

The Board Meeting, which was held on March 20, 2018 at the East Bay Regional District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:05 a.m. by Board President Dennis Waespi.

## ROLL CALL

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

Directors Absent: Ellen Corbett, Treasurer

The **Open Session** of the Board Meeting was called to order at 1:10 p.m. by President Waespi.

Staff Present: Robert Doyle, Ana Alvarez, Debra Auker, Carol Victor, Anthony Ciaburro, Bob Nisbet, Jim O'Connor, Sandra Hamlet, Chris Barton, Alan Love, Steve Castile, Erich Pfuehler, Michael Reeves, Anne Kassebaum, Dan Cunning, Meadow D'Arcy, Renee Patterson, Deborah Spaulding, Chris Holt, Denise Defreese, Sean Dougan, Dave Mason, Rick Seal, Kao Lee, Daniel Ellis, Ruby Tumber, Karla Cuero, Suzanne Lusk, Mona Koh.

Guest: John Kopchik, East Contra Costa County Habitat Conservancy

### A. APPROVAL OF AGENDA

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

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

Directors Against: None.

Directors Absent: Ellen Corbett.

### B. PUBLIC COMMENTS

There were none.

### C. BUSINESS BEFORE THE BOARD

#### I. CONSENT CALENDAR

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

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

Directors Against: None.

Directors Absent: Ellen Corbett.

- a. Approval of District Check Listing for the Period of February 5, 2018 Through February 18, 2018  
Resolution No. 2018 – 03 – 043 (attached)
- b. Approval of the Minutes for the Board Meeting of March 6, 2018  
Resolution No. 2018 – 03 - 044 (attached)
- c. Authorization to Enter into a Professional Services Contract with GEI Consultants, Inc. to Comply with the Dam Safety Regulations Project, for the Preparation and Submission of Inundation Maps and Emergency Action Plans, and to Appropriate Major Infrastructure Repair and Replacement Funds: Temescal Regional Recreation Area and Tilden Regional Park  
Resolution No. 2018 – 03 - 045 (attached)

Director Lane thanked staff for the clarity of the staff report and the maps.  
Director Wieskamp agreed.

- d. Authorization to Accept a Recreational Trail Easement from 2995 Atlas Road Associates, LLC, Quitclaim an Existing Floating Trail Easement back to the LLC, and Appropriate Funds for Acquisition Expenses: San Francisco Bay Trail  
Resolution No. 2018 – 03 - 046 (attached)

Director Lane commented that the map was excellent.

- e. Authorization to Accept a Public Access Road Easement from G3 Enterprises, Inc., and to Grant a Road Easement to G3 Enterprise Inc.: Vasco Hills Regional Preserve  
Resolution No. 2018 – 03 - 047 (attached)

Director Lane was pleased with the road easement to the Vasco Headquarters.

- f. Authorization to Proceed with Implementation of Horse Valley Creek and Wetland Restoration Project and Partner with the East Contra Costa County Habitat Conservancy to Receive California Wildlife Conservation Board Grant Funding: Deer Valley Regional Park  
Resolution No. 2018 – 03 - 048 (attached)

Chris Barton, Environmental Programs Manager, provided an update and a quick overview on this project. Located on a 96-acre area of the 2014 Roddy Ranch acquisition, this action is to formalize a partnership with the ECCCHC. Barton updated the Board on the status of HCP preserve management plans, project history, project goals, future public access, restoration project features, special status species, and existing conditions. The total project cost of \$1million is 100% secured through HCP Conservancy. GM Doyle commented that Barton's costs are being paid by HCP, as the "construction manager." The Consultant, and design work and permitting work is done through HCP staff. District staff is involved in coordination and to ensure the design is compatible with the parklands. Barton clarified that Karla Cuero is the project manager and she will be working with Dale McCourt, Construction Manager, and his staff. One of the District inspectors will be assigned to this job and their costs are paid through the HCP. Doyle referred to a map and talked about the fact that the golf course will probably be the central access and there needs to be a practical trail alignment. Staff will work with HCP about possible realignment of the golf cart trails, or a new trail. Doyle

added that it may be years before private property is acquired, and staff and HCP need to look at how to make the alignment practical.

Director Coffey added that he went on a hike around this property with Abbey Fateman, ECCHC. GM Doyle said there is access but since the road is closed, people can't drive there anymore. Director Lane appreciated seeing the road photographs. Lane expressed concern that the District is planning on access and the trail at the same time as Habitat Conservancy staff are planning resources and this is good. Lane commented that this a big, exciting project and a good partnership with HCP.

John Kopchik, East Contra Costa County Habitat Conservancy, said they appreciate the partnership with a supportive Board and staff.

- g. Approval of 2018 Risk-based Internal Audit Plan, and Confirmation of the Organizational Independence, with Qualification, of the Internal Audit Function  
Resolution No. 2018 – 03 - 049 (attached)

Director Lane commented that having an internal audit is important and she appreciates Finance's support. Director Wieskamp gave credit to Dave Sumner, Audit Manager, and staff for their work. Director Rosario pointed out in the Finance Committee meeting that there should be more timely audits for all District operations.

- h. Acceptance of the East Bay Regional Park District Investment Report for the Quarter Ended December 31, 2017  
Resolution No. 2018 – 03 - 050 (attached)
- i. Authorize an Amendment to Extend the Crown Castle International Corporation Telecommunication License: South County Corp Yard, Lake Chabot Regional Park  
Resolution No. 2018 – 03 - 051 (attached)

Director Rosario asked why there are differences in contract fees between Crown Castle International, and Golden Gate Bridge Highway and Transportation District Telecommunications. Jim O'Connor, AGM of Operations, replied that the difference in fees is primarily based in the difference in the two lease organizations. Crown Castle is a for-profit company operating a cellular phone site, and the GGBHTD is a public agency utilizing the Vollmer peak site for public safety and other public agency communications. As a private for-profit entity utilizing public parklands, the District charges Crown Castle a higher fee and inflation rate than the Vollmer Peak site which is a public agency.

- j. Authorize an Amendment to Extend the Golden Gate Bridge Highway and Transportation District Telecommunication License: Tilden Regional Park  
Resolution No. 2018 – 03 - 052 (attached)
- k. Authorize the Second Term of the Native Here Nursery Special Use Agreement: Tilden Regional Park  
Resolution No. 2018 – 03 - 053 (attached)
- L. Authorization to Execute a Contract with Expert Tree Service to Remove Trees in the Wildland Urban Interface in the East Bay Hills near Summit Road: Tilden Regional Park  
Resolution No. 2018 – 03 - 054 (attached)

Director Lane asked about the disparity in response to the bids. Brad Gallup, Fire Captain, responded via email that it is typical to receive quite disparate bid amounts for large scale tree removal contracts, as each contractor has a somewhat different approach that may require different equipment and skills. This particular project is large and complex, therefore it was expected to receive a range of proposals and bid amounts. Director Rosario asked staff to provide a map of the RTA and the prescription in future board material. Rosario also asked the anticipated start date of the contract, should it be awarded. Rick Seal, Fire Chief, answered as soon as we get the green light.

## 2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the San Francisco Bay Trail - Lone Tree Point Project and Approval of the Project: San Francisco Bay Trail Resolution No. 2018 – 03 - 055 (attached)

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

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

Sean Dougan, Trails Development Program Manager, began the presentation stating that this is one of six gaps in the SF Bay Trail. The LUP calls for this property to have a shoreline trail on it. Dougan touched on Lone Tree Point staging area improvements to the surface, improvements to the wheel stops, new ADA accessible van spot, planting 30 native trees, and a location for a future a restroom. Project milestones included a public meeting; West Contra Costa County Transportation Advisory Committee (WCCCTAC) application and Measure WW Appropriation; final design and environmental to the Board; and stakeholder meeting for Urban Greening Grant – all from January to October 2016. The District reached out to Native American tribes and did not receive any comments from them nor the public during the 30-day comment period. There are no identified endangered species on the site, the project requires two permits with no federal funding required. Dougan defined the project costs where the District has funding from Measure WW and grants of \$3,100,000. The construction preliminary schedule is to begin construction in Fall 2018. Director Lane asked if WCCCTAC recommended the \$1 million, Dougan clarified that the District was not successful, because staff weren't ready to receive the funding. Dougan said the Measure J funds were approved, and reviewed by several agencies. Lane asked where the trees will be planted. GM Doyle replied staff look at the landscaping and shrubbery, being mindful of the views, and to prevent car break-ins. Director Coffey commented that he was glad to see the detailed maps and it is important to improve the staging area and vegetation to create a visual attractiveness. Director Rosario asked if there is an established list for the Native Americans. Dougan said they reached out to 4 tribes through certified mail. Rosario questioned that there were no comments from the community. GM Doyle and Dougan replied that there was early and active community support and this is a noncontroversial project. Lane commented on no restroom and the need for one eventually. Dougan said the restroom is near the parking lot where there is an existing sewage line. Dougan commented there is a lot of homeless in this area and staff will look at use patterns, adding there is a concern about the maintenance burden on staff. Lane commented that restrooms are not an amenity, that there is an expectation by park users that a restroom will be available. GM Doyle asked staff to look and see if the fence can be moved inside the park.

- b. Authorization to Accept a Conservation Easement from Ronald and Shirley Nunn to Protect the 272± Acre Nunn Marsh Creek Property, Assume Land Management Responsibility in Accordance with the

Conservation Easement, and Accept and Appropriate Funds from  
an Endowment Established to Fund Ongoing Management of the  
Property: Round Valley Regional Preserve  
Resolution No. 2018 – 03 - 056 (attached)

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

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

Directors Against: None.

Directors Absent: Ellen Corbett.

Michael Reeves, Acting Chief Land Acquisition, announced that ASD seeks board authorization to accept funds for the Nunn property. Reeves explained that the Conservation Easement conserves the property forever as open space, there will be no transfer of property ownership and the Nunn family will continue to be the owner, and it does not preclude the possibility of public recreational trail use in the future. The Park District will monitor and enforce compliance with the conservation easement, and serve as a designate land manager. Funds will be provided from an endowment which will provide a minimum of \$28,000 annually. Reeves showed various slides of the property. Director Wieskamp asked, what is a “non-wasting endowment” as referred to in the resolution. Reeves replied there is a formula for estimating the principal amount which determines the amount that is deposited into the endowment, Non-wasting means that the principal cannot be touched. Wieskamp asked if the property is grazed. Reeves said there is grazing on the east side of the property. Wieskamp asked if the District knows the status of the fencing, and the water supply. Reeves replied that there are no developed watering troughs on the facility, however on the east side there is a watering pond. GM Doyle clarified that separate from the endowment, the developer is required to do improvements on site before the District receives it. Improvements include cattle grazing, create a fire road, an old well that has to be covered and secured and water access to be developed. Doyle said at some point the Nunn family will donate the land, but not for a while. Director Lane inquired if it was possible to have a loop trail. Doyle explained the complications of fee title, adding that it does not exclude a trail. Lane commented if the District is going to install a fire access road to be used by the grazer, staff need to look realistically at the aesthetics of the trail. President Waespi asked if \$28,000 is enough money. Reeves went back to the explanation noted above, about the “non-wasting endowment”. Doyle remarked that if we get fee title we would be paying 100% of the costs and they should give the District the money in the endowment.

- c. Authorization to Enter into a Ground Lease Agreement with the City of Oakland, acting by and through its Board of Port Commissioners, for the Long-term Lease of the Former Crowley Property; and to Transfer and Appropriate Funds for Rental Payments, Related Expenses, and a Conceptual Design Plan to Develop a Waterfront Pocket Park: San Francisco Bay Trail  
Resolution No. 2018 – 03 - 057 (attached)

By motion of Director Rosario, and seconded by Director Wieskamp, the Board voted unanimously to approve item C-2-c.

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

Directors Against: None.

Directors Absent: Ellen Corbett.

Michael Reeves, Acting Chief of Land Acquisition began with an explanation of the exclusive agreement with the Port of Oakland's Crowley parcel. Reeves oriented the Board to the location of the property. This will be a "pocket park" which provides a waterfront respite to the urban environment, preserve views of the Estuary, and improve the Bay Trail experience. The Ground lease is 33-year lease term with options to extend for 2 additional 16-year terms by mutual agreement with the Port. First year rent will be \$2,300 per month, The District will prepare and submit a conceptual design plan to the Port, and the Park District has sole discretion on whether to incorporate any repair or replacement of seawall in park development plans or the site. Total current appropriation is \$1,399,980. Director Lane asked if there is any restriction on landscaping? Reeves said there are none, improvements will be considered.

Rosario asked if fill will be brought in to add contour? Doyle replied yes, but the real issue is the seawall. Doyle added that if the District receives the money we should try to get fee title for now, but the lease is preferable. Doyle asked if Boat Works is under current lease. Reeves replied it is under a lease, but not being operated and will look into it. Director Wieskamp commented that it would be nice to have some kind of display using our native habitat. Director Lane asked if this will be the smallest park for the District. Reeves replied it is a passive park, which is part of the SF Bay Trail. Lane said that small parks are very expensive, and wouldn't want to leave the impression that this is the start of managing small parks along the Bay Trail. Coffey said he knows of 2 along the San Pablo Bay Bay Trail that locals are looking to us to be involved with. Doyle said this discussion has been going on for a long time. President Waespi asked about use of the docks. Reeves said that the docks are a part of Boat Works and there is no evidence of activity. The cove is direct and has beach access. Doyle said staff will find out more from the research by ASD, and this is the beginning of new activity. Director Rosario said that the City of Oakland just finished a trail update on the Bay Trail and he will send the information to the GM.

#### 4. BOARD AND STAFF REPORTS NONE

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

GM Doyle discussed the items in this report.

#### 5. GM COMMENTS

GM Doyle introduced 2018 Draft Legislative and Governmental Priorities presented by Erich Pfuehler, Government Relations Manager and Lisa Baldinger, Legislative Assistant. Pfuehler talked about the representatives in our two counties and each of their committee assignments, and how those assignments could impact the District. Sen. Dianne Feinstein, Sen. Kamala Harris, Representatives Mike Thompson, Jerry McNerney, Mark De Saulnier, Barbara Lee, Eric Swalwell, and Ro Khanna. CA State Senators Bill Dodd, Steve Glazer, Nancy Skinner, and Bob Wieckowski. Assembly Members Jim Frazier, Tim Grayson, Tony Thurmond, Catharine Baker, Rob Bonta, Bill Quirk, and Kansen Chu. Pfuehler and Baldinger touched on the twelve priorities highlighted in the report, along with what committee assignments each of our representatives sit on. Pfuehler went through the bills that the District supports on both the federal and state level. The Clean Water and Safe Parks Act – Prop 68 was discussed by Baldinger along with the investment priorities the District supports.

#### 6. ANNOUNCEMENTS FROM CLOSED SESSION

Carol Victor, District Counsel announced that there were two announcements.

Item B. 1) b, in *Slezak v County of Contra Costa*, the Board voted by a vote 6 – 0 authorized initiation of certain actions, the specifics of which will be made public when formal action commences. Director Corbett was absent and not present in closed session.

Item B. 2) Anticipated Litigation – (Initiation of Litigation): 1 case

The Board voted by a vote 6 – 0 authorized initiation of a lawsuit which will be made public when formal action commences. Director Corbett was absent and not present in closed session.

## 7. BOARD COMMITTEE REPORTS

- |    |                      |           |            |
|----|----------------------|-----------|------------|
| a. | Operations Committee | (2/22/18) | (Wieskamp) |
| b. | Finance Committee    | (2/28/18) | (Corbett)  |
| c. | Executive Committee  | (3/01/18) | (Waespi)   |

## 8. BOARD COMMENTS

Director Lane reported on meetings attended. Director Lane

- Attended Castleridge staging area, Courdet Trail;
- Attended the Black Diamond Mine Stairway Dedication;
- Met with Assemblyman Glazer and GM Doyle;
- Attended Assemblywoman Catharine Baker's Environmental Round Table ;
- Attended Ed Regalia's memorial;
- Attended the Legislative Committee meeting;
- Attended the EBMUD Liaison Committee meeting;
- Listened to the webinar on Ethics Training;
- Attending Board Workshop;
- Attending the Bay Nature Local Hero Award.

Lane thanked Yulie Padmore, Lisa Baldinger and Carol Johnson for the Proposition 68 flyer. Lane also thanked Debra Auker, AGM/CFO for the budget. Lane asked if staff are doing special preparations for the anticipated huge numbers attending the Wildflower Festival on April 8. Lane has been working at the Museum of the San Ramon valley (in Danville) on the exhibit about the Chinese and the Iron Road. Assemblywoman Baker would like some new photo's for her state office.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Fairview MAC meeting;
- Attended the Black Diamond Mine Stairway Dedication;
- Attended the EBMUD Liaison Committee meeting;
- Attended the Legislative Committee meeting;
- Attended Castleridge staging area, Courdet Trail;
- Attended the CPRS Conference;
- Met with Assemblyman Bill Quirk;
- Attended Castro Valley MAC;
- Attending the 4 Wheel Bob movie.

Waespi said that at the CPRS conference the District received several awards. The Vamos Appreder Program received an award for Innovation, Pete DeQuincy, Aquatic Manager won an award, the President's award was presented to GM Doyle and Doug Houston for getting Proposition 68 on the ballot, and the Dotson Family Marsh Project won an award.

Director Wieskamp reported on meetings attended: Director Wieskamp

- Attended Executive LAFCO search meeting;
- Attended Castleridge staging area, Courdet Trail;
- Attending the Alameda County Special District dinner meeting;
- Attending the Board Workshop;

Wieskamp said she talked about doing an exhibit at the Alviso Adobe with Joceyln Coombs.

Wieskamp suggested staff should send a letter from the District to Wendy Sommers, Executive Officer of StopWaste.Org for being acknowledged for her work at the Women's Hall of Fame program and our appreciation for moving things forward in this area.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Ethics Training;
- Attended the EBMUD Liaison Committee meeting;
- Attended the Legislative Committee meeting;
- Attended the Rainbow Community Center ribbon cutting;
- Attended Ambassador Training at Peralta Oaks;
- Attended the Sibley LUP update with Bob Nisbet, Julie Bondurant and Brian Holt;
- Attended the Tidewater update with Jim O'Connor and Anne Kassebaum;
- Attended public works update from the city of Oakland on the Bay Trail update;
- Attended the Sierra Club Public Lands meeting;
- Attended the AC Transit update;
- Attended the screening in San Rafael for 4 Wheel Bob movie;
- Met with Sean Dougan for update on Bay Trail.

Rosario pulled Broom at Shepard Canyon and on Corey Road with CNPS.

Director Dotson reported on meetings attended. Director Dotson

- Attended the Ecology Committee meeting;
- Attended the Richmond Liaison Committee meeting.

Dotson did outreach at the Dotson Marsh.

Director Coffey reported on meetings attended. Director Coffey

- Attended the Black Diamond Mine Stairway dedication;
- Attended the Ecology Committee meeting;
- Attended the East County School District Educators Awards Banquet with Mike Moran and staff. Big Break Visitor Center won an award.
- Attended the Richmond Liaison Committee meeting;
- Met with City Councilmember Boulanger from Hercules;
- Attending City of Pinole meeting with Sean Dougan for update on Pinole Shores bridge
- Took his Ethics training.

Coffey hiked Mt. Diablo with Seth Adams, Save Mount Diablo and Doug McConnell. Worked as an ambassador on Saturday and Sunday at Black Diamond Mines. Met with John Gioia, Contra Costa County Supervisor to discuss AA funds.

## 9. PUBLIC COMMENT

There were none.

## D. ADJOURNMENT

President Waespi adjourned the meeting at 4:38 p.m. in memory of James Duncan, former Board of Director 1989 – 1992.