

The Board Meeting, which was held on September 21, 2010 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 2:07 p.m. by Board Vice-President Beverly Lane.

ROLL CALL

Directors Present: Beverly Lane, Vice-President
John Sutter, Secretary
Ayn Wieskamp
Ted Radke
Whitney Dotson

Directors Absent: Doug Siden, President
Carol Severin, Treasurer

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 2:07 p.m. by Board Vice-President Beverly Lane.

Staff Present Included: Pat O'Brien, Ted Radosevich, Mike Anderson, John Escobar, Rosemary Cameron, Police Chief Tim Anderson, Anne Scheer, Mark Pearson, Nancy Wenninger, Shelly Lewis, Jeff Wilson, Jon King, Jim Townsend, Dan McCormick, Carol Victor, Dave Collins

A. APPROVAL OF AGENDA

By motion of Director Sutter and seconded by Director Radke, the Board voted unanimously to approve the agenda, with a revision in the order by which the Land Division - Open Session items will be discussed (C-2-c, C-2-d, C-2-a, C-2-b, C-2-e).

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

B. PUBLIC COMMENTS

Mr. William G. Tharpe addressed the Board, commenting that at \$10,000 an acre for an agricultural piece of land only suitable for grazing, the District paid too much for the acquisition of the 640-acre Schmidt property. He added that the District did not make the appraisal or justification for the purchase price available. He compared this to the proposed acquisition of the Souza property (Item C-2-a) which is only at \$5,000 an acre. He stated that he is concerned that the Board is "rubber-stamping" staff recommendations on acquisitions and is spending public funds without proper citizen oversight by the District's Park Advisory Committee. He left a copy of his comments for the record, and hoped that someone from the District will respond to his concerns.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, John Sutter, Ayn Wieskamp.

Directors Absent: Carol Severin and Doug Siden.

- C-I-a. Approval of District Check Listing for the Period of August 23, 2010 through September 6, 2010
Resolution No. 2010 – 9 - 243 (attached)
- C-I-b. Approval of the Minutes for the meetings of July 6, July 20 and August 10, 2010.
- C-I-c. Authorization to Negotiate with Various Property Owners
Resolution No. 2010 – 9 - 244 (attached)
- C-I-d. Authorization to Apply for Federal Funds from the Recreational Trails Program for a Trail Bridge at Round Valley Regional Preserve
Resolution No. 2010 – 9- 245 (attached)
- C-I-e. Authorization to Apply to Zone 7 Water Agency for Irrigation Improvements: Shadow Cliffs Regional Park
Resolution No. 2010 – 9 - 246 (attached)
- C-I-f. Acceptance of Bid for Asphalt Repairs and ADA Upgrades: Eastern Contra Costa County
Resolution No. 2010 – 9 - 247 (attached)
- C-I-g. Acceptance of Bid for Asphalt Repairs: Tilden Regional Park
Resolution No. 2010 – 9 - 248 (attached)
- C-I-h. Approval of Resolution Endorsing Coastal Cleanup Day 2010
Resolution No. 2010 – 9 - 249 (attached)
- C-I-i. Approval of Out-of-State Travel for Board Members Carol Severin, Whitney Dotson and General Manager Pat O'Brien to Attend the 2010 National Recreation and Park Association Congress and Exposition, Minneapolis, MN, October 25 - 29, 2010
Resolution No. 2010 – 9 - 250 (attached)
- C-I-j. Approval of Reappointment of Bob Coomber to the Park Advisory Committee
Resolution No. 2010 – 9 - 251 (attached)

2. LAND DIVISION

C-2-c. Authorization to Enter into an Agreement with the Redevelopment Agency of the City of Hercules and Appropriate Funds for the Construction of a Segment of the San Francisco Bay Trail within Hercules San Francisco Bay Trail: San Pablo Bay
Resolution No. 2010 – 9 - 241 (attached)

By motion of Director Radke and seconded by Director Dotson the Board voted to unanimously approve item C-2-c.

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

Jim Townsend, Regional Trails Manager, gave a brief background on this item, stating that negotiations with Bio Rad Corporation began in 2000 for the acquisition of an easement for a segment of the San Francisco Bay Trail along the edge of the Bio Rad campus in Hercules. In 2006, the District approved an agreement with Bio Rad that settled the 2003 eminent domain action filed by the District.

Mr. Townsend stated that although the agreement calls for the District to pay the Redevelopment Agency a total of \$2,708,500, a grant in the amount of \$1,060,000 has been awarded to the project via the Metropolitan Transportation Commission and the Contra Costa Transportation Authority, leaving a balance of \$1,767,000 as the District's cost, which is proposed for funding as follows:

Measure AA Pt. Pinole-Lone Tree Trail:	\$ 980,000
Measure WW – Bay Trail:	<u>137,000</u>
	1,117,000
Previously appropriated from Measure AA:	<u>650,000</u>
	\$1,767,000

Director Sutter noted that the WW money for the Bay Trail is in several different categories and wanted to know which category this \$137,000 would be pulled from. Mr. Townsend clarified that it would be coming from the General Bay Fund trail and that specific allocations had not been made yet, as this would be the first use of the fund. Director Sutter added that there should be thought put into which funds are being allocated due to the fact that there are several different communities who will use and therefore several different projects/categories that will benefit from funds.

Director Radke stated that the Board was pleased to see this project.

C-2-d Authorization to Enter into a Joint Exercise of Powers Agreement with Contra Costa County and Appropriate Funds for the Addition of a Segment of the Mokelumne Coast to Crest Trail to the Orwood Bridge Replacement Project: Mokelumne Coast to Crest Trail
Resolution No. 2010 – 9 - 242 (attached)

By motion of Director Radke and seconded by Director Wieskamp the Board voted to unanimously approve item C-2-d.

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

Jim Townsend, Regional Trails Manager gave a brief presentation on this item, noting that Contra Costa County is planning to replace the substandard bridge under the Federal Highway Bridge Replacement and Rehabilitation Program (HBRRP). This program covers approximately 85% of the cost to replace existing substandard bridges. After discussions with Caltrans, which administers the program for the Federal Highway Administration, it was determined that the costs to include a Class I bicycle and pedestrian trail in the bridge replacement project were eligible for reimbursement under the HBRRP.

He explained that District staff has negotiated a Joint Exercise of Powers Agreement with Contra Costa County to include the trail segment in the bridge replacement project. The County will design and construct the bridge replacement, and the District will cover the cost to add the trail segment to the project. While trail segments on either side of the bridge may not be constructed for several years, the District will realize significant savings by partnering with the County to construct the segment that bridges the Dredger Cut waterway now and benefit from the 85% Federal participation in the project. This bridge replacement will also greatly improve vehicle and trail access to the District's future 'Delta Access Park.'

Director Wieskamp complimented staff on being able to plan ahead and get ideas on the potential benefits of other agencies' projects.

Director Radke complimented staff on a great job.

C-2-a. Authorization to Exercise the Option to Purchase and to Accept, Appropriate and Transfer Funds for the Acquisition of the 1,021± acre Souza III Property in Partnership with the East Contra Costa County Habitat Conservancy: Byron Vernal Pools Regional Preserve
Resolution No. 2010 – 9 - 251 (attached)

By motion of Director Radke and seconded by Director Dotson the Board voted to unanimously approve item C-2-a.

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

Nancy Wenninger, Land Acquisition Manager gave a brief Powerpoint presentation on this item. She noted that Souza III is the last of the Souza holdings in Contra Costa County. By acquiring the subject property it will create public ownership on both sides of Vasco Road and a permanent open space buffer for the Preserve. Additionally, the Souza III property offers some limited opportunities for public access via a future trail loop connecting Byron Vernal Pools to Vasco Caves Regional Preserve using the tunnel undercrossing of Vasco Road. The property is also a priority acquisition for the Conservancy, which has promised to obtain funds for 83% of the purchase price to be deposited prior to close of escrow.

Ms. Wenninger continued that there is a wind farm on the property. The lease runs until 2027 with a possibility for continuance. All proceeds from the wind turbine facility will come to the District; all annual wind turbine and telecommunication revenues will be used for the management of the Vasco Corridor properties. A non-wasting management endowment fund will be created to be used for maintenance in case the District decides to eliminate turbines on the property. She stated that some funding should be set aside as match money for additional acquisitions and partnership with the Conservancy in the Vasco Corridor. She also reviewed, via photos, the Vasco Corridor.

Ms. Wenninger stated that the property has also a good possibility for public access and trail connection routes, and a Management Plan will have to be developed in partnership with the Conservancy.

Director Radke asked about how much has been paid for the almost 5,000 acres the District has acquired so far, and what percentage paid is the District's. Ms. Wenninger could not answer definitively, but confirmed that the majority of the funding has come from ECCCHC.

GM O'Brien noted that the District would not be acquiring these properties without the ECCCHC funding.

Director Sutter asked if there were any restrictions on public use and staging areas. Ms. Wenninger replied that there were no current restrictions for public use. Staging areas will be considered as a whole, and much depends on the Management Plan. Director Sutter noted that this was an excellent acquisition.

Director Wieskamp stated that this is a nice acquisition which connects land with a good wildlife corridor that is permanent with public access.

Director Lane added her appreciation for working with the Habitat Conservancy. She stated she was impressed that staff was able to use some of WWF funds as well as those with the Habitat Conservancy and the Moore Foundation to make this and other significant acquisitions possible.

C-2-b. Authorization to Acquire Fee Interest and Transfer Funds for the Purchase of 218.1± Acres of Real Property from Steven E. Rose: Vargas Plateau Regional Park
Resolution No. 2010 – 9 - 252 (attached)

By motion of Director Wieskamp in Carol Severin's name and seconded by Director Sutter the Board voted to unanimously approve item C-2-b.

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

Nancy Wenninger, Land Acquisition Manager gave a brief Powerpoint presentation on this item, including an area map. Staff recommends that the subject property, the last remaining piece of the Rose Ranch, be placed into land bank status until a CEQA checklist can be completed for the parcel as part of the Park District's ongoing Vargas Plateau Land Use Plan update. Therefore, the acquisition of this property will create minimal operational impact at this time. The referenced acquisition evaluation provides further detail on the impact of the proposed acquisition to Park District operations and public safety.

Director Lane asked if this purchase marked the end of the Prop 40 fund grant funds. Ms. Wenninger confirmed that this is the end of that grant.

Director Wieskamp added that if Director Severin were in attendance she would remark that this is a nice acquisition and this land would be a good, challenging ride for mountain bikers.

Director Radke had a question regarding who had owned the majority of Vargas Plateau; Ms. Wenninger clarified that the majority of properties were owned by the Taharas and Vargas families.

Director Sutter questioned the number of in-holdings and wanted to know if there were other parcels that District staff is trying to acquire in that area. Ms. Wenninger affirmed that there are current appraisals on the market for properties in that area. Director Sutter asked about the status of Morrison Canyon Road and possible improvements. District Counsel Ted Radosevich noted that it is still under discussion with landowners and the City of Fremont and progress is being made.

Director Wieskamp commented on the potential land/easement the District might acquire near Niles Canyon that has the difficult location because of access.

Director Lane had questions that were answered by staff regarding elevation of the road and access. She added that she thought this acquisition was a good thing for the park, and will expand the park about 20%.

C-2-e Authorization to Enter Into Option, Purchase and Sale Agreement and to Transfer Funds for 469.41± Acres of Real Property from Land Waste Management, Ltd. and Bozidar Rajkovski, in Partnership with the East Contra Costa County Habitat Conservancy: Concord Naval Weapons Station to Black Diamond Mines Regional Trail
Resolution No. 2010 – 9 -253 (attached)

By motion of Director Lane and seconded by Director Radke, the Board voted unanimously to approve item C-2-e.

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

Nancy Wenninger, Land Acquisition Manager gave a brief Powerpoint presentation on this item, including photos. She noted that there are several partners involved in this property as stated in the title of the item. Staff is asking the Board to approve an option payment of \$50,000 towards the purchase of this \$3.05 million, undeveloped 360-acre property that is located in the vicinity of CNWS . The option payment would be credited towards the purchase price. Between now and the close of escrow, staff will work out with the ECCCHC how much the District will need to contribute. In the worst case scenario, the District would be responsible for 55% of purchase price (the ECCCHC is seeking state funding to help offset this cost). At a future date, staff will have more details as to the request for the balance of the purchase price.

Director Sutter asked for elaboration on public access. Ms. Wenninger stated that as with all ECCCHC acquisitions, there may be public access and there is a placeholder, but the question of where will be resolved when the District acquires an interest in the CNWS. She stated that she sees this property as being land banked for some time.

Director Wieskamp asked if District staff knows how old the gas pipeline is on this property. Counsel Radosevich answered that District staff has been in contact with PG & E to get updates on pipelines on all District properties, and Ms. Wenninger stated that the pipeline on this property is petroleum. Director Wieskamp opined that it would be a good idea to know about all pipelines on District property. Staff agreed and Counsel Radosevich noted that staff had been looking into updating this information prior to the San Bruno incident.

Director Lane had questions about the border of the conservancy and its location. Director Radke responded and explained the boundaries. Director Lane stated that the map shown was an interesting one.

3. BOARD AND STAFF REPORTS

C-3-a. Actions Taken by Other Jurisdictions Affecting the Park District

General Manager O'Brien discussed those items listed on the staff report.

4. GENERAL MANAGER'S COMMENTS

Dan McCormick, Aquatics Manager, gave a presentation on the recruitment of lifeguards. A video was shown about the program which will be available on the District's website. The District hires about 170 lifeguards over the summer.

General Manager O'Brien announced that after the Board meeting, visitors and Board members could observe the mobile visitor center in the District parking lot.

5. ANNOUNCEMENTS FROM THE CLOSED SESSION

Board Vice-President Lane stated that there are no announcements from the Closed Session.

6. BOARD COMMENTS

Director Radke reported on meetings attended. Director Radke

- Attended the special meetings and interviews with AGMs;
- Attended the Contra Costa County Fish and Game Commission meeting. The District received high praise for their role in preserving habitat;
- Complimented Shelly Lewis on the Tiger Grant press release.

Director Sutter reported on meetings attended. Director Sutter

- Attended the field trip and enjoyed the McCosker property;
- Attended and enjoyed Castlemont High School in Oakland;
- Attended the Oakland Museum and the book signing of *Living Landscape*;
- Attended the Waterfront Action meeting;
- Attended the DD Committee (Oakland Waterfront) in Oakland.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Mayors Conference in Fremont;
- Attended the field trip and saw the McCosker property;
- Attended the Chamber of Commerce Mixer for Livermore in Camp Arroyo;
- Was asked by Management Partners to meet with Daren Fields regarding LARPD potential merger;
- Attended Alameda County had a groundbreaking on Stanley Blvd.;
- Attended Tim Barry of LARPD's "State of LARPD" meeting;
- Attended the Tracks to Trails and it was great;
- Coming up - Safeway will be at the upcoming chamber event;
- Coming up - Open House at Sunol Water Tower;
- Has been asked to meet regarding potentially becoming an independent district.

Director Dotson reported on meetings attended. Director Dotson

- Did not offer any comments

Director Lane reported on meetings attended. Director Lane

- Handed the Clerk a small correction to the July 6th minutes;
- Handed out the American Trails Magazine and shared her thoughts that the District should become an organizational member;
- Was glad to see Tiger Grants information on the website;
- Was glad to see the District is moving forward on Donlon;

- Attended Oakland Museum reception for the *Living Landscape*;
- Shared an unsolicited comment that she received regarding Board Minutes needing to be completed and on the website more rapidly;
- Attended the McCosker Field trip and appreciated the Gillespie site;
- Attended the Cambridge Park dedication in Concord which used funds from CVS donations and WW monies;
- Attended the Anza Exhibit;
- Attended and hosted, along with Director Wieskamp, the Tracks to Trails event;
- Attended the Operations Committee Meeting at Tilden Golf Course;
- Talked to Congressman McNerney;
- Went to Las Trampas to see the Mobile and Fish Exhibit Center;
- Coming up - Treat Bridge overcrossing for the Ironhorse Trail;
- Request that the Board get a report on the interns' work at the District;
- Brought clippings to share.

D. PUBLIC COMMENTS

E. ADJOURNMENT

The Board meeting was adjourned by Board Vice-President Lane at 3:52 p.m.

Respectfully submitted:

Yolande Barial, Acting Clerk of the Board (9-21-10)
Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2010 – 9– 241 to 2010 - 9– 253
Board Committee Reports