Public Safety ride along on Saturday, September 4 at Lake Del Valle;
- Attended the AGM interviews for the GM position;
- Attended the Labor Day picnic at MLK Shoreline;
- Visited Tidewater to view construction progress; dedication on Saturday, November 6;
- Will be attending the Alameda County Mayors Conference on Wednesday, September 8;
- Will be attending the dedication of the Dairy Glen Campground on Saturday, September 11;
- Will miss the September 21 Board meeting, Sept 22 CSSC meeting as well as the Executive Committee meeting on Sept. 23;
- Suggested including a calendar on the RIN publication, showing a listing of activities on a daily basis.
- Took a tour of the Boys and Girls Club in Alameda and invited the other Board members to take one as well.

D. PUBLIC COMMENTS

There were no Public Comments at this time.

E. ADJOURNMENT

The Board meeting was adjourned by Board President Siden at 4:55 p.m. in honor of former District Board member Harlan Kessel who passed away on August 27, 2010.

Director Sutter added that he knew Mr. Kessel for many years, and he was a person of many talents with a remarkable knowledge of many things and was very proud of his tenure as a Park District Board member. Mr. Kessel was a very committed conservationist. Director Sutter stated that Mr. Kessels' efforts, together with Mary Jefferds, really made Claremont Canyon a reality. In Oakland, Mr. Kessel was one of the organizers of Citizens for Oakland Open Space, which was very involved in getting Measure K passed and provided funds for Oakland parks, including Lake Merritt. Director Sutter also mentioned that Mr. Kessel, when asked if he would run for any higher office, stated that there is no higher office than being on the Park District Board.

Respectfully submitted:

Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2010 – 9 – 214 to 2010 - 9 – 239
Board Committee Reports