

The Board Meeting, which was held on September 4, 2018 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:10 a.m. by Board President Dennis Waespi.

ROLL CALL

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

Directors Absent: None.

The **Open Session** of the Board Meeting was called to order at 1:00 p.m. by President Waespi.

All Board members present for the Open Session.

Staff Present: Robert Doyle, Ana Alvarez, Carol Victor, Debra Auken, Bob Nisbet, Carol Johnson, Lisa Goorjian, Tiffany Margulici, Glenn Gilchrist, Steve Castile, Anthony Ciaburro, Anne Kassebaum, Brian Holt, Kelly Barrington, Jeff Rasmussen, Ruby Tumber, Mona Koh, Deborah Spaulding, Alan Love, Kip Walsh, Dave Mason, James LeBow, Lance Brede, Jim O'Connor, Mimi Waluch, Anna Fong, Neoma Lavalle, Chris Newey, Suzanne Lusk, Dave Zuckermann, Jonathan Hobbs

Guests: ESA Project Manager Scott Stroller

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, Ellen Corbett, Whitney Dotson, Beverly Lane, Dee Rosario, Dennis Waespi, Ayn Wieskamp.

Directors Against: None.

Directors Absent: None.

B. PUBLIC COMMENTS

David Nebemfuhr requested an extended stay at the Anthony Chabot Campground. Steve Castile, Chief of Operations highlighted that there is a 15-day limit District-wide for a campground stay. Mr. Castile and Mr. Nebemfuhr continued the conversation outside of the Board room.

Jonathan Goodwin talked about the Restore McCosker Creek Project. He commented that the EIR lacks large areas of specificity, 65% overrun, and all funding hasn't been raised yet for this project. Goodwin asked for the action to be postponed allowing them time to read the information. Director Coffey requested this item be taken off the consent calendar for discussion.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Corbett, and seconded by Director Lane, the Board voted unanimously to approve the **Consent Calendar without Item C.**

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

- a. Approval of District Check Listing for the Period of July 9, 2018 to July 29, 2018
Resolution No. 2018 – 08 – 213 (attached)
- b. Approval of the Minutes for the Board Meeting of August 14, 2018
- d. Authorization to Grant Storm Drain and Slope Protection Easements to the City of Berkeley: Tilden Regional Park
Resolution No. 2018 – 08 – 215 (attached)

Director Rosario asked who is responsible if damage occurs below where the outlet comes out. Suzanne Lusk, Senior Land Acquisition Agent replied that the easement is the sole responsibility of the city of Berkeley and includes any damage below that mitigation area.

- e. Acceptance of Second Quarter 2018 General Fund and Other Governmental Funds Financial Report
Resolution No. 2018 – 08 – 216 (attached)
- f. Authorization to Purchase Park Model Cabin from Atlas Performance Industries, Inc. to Replace Kayak Concession Building: Del Valle Regional Park
Resolution No. 2018 – 08 – 217 (attached)
- g. Authorization to File an Application for Grant Funds under the Habitat Conservation Fund, California Wildlife Protection Act of 1990: Sibley Volcanic Regional Preserve
Resolution No. 2018 – 08 – 218 (attached)

Director Rosario asked how much funding is allotted for the stream restoration project. Tiffany Margulici, Grants Manager, replied that this application falls in the trails category and will be for trails that connect urban populations to nature.

- h. Authorization to Enter into a Special Use Agreement with California Rowing Club: Martin Luther King Jr. Regional Shoreline
Resolution No. 2018 – 08 – 219 (attached)
- i. Authorization to Purchase a Replacement CNC Router from Laguna_Tools for Custom Handcrafted Wood Signage: Public Affairs Division
Resolution No. 2018 – 08 – 220 (attached)

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By motion of Director Rosario, and seconded by Director Coffey, the Board voted unanimously to approve **Item C**.

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

- c. Authorization to Amend a Contract for Services with Environmental Science Associates for the Restore McCosker Creek Project: Robert Sibley Volcanic Regional Preserve
Resolution No. 2018 – 08 – 214 (attached)

Bob Nisbet, AGM ASD, responded to public comment. Nisbet explained that this project is a feasibility study and as the project has progressed, the project’s scope has increased. Nisbet said the Park District is not experiencing cost overrun. Nisbet highlighted the summary of this project as outlined in the staff report, and stated that there were over 124 public comments. Nisbet clarified that the total project is not fully funded, as the speaker states, and staff will phase the project as appropriate over time. The first phase is creek restoration with funding already received. Julie Bondurant, Principle Planner was present to respond to Board questions.

GM Doyle said that the District does not have 100% funding which is not uncommon when completing environmental documentation and planning documents. This project is a very ambitious urban creek restoration. GM Doyle commented that there has been extensive engineering and biological review. The main source of project work will be the correction of the filling of the canyon, and staff is cautiously optimistic that funding will be received. There are grant deadlines to complete the environmental documentation which will affect project timing.

Director Corbett asked for more information on the cost overrun, why there are additional costs, and requested additional information on the incomplete funding. GM Doyle replied that some grant agencies require all environmental work to be done by a deadline, some applications must be complete before you even apply, so finishing the environmental work allows the District to be more competitive, and potentially fund more of the project. Bondurant agreed, and added that several of the grant applications require CEQA, and have strict timelines. As for the expanded scope, when ESA was initially contracted they were not to be involved in the CEQA analysis. Bondurant said that as the project progressed, it was decided that it would be prudent to do a full EIR and Environmental Science Associates (ESA) was brought on for more technical studies. ESA has been helpful in securing the grant funds that required a lot of technical information, and as the project moves into the permitting phase it will help inform the Environmental Impact Report (EIR). Staff has progressed substantially in the construction documents, much detail is required, and up to 65% is necessary to complete the permit application which added to the scope. Because ESA has become involved in the development of the EIR, they are also assisting with a response to comments. The District has received over 142 comments and several are multiple pages. All comments must be given due consideration under CEQA. Bondurant added that the scope has also expanded from 1,600 to 2,900 linear feet. Doyle said that the scope is greater than originally thought, and the entire project area was once an industrial quarry with a haul road. It is required that the District holds permits pertaining to the wetland, habitat, fish and wildlife. Director Rosario asked what the consequences would be if this decision is postponed until the next Board meeting. Doyle replied that the District is already

pushing the envelope on two extensions of one of the grants, and October is the deadline. Bondurant added that ESA needs this amendment to help with responses to comments on the EIR.

Director Coffey asked what the remaining public process is with ultimately presenting the EIR to the Board for approval. Bondurant replied that the EIR will come to the Board as a public hearing, and the Board will receive responses to every comment that was made as part of the EIR. Corbett inquired if it will include all the documentation that was asked for within the public comments. Bondurant answered yes. Corbett asked if people can ask to review the scope of work as a public information request. District Counsel Victor said that the contract is public record, and once the amendment is executed, the prior agreement with ESA can be provided.

Public Comment:

Jonathan Goodwin thanked Director Corbett for how she handled this discussion and the General Manger for getting the studies done. The engineering part is complete, but. Goodwin stated he doesn't think the Board has been well served. Goodwin commented that none of the documents reference an environmental planner.

Eric Olafsson, resident of Canyon, discussed the findings on consideration of a group campsite on the McCosker site from 2014. Olafsson said the District has recreational planners doing environmental planning. He commented that half the funding has been obtained and more is needed. Olafsson asked if additional funding isn't received, how will the project move forward. He commented that the additional cost is extremely high, and he would like to get a copy of the contracts with ESA once available.

GM Doyle stated the District has an outstanding Stewardship department full of biologists and experts not in recreational planning, but in biology and endangered species. The District has received numerous awards for restoration of habitat throughout the district, including funding for the work. GM Doyle stated Matt Graul, Chief of Stewardship has been involved from the beginning, and the District cares deeply for the environment as it is a part of the mission statement. Regarding funding, the District doesn't want to lose funding that they have worked so hard to get, and GM Doyle expressed confidence that the remainder of the funding will be obtained. GM Doyle commented that he respects the concerns of people to protect the environment, and the people living next to District parks. GM Doyle stated he is proud of the Stewardship department.

Director Wieskamp asked if all the creek work can't be completed at once, could it be done in phases? Bondurant replied that the project is scheduled to be phased due to sensitive species, and the construction window is limited. Staff are already planning it as a multi-year project and will begin work downstream and work upward. Director Wieskamp asked staff if they can inform the public about this, as it would be helpful for them to know. Director Rosario stated that he is comfortable with the work District staff has done. Director Rosario commented that the Park District has successfully completed a lot of mitigation work in the past. Director Rosario stated he didn't think the Board was being misled. Director Rosario announced that Matt Graul and Julie Bondurant have done a wonderful job and the District is on track with the EIR.

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorization to Accept the Dedication of Fee Interest in 96+ Acres of Real Property and a Trail Easement; Transfer and Appropriate Funds for Acquisition Related Expenses; Execute a Funding Agreement; Accept and Appropriate Funding from Ponderosa Homes II, Inc.; and Create a New Endowment Fund: Las Trampas Wilderness Regional Preserve
Resolution No. 2018 – 08 – 222 (attached)

By motion of Director Lane, and seconded by Director Rosario, the Board voted unanimously to approve **Item 2a.**

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

Directors Against: None.

Directors Absent: None.

Brian Holt Chief of Planning & GIS introduced presenter, Neoma Lavalle, Senior Planner. Lavalle's PowerPoint presentation oriented the Board to the location of the trails. Lavalle acknowledged working with Kim Thai, Planner, and Suzanne Lusk, Senior Land Acquisition Specialist. Lavalle explained that the PODVA property has 20 homes on 10+/- acres and will expand the eastern property of the Las Trampas Wilderness Preserve. It will provide new trail access, serve to protect surrounding habitat and open space values. It will incorporate 756 +/- acres to the existing Las Trampas Wilderness, and open access to both Chen and Peter's Ranch which are land banked properties. Condition of approval includes offer of dedication of open space land, and public trail easement to the Park District. The property has public trail access. The Conservation Easement Holder is Wildlife Heritage Foundation. GM Doyle gave context about this property and recounted that the Peterson's Ranch was dedicated and then sat land banked for 25 years. GM Doyle noted that the only property that the District purchased was the Chen Property, the rest has been dedicated. As far as regulatory approval, there are different kinds of endowments, easements, regulatory biological analysis, and Geologic Hazard Abatement District (GHAD).

Director Coffey asked if the term 'wasting funds' can be changed to another name. GM explained that wasting funds is a financial term which means that it is a permanent endowment that cannot be spent down. Director Coffey asked about the Wildlife Heritage Foundation. Lavalle explained that it is an organization that holds many different conservation easements, however it does not hold properties in fee, often as requirement for mitigation and to provide oversight. GM Doyle said that since the District is the fee title holder, we cannot merge with the easement title holder, and the District is trying to separate them. Director Corbett asked how many parking spaces are along the area, and has there been noticing to inform the neighbors about the adjacent trails. GM Doyle replied that as part of the condition of approval, the Town of Danville stipulated and it is recorded on their deed, that public parking and trail access is allowed. They are public streets, not private streets. Because of that, the District will be installing new signage to inform trail users that public parking is allowed on this street, and it will also serve as a reminder to the neighborhood. GM Doyle commented that staff have provided proper notification. Director Lane asked who is managing the GHAD. Lavalle said that the Weidemann Ranch GHAD and the Faria property will be part of that. Lane talked about the access points on the map, and gave history from 1978 on this property. Director Lane commented the District has been successful and can use Las Trampas as an example of how to get smaller accesses into the property. Director Lane commented that this trail will be gorgeous.

- b. Authorization to Enter Into a Memorandum of Understanding with the United States Department of the Navy and the United States Department of the Interior: Concord Hills Regional Park
Resolution No. 2018 – 08 – 223 (attached)

By motion of Director Lane, and seconded by Director Coffey, the Board voted unanimously to approve **Item 2b.**

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

Directors Against: None.

Directors Absent: None.

Brian Holt, Chief of Planning/GIS, gave a detailed background and history of the Concord Naval Weapons Station (CNWS) which was established in 1942. The LUP was initiated in 2015. An LUP is a conservation easement and provides public access. Holt explained that staff will be managing the projects with National Environmental Policy Act (NEPA), Endangered Species Act Section 7, National Historical Preservation Act Section 106 and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The District will enter into a lease with the Navy until the Navy can get the property to a level that is clean and suitable for transfer. The District will manage the vegetation for the Navy, but will not be responsible for clean-up. National Historic Preservation Act Section 106 found no historic properties identified, one archaeological site was identified and is designated as a Resource Protection Area with no public access.

Director Rosario asked if grazing will be allowed. Holt replied yes because of the requirement for fire protection, but there is also species protection. The Navy will assign the property to the District at the end of Fall/Winter 2018 and Spring 2019. Director Corbett said this is a wonderful park with an opportunity for the community to draw history to the site. She asked about the native plant nursery. Holt said there is a historic orchard on the property. GM Doyle stated the Navy took out most of the trees near the creek for security site differences. Doyle commented on the need for trees and a tree nursery along with the native plant nursery. Director Lane said she is pleased with this and there are a lot of things to be discussed, and the Board has just received a preview. Director Lane commented on the complexity of this property. She thanked and acknowledged the work of Kristina Kelchner and Brian Holt. Director Lane asked about the public benefit conveyance. Holt explained the District sees open space and conservation as park and recreation values. GM Doyle acknowledged our legislative advocacy. GM Doyle said that the District gave Concord \$20 million of mitigation credit. GM Doyle talked about a lawsuit filed against the city and the District needs to know if it affects us. Director Wieskamp congratulated everyone on this project which is good for the citizens and for the District. President Waespi had questions on the order of steps of when government gives land. Holt explained the steps. GM Doyle explained the history of this land and how he and former GM Pat O'Brien advocated for a national park benefit conveyance.

3. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle discussed the one item in this report.

4. GENERAL MANAGER'S COMMENTS

GM Doyle introduced the staff presentation. Brian Holt, Chief of Planning/GIS gave his PowerPoint entitled, *The Strategic Actions by Governmental Entities (SAGE)*. SAGE works with Project Developers and State, Local, and Regional Agencies to Ensure Land Use Decisions don't impact District Lands, minimizes impacts to East Bay Resources, and advances the Master Plan where possible. SAGE monitors and review agendas, blog posts, etc. in the 2 counties and cities and generates a weekly SAGE summary to District staff. Holt discussed the collaborative working relationship between the Board and the cities. Director Corbett asked if there was any discussion on the Brooklyn Basin projects. GM Doyle responded.

Director Wieskamp said this is important to monitor what other agencies are doing and how it affects the District. Director Lane asked how much staff time it takes and the guidelines SAGE provides, and do you contact the Board. Holt says as with anything, when you do it the first time it takes a lot of effort, but the longer you do it the easier it is to make a decision about what is pertinent information. Holt said he will reach out and alert Board members. GM Doyle said that as far as staff time it is the relationship with the stakeholders, field staff, the Board, there is also impact on staff time by attending night meetings. President Waespi had questions about the agricultural board.

District Counsel Victor updated the Board. District Counsel Victor commented that there is a microbrewery ordinance to allow a small microbrewery in an agricultural zone. The District submitted a letter asking that it be subject to a conditional use. The County took a number of comments, and it has been revised that it has to be 20 ft of roadway. District us sending a comment letter to make sure it is 20 ft. of roadway and not including bike lanes and shoulders and subject to a conditional use permit. The Board will receive copies of the letter. Waespi brought up Llama Lane in Hayward. District Counsel Victor said staff will look into this.

GM Doyle commented on the water drops and fires that District staff have responded to at the request of Director Lane. There have been 100 water drops in 13 incidents, and 24 fires have been responded to.

Director Lane talked about the article on fuel abatement and wondered if the District should do something to reflect how much activity there has been. Carol Johnson, AGM Public Affairs said she already has a meeting with a beat reporter this week. Director Waespi asked how many fires have been District fires? GM Doyle said not that many, however staff work with CalFire. Director Waespi asked if the state reimburses the District. GM Doyle replied for state requested, but not local fires, District staff respond on our own.

5. ANNOUNCEMENTS FROM CLOSED SESSION

District Counsel Victor announced that by a vote of 7-0, the Board denied the City of Oakland claim.

6. BOARD COMMITTEE REPORTS

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| a. Executive Committee | (8-02-18) | (Waespi) |
| b. Operations Committee | (7-19-18) | (Wieskamp) |
| c. Operations Committee | (6-21-18) | (Wieskamp) |
| d. Natural and Cultural Resources Committee | (6-20-18) | (Lane) |

7. PUBLIC COMMENTS

8. BOARD COMMENTS

Director Waespi reported on meetings attended. Director Waespi

- Attended a 'walkers' picnic at Lake Chabot;
- Attended the Fremont Liaison Committee meeting;
- Attended the Ardenwood Rail Fair.

Waespi commented on putting the video on the website, met with John Sullivan Regarding Lake Chabot on the 10 Hills Trail, visited Garin and Lake Chabot, parks.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Chamber of Commerce meeting in Livermore on agribusiness;
- Met with Erich Pfuehler and Lisa Baldinger to discuss her priorities in Ward 5;
- Attended Taylor Family Foundation's Day in the Park;
- Attended Fremont Liaison meeting;
- Visited Castleridge parking.

Wieskamp's priorities include Tesla, trails at Niles Canyon and Doolan Canyon, she hopes staff can work with people who have been putting on the Habitat for Home poster contest; asked that we add a waste can near the front of Castleridge.

Director Rosario reported on meetings attended. Director Rosario

- Visited an Oak Knoll site with a constituent;
- Attended Finance Committee meeting;
- Attended Supervisor Larry Reid's District 7 breakfast;
- Attended a ribbon cutting for Oakland's Fairylands entrance – WW funds;
- Attended a meeting to look at the trail on School Street in Moraga;
- Bay Area ridge trail walks – Redwood and Anthony Chabot.

Rosario had planted some trees with Helen Foster when she was 80 years old. Her caregivers reached out to him because she is in the onset of Alzheimer's and they asked if she could come and see her trees one more time. Rosario worked with Redwood staff and arranged the visit. It was very touching thanks to the Redwood crew.

Director Corbett reported on meetings attended. Director Corbett

- Attended swearing in of District Attorney of Nancy O'Malley;
- Met with Chris Newey and AFSCME;
- Attended Finance Committee meeting;
- Attended a meeting of the master gardener meeting who are working on the Garin Apple Festival;
- Attended a ribbon cutting for Oakland's Fairylands entrance – WW funds;
- Attended the Crab Cove Fish Extravaganza.

Director Lane reported on meetings attended. Director Lane

- Attended Tri Valley Mayors Summit
- Attended Concord city council;
- Attended the CC County Elected Women's lunch in Concord;
- Hike and ride at Tilden;
- Attended the Real Estate Marketing Assoc. for San Ramon Valley with Carol Johnson;
- Attended Taylor Family Foundation's Day in the Park;
- Visited Camp Arroyo.

Director Lane worked at the museum. O'Connor showed her the new native peoples map. She would like information on the dedication of the Radke Martinez sign. Lane commented on the access at La Morinda.

Director Dotson reported on meetings attended. Director Dotson

- Attending Board Field trip this Friday;
- Attending Miller Knox LUP public meeting.

Director Dotson said he will rekindle contacts with the City of Richmond and TRAC.

Director Coffey reported on meetings attended. Director Coffey

- Toured Hazel Atlas Mines with the Mayor of Antioch and sister city members from Japan
- Attended an event honoring Mayor of Martinez;
- Attended the Annual John Muir Land Trust Star Gazing party;
- Attended a Contra Loma evening walk;
- Attended the Finance Committee meeting;
- Attended a hike led by Sierra Club.

9. PUBLIC COMMENTS

None.

D. ADJOURNMENT

Director Lane acknowledged the passing of her friend and former coworker Randy Parent. Parent was a retired Helicopter pilot, worked for the District from 1973-2003 and he was a proud Vietnam vet.

President Waespi adjourned the meeting at 4:07 pm.