

The Board Meeting, which was held on May 16, 2017 at the East Bay Regional District, 2950 Peralta Oaks Court, Oakland, CA was called to order at 1:00 p.m. by Board President Lane.

ROLL CALL

Directors Present: Beverly Lane, President
Dennis Waespi, Vice President
Ayn Wieskamp, Treasurer
Ellen Corbett, Secretary
Whitney Dotson
Dee Rosario
Colin Coffey

Directors Absent: None.

PUBLIC COMMENTS: None.

At 11:30 am, 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 1:11 p.m. by Board President Lane.

Staff Present: Carol Victor, Jim O'Connor, Bob Nisbet, Tim Anderson, Debra Aufer, Carol Johnson, Alan Love, Kelly Barrington, Deborah Spaulding, Anne Kassebaum, Jason McCrystle, Jeff Rasmussen, Steve Castile, Ruby Tumber, Matt Graul, Mary Mattingly, Michelle Strawson O'Hara, Raphael Breines, Sean Dougan, Anthony Ciaburro, Patty Gershaneck, Lance Brede, Mark Pearson, Julie Bondurant, Mona Koh, Brian Holt, Tiffany Margulici

A. APPROVAL OF AGENDA

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

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

Directors Absent: None.

B. PUBLIC COMMENTS

None.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario,
Ayn Wieskamp, Dennis Waespi.

Directors Against: None.

Directors Absent: None.

- a. Approval of District Check Listing for the Period of April 3, 2017 to April 16, 2017
Resolution No. 2017 – 05 – 130 (attached)
- Approval of the Minutes for the Board Meeting of May 2, 2017
- c. Authorization to Purchase Microsoft True-Up Licensing Settlement from SoftwareOne
Resolution No. 2017 – 05 – 131 (attached)
- d. Authorization to Transfer Funds and Award a Contract to Bond Blacktop, Inc. for Asphalt Maintenance: District-wide
Resolution No. 2017 – 05 – 132 (attached)
- e. Authorization to Appropriate Mitigation Funds: Hayward Regional Shoreline
Resolution No. 2017 – 05 – 133 (attached)
- f. Authorization to Appropriate Two County and East Contra Costa County Lighting and Landscape Funds for One-Time Fleet Replacements: District-wide
Resolution No. 2017 – 05 – 134 (attached)

Director Rosario asked if funds for item f will be split evenly between the two counties. Pam Burnor, Budget Manager replied that the vehicles were specifically identified by Fleet Manager Jason McCrystle in the areas that serve where the constituents contribute those funds. Director Rosario questioned why there were only 4 vehicles for Alameda County. Burnor replied that McCrystle was specifically zeroing in on the vehicles he was going to replace in 2017.

- g. Adoption of Resolution of Intention to Order Improvements, Grant Preliminary Approval to the Draft Engineer's Report, Establish Date of Public Hearing and Instruct the Clerk of the Board to Provide Appropriate Public Notice of Hearing: Alameda County/Contra Costa County Regional Trails Landscaping and Lighting Assessment District (Two County LLD), including ZB-1 (Five Canyons), ZB-2 (Dublin Hills), ZB-3 (Walpert Ridge), ZB-4 (San Ramon Hills), ZB-5 (Stone Valley), and ZB-6 (Gateway Valley/Sibley Volcanic) (Zones of Benefit)
Resolution No. 2017 – 05 – 135 (attached)

Director Rosario asked if the District is making sure funds generated in the specific Zones of Benefit are being spent in the same zones. Deborah Spaulding, Assistant Finance Officer explained that a fund for each of the Zones of Benefit has been set up, so the revenue that comes in is spent out of those funds. Rosario inquired if a constituent could see how the funds are spent. Spaulding replied they can file a request for information and Finance would run a report. President Lane asked if the report would be run in a timely way. Spaulding replied yes.

Director Coffey asked to meet with Finance to learn more about the Zones of Benefit. Spaulding replied that she would oblige.

- h. Adoption of Resolution of Intention to Order Improvements, Grant Preliminary Approval to the Draft Engineer's Report, Establish Date of Public Hearing and Instruct the Clerk of the Board to Provide Appropriate Public Notice of Hearing: East Contra Costa County Landscaping and Lighting Assessment District (ECCC LLD)
Resolution No. 2017 – 05 – 136 (attached)
- i. Authorization to Award a Contract for Services to LSA Associates, Inc, for Environmental Review Pursuant to the California Environmental Quality Act and Permitting for Five Miles of the Bay Area Ridge Trail in Fremont: Bay Area Ridge Trail
Resolution No. 2017 – 05 – 137 (attached)

Director Rosario inquired if the District has Concept drawings of the at-grade trail crossing. Sean Dougan, Trails Development Program Manager placed the drawings on the dais explaining that the design is 90% complete. Rosario asked if the Recreation trails will be bike accessible. Dougan replied that the intention is to analyze bicycle use through CEQA on the recreational trail. The EVMA was the original alignment of the Bay Area Ridge Trail and it will be for District staff and emergencies only. Rosario asked how wide the recreational trail will be. Dougan responded it will be 5-6 feet wide. Carol Victor, District Counsel explained that this is a condemnation action that was brought to acquire this trail access. The resolution achieved through settlement is that the fire road would be EVMA and there would be a separate recreational trail. Rosario expressed concern about mountain bikes, equestrians, and pedestrians sharing the same narrow trail. Dougan replied it will be a segment of the Bay Area Ridge Trail, and it will not be less wide than 5 ft. President Lane asked if Dougan has had a chance to look at where the alignment is specifically. Dougan replied that he and Suzanne Wilson, Senior Planner, aligned the trail. President Lane asked if there will be an option to make it wider than 5 ft. Dougan replied that it is an option in some locations, in other spots the grade is too steep.

- j. Approval of the Dumbarton Quarry Campground Phase I Development Naming Program: Coyote Hills Regional Park
Resolution No. 2017 – 05 – 138 (attached)

Julie Bondurant, Acting Chief of Planning and GIS reported that this item has gone to Board Executive Committee and the Park Advisory Committee. The Executive Committee approved the general naming and deferred the naming of the overall campground area to the Park Advisory Committee (PAC). The two names under considerations were, the Dumbarton Campground and the Dumbarton Quarry Campground. The PAC recommended the Dumbarton Quarry Campground as the name, and approved all the other names in the naming program. Director Corbett thanked everyone for the care taken for the naming of natural lands and new facilities. Corbett mentioned that in regards to the name of Eden campground, she would like to suggest Mt. Eden Campground after the original settlement area. Corbett noted that in the District's Naming Policy, the District likes to reflect the natural resources in the area. Corbett suggested Dumbarton Quarry Bayside Campground as the new name. Director Wieskamp agreed the addition of the natural location would be good adding there will be interpretive panels nearby explaining in detail the history of the area. Wieskamp explained that it was decided that this part of Coyote Hills have its own identity. Lane commented that one of the discussions at the Executive Committee was the concern that using Dumbarton Quarry may be confused with Quarry Lakes. Lane indicated she is sensitive to making the decision on a major campground naming at a Board meeting, and suggested that they delay the naming, and perhaps staff return with some additional names. Wieskamp asked what would be learned by postponing the decision, and suggested that the longer names be used.

Director Corbett made a motion to adopt the item with amendments to name the campground Mt. Eden Campground and amend the name of Dumbarton Quarry to Dumbarton Quarry Bayside

Campground. Director Wieskamp seconded the motion. The Board voted unanimously to approve **item j.**

- k. Authorization to Appropriate Measure CC Funds and Execute a Consulting Services Contract with Ascent Environmental for Preparation of an Environmental Impact Report for the Land Use Plan Amendment: Miller/Knox Regional Shoreline
Resolution No. 2017 – 05 – 139 (attached)

Director Rosario inquired about the demolition of the Ferry Building, and if the demolition had been vetted by the local historical societies? Julie Bondurant, Acting Chief of Planning/GIS replied it has not been vetted by the historic societies yet, but it will be as part of CEQA. Technical studies have been done that allow a LUP to make these recommendations in a measured way. Bondurant explained the historical aspect of the Ferry Point Building and the operations that occurred related to the transportation at Ferry Point landing. Lane asked which building was being discussed, Bondurant replied there are two structures, one larger, both side-by-side; the smaller one will be demolished. Lane asked if it has gone through the District's internal process. Bondurant replied that the District hired a consultant and a review has been done of both structures. Lane asked that the Board be kept apprised of the progress of this project. Lane asked about bay shore planning and removing remnant railroad tracks. Bondurant replied that through the LUP it is being discussed to use the remnant railroad tracks as an interpretive element in the park.

- L. Authorization to Purchase Communications Equipment and Services from Motorola and East Bay Regional Communications System Authority (EBRCSA)
Resolution No. 2017 – 05 – 140 (attached)
- m. Authorization to Appropriate General Fund EBMUD/JPA Restricted Funds and Install Computer Mounting Hardware for EBMUD Police Vehicles
Resolution No. 2017 – 05 – 141 (attached)

President Lane inquired why the District's General Fund balance includes restricted funds that are reserved for legal agreements. Lane questioned why these funds may be appropriated as needed to replace vehicles and/or equipment required to fulfill specific obligations. Lt. Love replied that some of the restricted funds in the JPA agreement are in overhead costs and the District plans to use these funds to equip the vehicles specifically assigned to the JPA.

- n. Authorization to Award a Contract to Bay Cities Refuse Service, Inc. for Recycling, Compost and Trash Collection and Processing Services: Tilden Regional Park
Resolution No. 2017 – 05 – 142 (attached)

Director Waespi stated that traditionally municipalities will each seek a contract for recycling compost and trash collections. However, Matt Norton, Sanitation Recycling Supervisor and Andrew Green, Sanitation Recycling Coordinator, took the initiative and learned that the District could negotiate a deal no matter what the city-wide contract was and did negotiate the best deals for the District. Waespi and Wieskamp praised Norton and Green for their good work and commitment. Director Corbett asked if the District composts green waste. Kelly Barrington, Chief of MAST, replied that the District contracts with Bay Cities to haul green waste. Bay Cities has also assisted the District with a pilot program at the Brazilian Room for a composting program on site. Under this new agreement, it would be extended to other locations. The District is doing a midyear budget request for a study District-wide to reduce waste in the landfills, and more effective recycling. Director Corbett requested learning more about how the District deals with green waste issues and suggested the District conduct composting pilot program in

the future. President Lane asked will each park supervisor have some leeway on how and when they would use the program, or will it be mandatory. Barrington replied the program is still being developed, and the park supervisors will be involved in these decisions.

- o. Authorization to Extend Contracts for Transportation Services with Michael's Transportation Services Inc., Durham School Services, and First Student Inc.
Resolution No. 2017 – 05 – 143 (attached)

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.
Directors Against: None.
Directors Absent: None.

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

- a. Authorization to Appropriate Funds and Award a Contract to Gordon N. Ball, Inc. for Construction of the San Francisco Bay Trail – Pinole Shores to Bayfront Park Project: San Francisco Bay Trail
Resolution No. 2017 – 05 – 144 (attached)

Bob Nisbet, AGM of ASD introduced the topic. Sean Dougan, Trails Development Manager presented an extensive background on this item; highlights are included. Dougan specified that all necessary permits and approvals have been obtained for this project. The project includes a 1,300 foot trail along the bluff, and approximately 1,100 feet of bridge structure that will curve along the tracks and land in a wetland; a small portion of it will continue into Bayfront staging area. The project is almost entirely within the Union Pacific Right of Way, and there are approximately 63 trains per day that come through this segment. There is a deadline of July 2017 to award the contract for construction, or the money will either go away, or an extension will need to be requested. Director Rosario asked if the District received only one bid, why wasn't the bid opening extended. Carol Victor, District Counsel explained that the District isn't allowed to extend under the Public Contract code. Wieskamp stated that the public perception should reflect that the District has done all it can. Nisbet replied that the District feels that it has looked at alternatives to lower project costs by doing value engineering in the earliest stages of design. Coffey said significant savings would require significant redesign element. Nisbet replied that any substantial change becomes expensive because the change requires staff to redesign the project and any substantial change in the design can trigger potential redo of CEQA and new permits. Dotson asked if the District has had experience with this contractor. Dougan said no, but he showed two similar projects completed by Gordon N. Ball, Inc. Waespi commented the he dislikes doing one-bid contracts, and accepting bids that are 35% more than what the District planned for. He expressed concern that if the District doesn't get the one million from Measure J, staff will come back before the Board for funding from another source. Tiffany Margulici, Grants Manager, shared that the District is in close contact with Contra Costa Transportation Authority staff that makes their recommendation on this project which is ranked number one, adding it is extremely rare that there will be any change in the ranking. Lane said the Board is aware of how these projects are stitched together, and they are uneasy with a single bidder response. Director Corbett thanked staff for an outstanding project expressing concern for sole one bid projects. Corbett asked in a standard contracts does the District have language built into contracts to discourage overrun of project time or costs. Victor replied based on the construction schedule which becomes the critical path, there are liquidated damages in construction contracts adding that all of the District's contracts just went through a legal review, and are up-to-date with all provisions protective of the District and the

District's funds. Dougan added that the construction management firm Parsons Brinckerhoff's role is to enforce this contract. Corbett asked and Dougan replied on the dollar amounts paid to the Railroad for licenses. Victor stated because of past experience with the Atlas Road project, the District understood all roadblocks that the District would enter into with Union Pacific, and so the District took care of them in the MOU. Nisbet stated that in spite of the project's challenges, about 66% of the funding was from outside sources for this project; the local measures leveraged outside dollars. Wieskamp said the key is if the District goes out for Measure CC, this will be the highest ranked project in Measure J, and will showcase that the District does complicated projects that have great design. Coffey added that as a frequent user, and representative of this area, the goal is to be able to hike from the Atlas Bridge to Lone Tree in Rodeo without crossing the tracks. Currently, some hikers are crossing the tracks and there have been deaths. In this context it is a very hard gap, there is no work around; there is no nearby street passage. As the District approaches completing the Bay Trail along our shorelines, it will find that hard gaps will be really expensive. Lane stated that Parson Brinckerhoff did a good job on the Atlas Bridge. The Board has a difficult decision because it is one bid, but it is a very difficult project and the District has stitched together the funding really well; it will be a signature project for West County.

By motion of Director Coffey, and seconded by Director Dotson the Board voted unanimously to approve item 2a.

3. FINANCE & MANAGEMENT SERVICES DIVISION

- a. Authorization to Amend the 2017 Budget, Appropriate Funds and Close Measure WW Local Grant Program Projects
Resolution No. 2017 – 05 – 145 (attached)

Directors For: Colin Coffey, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Ayn Wieskamp, Dennis Waespi.
Directors Against: None.
Directors Absent: None.

By motion of Director Wieskamp, and seconded by Director Waespi, the Board voted unanimously to approve Item 3a.

Tiffany Margulici, Grants Manager, gave her annual update on this program. Margulici reported that the District has received 8 extension requests for project agencies not able to meet their December 31, 2018 deadline. The plan is to monitor the progress on all of the projects, and return to the Board with a recommendation next year on possibly extending the program. Margulici discussed the WW Local Grant process. Margulici thanked Jessica Lau, Administrative Analyst for her good work handling the day-to-day administration of this grant program. The total appropriation request is \$2.3 million. Margulici stated this action will close 27 projects completed in 2016. Lane commented that one of the reasons the District put a deadline on agencies spending the local grant money was that during Measure AA Local grants there was no deadline, and decisions weren't made on what to spend money on, and the process became very long. This time a deadline was put on Measure WW and it has made a difference. Lane said the deadline was the District's decision, and should be kept in mind when making extensions. Victor stated that this program was really key during the recession because it was some of the only money available to local agencies, and it was its own type of stimulus program during the recession, and much spending was done during that time because it was a favorable bid environment. Waespi commented that the money infused and improved HARD parks.

4. BOARD AND STAFF REPORTS

District Counsel went over the items in this report. Lane inquired if the County HCP made this decision not to allow anyone to join them at the time they created the HCP. Victor answered that the HCP recognized that it could potentially open up the HCP for further environmental review. Brian Holt, Principal Planner commented that the option for Antioch to fold in with HCP was explored, but it was going to be difficult and lengthy, so Antioch decided it would be quicker to pursue it alone. There is a possibility for Antioch to join the HCP in the future.

5. GENERAL MANAGER'S COMMENTS

Bob Nisbet, AGM of ASD introduced the Gateway Park Development team which is comprised of Renee Patterson, Admin Analyst II who will be in charge of concessions; Michael Reeves, Land Acquisition Specialist in charge of property transactions; Mary Mattingly, Administrative Manager will represent the GM's office and project management; Kristina Kelchner, Assistant District Counsel will provide legal counsel, and another member from Operations Shoreline Unit will be added in the future. Brian Holt, Principal Planner/Advanced Planning provided a very comprehensive update on the Gateway project. He commented that this was a vision of Director Sutter for a world-class park at the foot of the Bay Bridge. The project is complicated and involves many partners. Holt gave an update on the Public Benefit Conveyance, preview on the Bridgeyard building, the Gateway Park Working Group, and the concept plan and environmental review. The property will be a 40-acre total park, it includes land owned by the Park District, the State of California, the City and Port of Oakland. Holt reported that the transfer to date hasn't occurred in part because of the need for ongoing remediation. The current schedule is to convey the land to the Parks Service in the fall or winter of 2017. Areas of Concern (AOCs) have been identified. Lane inquired when the remediation will begin. Holt replied a Record of Decision should be released in June, and the remediation should be completed in the summer. Holt explained that the Concept Plan was developed by the Gateway Park Working Group. Many entities were a part of that group with the Bay Area Toll Authority as lead agency on the EIR and analyses of the Concept Plan. Director Rosario asked when will the public provide input. Holt explained that the plan is to release the EIR, and is not certain when the Bay Area Toll Authority plans to hold another meeting. Rosario asked where the money will come from. Holt answered there they are looking at a number of funding sources. Waespi inquired if Caltrans will keep the trail to Treasure Island open 7 days. Holt replied that is the plan. Lane asked if anyone is using the parking at the Bridgeyard now. Nisbet answered that the parking lot is being used by commuters. Lane expressed concern that the public will want this use continued. Holt says the EIR provides the coverage which would encapsulate any potential uses the District might want to do.

6. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel announced there were no announcements from closed session.

7. BOARD COMMITTEE REPORTS

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| a. Operations Committee | (2-23-17) | (Waespi) |
| b. Operations Committee | (3-23-17) | (Waespi) |
| c. Legislative Committee | (4-14-17) | (Corbett) |
| d. Natural & Cultural Resources Committee | (3-30-17) | (Rosario) |

8. BOARD COMMENTS

Director Lane reported on meetings attended. Director Lane

- Attended the Contra Costa Liaison meeting;
- Attended the Executive Committee;
- Attended the Contra Costa County Mayors' Conference;
- Attended the Regional Parks Association Annual meeting;

- Attended meeting of the Asian Pacific Islander American Public Affairs Association (APAPA);
- Invited to see the unveiling of an interpretive panel on Iron Horse Trail in San Ramon;
- Attended the San Ramon Open Space Committee meeting;
- Greeted a group of San Ramon Open Space hikers;
- Visited the Operations Committee meeting;
- Attended the Volunteer Bike Patrol meeting;
- Attended Larkey Creek Pool WW dedication in Walnut Creek;
- Hiked at Sycamore Valley Open Space;
- Will meet with citizen to discuss Tassajara Valley Agricultural Enhancement Areas MOU;
- Will meet with citizens from Lafayette about a prospective acquisition next to Briones.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Operations Committee meeting;
- Attended the Executive Committee meeting;
- Attended the Unionist of the Year dinner;
- Attended the Alameda County Special Districts Association meeting;
- Attended the Fairview Stakeholders meeting;
- Attended the EBRPD Golf Tournament;
- Attended EBMUD Director Frank Mellon's Annual Update;
- Will attend the CARPD Conference.

Waespi hiked Vargas Plateau.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Regional Park Association meeting in Orinda;
- Attended Alameda County Special Districts Association meeting and stayed for the LAFCo election of the alternate;
- Attended the regular LAFCo meeting the following day;
- Attended the Elected Woman's Luncheon in Pleasanton;
- Attended the Board Executive Committee;
- Will attend the CARPD conference.

Wieskamp announced Coyote Hills Poster Contest has ended and will be showed at the next Board meeting.

Director Dotson reported on meetings attended. Director Dotson

- Announced the Bay Trail use is growing.

Dotson commented that the Pt. Pinole trail is good for skateboarders and the park has been well accepted by the public.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Contra Costa County Mayors' Conference;
- Attended the Alameda County Mayors' Conference;
- Attended the Contra Costa Liaison Committee meeting;
- Attended the Unionist of the Year Dinner;
- Attended the John Muir Land Trust Gala;
- Attended the Operations Committee meeting;
- Attended the Alameda County Special Districts Association meeting;
- Attended Larkey Creek Pool WW dedication in Walnut Creek;
- Attended the Regional Parks meeting;
- Attended Volunteer Trails Patrol meeting;
- Will attend the Natural Cultural Resources Committee;

- Will meet with Assemblymember Rob Bonta regarding bridge tolls.

Director Coffey reported on meetings attended. Director Coffey

- Attended a presentation by Seth Adams on history of Mt. Diablo;
- Attended the Contra Costa Liaison Committee meeting;
- Attended an orientation by the Operations staff;
- Attended the Regional Parks Association Annual meeting;
- Attended the Volunteer Trail Safety Group meeting.

D. PUBLIC COMMENTS

There were no public comments.

E. ADJOURNMENT

President Lane closed the meeting in honor of David Burwell, Rails to Trails Visionary and Conservancy Co-Founder.

The meeting adjourned at 4:15pm.

Respectfully submitted:

/s/ Yolande Barial Knight & Sharon Clay
Clerk of the Board