

The Board Meeting, which was held April 16, 2019 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94605 called its **Closed Session** to order at 11:15 a.m. by Board President Ayn Wieskamp.

ROLL CALL

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

Directors Absent: None.

Public comment: Eric Holmes, AFSCME Local 2428 asked that Item D regarding Bridge Yard be removed from the consent calendar for separate discussion.

Meadow D'Arcy, Acting President of AFSCME Local 2428 stated that at the February Board workshop; Kymberly Anderson, Chief Steward of Local 2428, spoke during public comment and asked the Board to delay the decision to concession out the Bridge Yard building operation. Anderson asked for additional time for the Union to enter into discussion with Management and present an alternate plan. Soon after, Management called a Meet and Confer and Management representatives informed the Union of their plan to concession out the Bridge Yard building. D'Arcy added that since the Union was not given the opportunity to present Management the proposal, that brought it to the Board today. The Union is hopeful that the District consider the Union's proposal and participate in a more cooperative and transparent process. D'Arcy mentioned that there is another concession agreement on the agenda and will pursue an information request.

The **Open Session** of the Board Meeting was called to order at 1:16 p.m. by President Wieskamp.

Staff Present: Robert Doyle, Ana Alvarez, Carol Victor, Carol Johnson, Jim O'Connor, Al Love, Anthony Ciaburro, Jeff Rasmussen, Kristina Kelchner, Michael Reeves, Mona Koh, Steve Castile, Kip Walsh, Jason McCrystle, Ren Bates, Matt Graul, Bart O'Brien, Erich Pfuehler, Jeff Rasmussen, Steve Castile, Dave Mason, Dan Cuning, Renee Patterson, Ruby Tumber, Precious Shelton, Kristina Kelchner, Meadow D'Arcy, Katy Hornbeck, Ira Bletz, Lisa Goorjian, Joe Sullivan, Michael McNally, Aileen Theile.

Guests: None.

A. APPROVAL OF AGENDA

By motion of Director Lane, and seconded by Director Corbett, 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.

B. PUBLIC COMMENTS

Meadow D'Arcy, Acting President of Local 2428 read from a letter into the record. D'Arcy spoke on behalf of the Union asking for more transparency and cooperation from the District with respect to concession agreements. D'Arcy called out Item 3 Camp Arroyo which is currently on the Board's agenda.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Lane, and seconded by Director Rosario, the Board voted unanimously to approve the **Consent Calendar excluding item d** regarding Bridge Yard.

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

Directors Against: None.

Directors Absent: None.

- a. Approval of District Check Listing for the Period of, March 11, 2019 to March 24, 2019
Resolution No. 2019 – 04 - 076 (attached)
- b. Approval of the Minutes for the Board Meeting of March 19, 2019 and April 2, 2019
- c. Authorization to Negotiate with Various Property Owners
Resolution No. 2019 – 04 - 077 (attached)
- d. Authorization to Renew the Special Use Agreement with the University of California
Cooperative Extension for the Alameda County Master Gardener Program: Quarry Lakes
Regional Recreation Area
Resolve No. 2019 – 04 - 078 (attached)

Director Waespi asked what is an earth friendly demonstration garden and are herbicides used? Jim O'Connor, AGM Operations, said that the Bay Friendly Garden standard is followed, and he will get back to the Board on if herbicides are used.

- e. Resolution to Support H.R. 1276 (Lowenthal D-CA) America's Public Land Act of 2019
Resolution No. 2019 – 04 - 079 (attached)
- f. Resolution to Support H.R. 1334 (Barragan D-CA) Outdoor Recreation Legacy Partnership
Grant Program Act
Resolution No. 2019 – 04 - 080 (attached)
- g. Resolution to Support S. 500 and H.R. 1225 (Portman R-OH and Bishop R-UT) Restore our
Parks Act
Resolution No. 2019 – 04 - 081 (attached)
- h. Resolution to Support Federal Legislation to Establish the San Francisco Bay Restoration Grant
Program
Resolution No. 2019 – 04 - 082 (attached)

- i. Authorization to Amend the License with UNAVCO for the Installation of a Seismic Monitoring Station as Part of California's Earthquake Early Warning System: Ohlone Regional Wilderness
Resolution No. 2019 – 04 - 083 (attached)

- j. Authorization to Appropriate Funds and Amend a Contract with American Technologies, Inc. for Restroom Renovation at Little Hills Picnic Ranch: Las Trampas Regional Wilderness
Resolution No. 2019 – 04 - 084 (attached)

Director Waespi asked how the origin of the fire started and if any changes were made to the new construction. Ren Bates, Capital Program Manager replied he will check with Risk on the cause and come back to the Board with the response.

- L. Authorization to Purchase Four Chevrolet Vehicles from Winner Chevrolet for Vehicle Replacements
Resolution No. 2019 – 04 - 085 (attached)

- m. Authorization to Purchase Four GEM eMI400 All-Electric Vehicles from Toyota Material Handling for Vehicle Replacements and an Addition to the Fleet
Resolution No. 2019 – 04 - 086 (attached)

By motion of Director Rosario, and seconded by Director Waespi, the Board voted unanimously to approve **item d** regarding Bridge Yard.

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

- d. Authorization to Enter into an Agreement with Oakland Venue Management for the License to Operate the Bridge Yard Building Concession: Judge John Sutter Regional Shoreline

Revised Title: Authorization to Amend the 2019 Budget to Appropriate and Disperse Funds and to Enter into an Operating Agreement with United Camps, Conferences, and Retreats for Operation of Camp Arroyo: Camp Arroyo
Resolution No. 2019 – 04 -075 (attached)

Director Rosario pulled this item for discussion. Rosario expressed concern that the District is turning over an operation that is not fully built out yet. He stated there are not enough restrooms, the kitchen is not in place, the acoustics and the lighting are not done; therefore, the concessionaire is limited.

GM Doyle provided background about this unique building. GM Doyle explained that the District is in partnership with Bay Area Toll Authority (BATA) and Caltrans. The District has a lease to use the building which is owned by Caltrans. BATA, Caltrans and the District have rights to the building, but BATA has spent 8 million. There is an obligation and an expectation that this building will be different than anything that the District currently has in operation. It will be programmed for major events such as conferences and performances and staff want to make sure we deliver. The District are park operators, not conference creators or venue.

Jim O'Connor, AGM Operations, stated that the building has 18,000 sq. ft. of event space, and the main part of the building is usable. O'Connor explained that events have already held, including a theatrical play that had over 400 attendees. While the building has limitations, the building partners are committed to expanding the

use. During the RFP, the District was clear about the current limitations and the organizations that submitted proposals were not discouraged from the RFP process. Rosario asked if the Union was given an opportunity to give an estimation of the cost to run the facility in-house. Kip Walsh, Chief HR officer, responded that there was a Meet and Confer with the Union at which time the Union advanced their proposal and got responses to their questions. Walsh mentioned the earlier comment that the Union was not given an opportunity to present a proposal. Walsh acknowledged that the Union did make staff aware of their concerns. Rosario asked if the Reservations department could manage the reservations for this facility. O'Connor replied that the Reservations department has the capacity but questioned if it is an appropriate in terms of customer service. The District currently has concessionaires that manage their own reservations and in this case the events are very unique and will have multiple questions, and some will not be known by our staff. Director Corbett said that she appreciates that while there was a discussion at Meet and Confer, it does appear that there is more to talk about. Corbett expressed concern that this contract is on consent and she is not clear on the responsibilities of the concessionaire and staff. O'Connor said that this model is completely aligned with other concession models in the District. District staff will manage the external portion of the building. Corbett asked if it is fair to characterize that the concessionaire is responsible for the events and will staff have an opportunity to be involved in conversations. O'Connor replied there will be a lot of coordination between park staff, concessionaire and Public Safety. Oakland Venue Management (OVM) has a long history of maintaining large events and they will handle. Corbett asked about the policy for reviewing the performance of the concessionaire, and if there will be standards. O'Connor replied it will probably be reviewed on a daily. GM Doyle said that the issue is the District is operating the concession before the park is built. Someone is needed to market this place and that is in the concessionaire's wheelhouse. The District is adding jobs to operate parks and should focus on what we are good at. Bay Bridge Alliance is promoting the shoreline for free as a partner with the concessionaire to get this operating for events. This is a creative way to get funds to market and maintain the facility without getting it from the taxpayers. There will be a new pier, picnic areas and trails along with this building. If the partners fail, it is not at the District's expense. O'Connor said this can be brought back for annual checkup at the Operations Committee. Director Coffey said that he thinks this is way out of scale with other concessions. Coffey appreciated reading AFSCME's letter and is convinced that this is a unique operation and should be handled by a concessions, but reservations can be done in-house. Coffey asked if the agreement is done and if the he can read the material terms sheet, particularly the outs in the agreement? O'Connor said staff have not gone through the contract negotiation process. Coffey said he is not prepared to vote at this time. O'Connor said in all concessionaire contracts, termination language is included, and the outs are built into the contract. Carol Victor, District Counsel said the District has a 30-day notice of default, opportunity to cure and the ability to seek a variety of remedies against a concessionaire that is in default, including termination. President Wieskamp asked if he wanted to see the contract. Coffey replied a term sheet is okay. Director Waespi commented he shares Coffey's concerns. Waespi asked if this going to be an Alameda County certified green business, he would like to see the agreement, and who is the ultimate authority.

It was asked if the decision could be postponed until May. O'Connor replied that some reps from OVM are in the audience. Waespi asked if the Meet and Confer meetings were recorded or minutes are taken. Walsh explained the difference between monthly meetings held between Management and the Union and a formal Meet and Confer meeting. There are no formal minutes taken, and each side is responsible for keeping their own minutes. Walsh re-emphasized the acting president of AFSCME's statement about the importance of transparency, but it doesn't mean they always agree. Section 5.3 of the MOU discusses subcontracting; it refers to contract work that has previously been performed by AFSCME members and in the case of the Bridge Yard, this is a new facility and therefore 5.3 is not applicable because no union members are currently working here and therefore are not losing or suffering a diminishment. Waespi said that he would still like to see written notes. District Counsel Victor will get back to the board members.

Victor suggested that the Board authorize the OVM concessionaire and staff will bring back the agreement at the May meeting. Corbett asked if they would have an opportunity to review the term sheet and discuss particulars. Victor suggested a modified resolution to select OVM as the preferred concession, the actual

agreement will come back for approval. Director Lane added that she has followed the evolution of this park for many years. We need to assert that the unit manager and supervisor are the people to whom the concessionaire should speak with regularly, and the importance of regular reports with an update of progress at the Bridge Yard. Lane commented the concessionaire should be doing the reservations. Rosario was concerned with the 2428 process and appreciated holding this vote for the contract and to look at 2428's proposal.

President Wieskamp said that the District has obligations to Caltrans and BATA and she expect having a green business can be built into the process, assign the right number of park staff, and how to get customers to the park. She expressed support for coming back in May to approve the contract.

Public Comment: Rental Facilities Supervisor, Sarah Lamborn. Lamborn spoke at the request of the Union on the potential for Facilities to operate the Bridge Yard building. Lamborn stated there are six staff in the Facilities Operations department and park maintenance is what we do. It is smart to keep custodial maintenance work in-house. The number one challenge amongst facilities professionals is to maintain custodial maintenance contracts. Lamborn said contracting the jobs out will likely result in higher employee turnover. The Facilities department can fold the Bridge Yard into their routine. Lamborn handed out a document.

O'Connor gave a brief PowerPoint presentation about the Bridge Yard and Oakland Venue Management.

OVM's CEO and President Steve Schnider, and OVM General Manager Andrew Jones stated they have hosted over 4,000 events together for the past 16 years. They are committed to creative place making and their connections in this community allow for the opening of doors and utilization of spaces such as the Bridge Yard building. Events bring events and they look forward to partnering with creative people in the community, and their skillset is specific. Jones explained that they don't currently have green certification, but their intention is to investigate this. Waespi stated that he supports the Union and asked about the pros and cons of staff running the reservations. Jones replied that the Bridge Yard is a unique facility and isn't necessarily the same as the smaller District venues. After speaking with Reservations Manager Katy Hornbeck, OVM and Reservations staff can have a shared calendar. OVM works for the District, and there is a hand holding that needs to be nuanced, and potential venue users have very high expectations, and OVM staff has been trained rigorously on how to sell. OVM books diligently and works to ensure that the space is available. GM Doyle stated OVM has the capacity to handle reservations. OVM replied that this is what they do.

The modified resolution was read into the record.

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

- a. Authorization to Execute a Contract with Mining Construction Incorporated for Mine Excavation and Site Preparation for the Develop Coal Mine Exhibit Project: Black Diamond Mines Regional Preserve
Resolution No. 2019 – 04 - 073 (attached)

By motion of Director Coffey, and seconded by Director Corbett, 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.

Ren Bates, Capital Program introduced Toby Perry, Project Manager. Perry outlined the project scope and gave an update for the new coal mine exhibit at Black Diamond Mines. A photo of the exhibit is being built and will be displayed along with proposed mining work exhibits. Perry went over all aspects of the design of this exhibit. Director Lane asked about the timbers over the entrance needing improvements. GM Doyle said staff are working on a grant to get the money to replace the timbers. Lane asked if the entrance will be closed to do repairs. GM Doyle replied it will be closed for that period. Lane asked about the Valley Foundation donation. Carol Johnson, Executive Director of the Regional Parks Foundation, said staff proposed five projects and all visitor center enhancements and they provided a \$1 million grant to represent all five requests and approximately \$ 400,000 will go to this project.

3. OPERATIONS DIVISION

- a. Authorization to Amend the 2019 Budget to Appropriate and Disperse Funds and to Enter into an Operating Agreement with United Camps, Conferences, and Retreats for Operation of Camp Arroyo: Camp Arroyo

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

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

Directors Against: None.

Directors Absent: None.

Anne Kassebaum, Chief of Interpretive and Recreation Services gave an overview and history of Camp Arroyo. In early January, the YMCA, the current operator, gave formal notice agreement that they are ending their agreement with the District to focus on camps that they own. To get a short-term contract in place, the District reached out to United Camps, Conferences and Retreats (UCCR) which operates 14 camps mostly in California, UCCR operates the WOLF School Web of Life Field School. Jim O'Connor, AGM Operations introduced Elaine Taylor, Heather Butler and Desiree Gant. UCCR staff, have made a staffing plan for Camp Arroyo and have been able to keep a majority of the YMCA kitchen staff and one of their lead program staff. UCCR provided a proposal and the District and UCCR entered into an operating agreement. There will be monthly check-ins among both our finance departments.

Elaine Taylor talked about the importance of the kitchen staff and how the children and families need to be taken care of and how excited UCCR is to have this relationship. The Taylor Family Foundation has donated \$6 million to Camp Arroyo for improvements over the years.

GM Doyle said the Superintendent of Schools prefers that all children go through this program and the District needs to make the camp bigger and it is in the plan to raise money to build it. Director Rosario asked how recruitment is done to make sure disadvantaged school kids camp. Heather Butler, Wolf School Director, replied by marketing at school districts, websites, and referrals from teachers that want to come back. Carol Johnson, AGM Public Affairs, commented that for many years the Foundation has invested \$170,000 annually to make sure that children from inner city schools and fence line schools have the opportunity to attend along with their chaperones. Renee Patterson, Administrative Analyst will work with UCCR's finance staff on the budget. Rosario asked if expanding Camp Arroyo will include extra staff. GM said that the first thing that has to be done is to raise money for the expansion and yes, that will come with staff. Director Lane said she was sorry to hear about YMCA's decision. Lane said she appreciates the partnership with the Taylor Foundation and the initial population that attended Camp Arroyo were children who had AIDS and how courageous it was at that time. Lane asked about the curriculum and is it congruent with the state standards. Kassebaum said the curriculum was developed by Margaret Kelly and it is comparable. Director Coffey asked if the scope of services is equivalent to the YMCA. O'Connor in terms of

services it is equivalent. In terms of the operating agreement it is different because under the short-term agreement the expenditures will be the District's. President Wieskamp thinks this is good endeavor and the District does need to start thinking about expansion and money. GM Doyle complimented the staff in Operations for their work.

4. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle commented on the Los Vaqueros Reservoir Expansion project. Lane asked what the current relationship is to Bethany Reservoir. GM Doyle explained that Bethany Reservoir is a state park, surrounded by wind turbines and taken out, it is an undeveloped secret in the state park system and Alameda County. Lane asked whether we should be involved in a different way.

5. GENERAL MANAGER'S COMMENTS

GM Doyle introduced Bart O'Brien, Botanic Garden Manager. O'Brien presented a presentation on the Botanic Garden and gave the Board members plants that attract butterflies; Showy Milkweed and Pipevine plants. O'Brien discussed an 8,000 gallons climate change water storage project and announced a plant sale in April. President Wieskamp thanked O'Brien for the plants and the water system. Director Lane stated she was glad the Botanic Garden has added staff and inquired on the status of the grant project for outreach to schools. O'Brien stated the grant project has been renewed. Director Waespi thanked O'Brien for his good work.

6. ANNOUNCEMENTS FROM CLOSED SESSION

Carol Victor, District Counsel stated there were no announcements from Closed Session.

7. BOARD COMMITTEE REPORTS

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| a. | Operations Committee | (03-21-2019) | (Corbett) |
| b. | Natural/Cultural Resources Committee | (1-10-2019) | (Waespi) |

8. PUBLIC COMMENTS

There were none.

9. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Board Field trip;
- Attended the Board Workshop;
- Attended the Sunol Wildflower Festival;
- Attended the first Ohlone College Street Fair;
- Will attend the State of the City of Dublin tomorrow.

Director Corbett reported on meetings attended. Director Corbett

- Attended the San Leandro Creek Alliance meeting;
- Attended a Master Gardener's presentation on weed management;
- Attended the Union City Mayors Conference;
- Attended the Board Field trip;
- Attended the Board Workshop;

- Attended the Sunol Wildflower Festival.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Oakland Economic Summit;
- Met with Dave Zuckermann to talk about Redwood;
- Met with James Chang, Chief of Staff at City of Berkeley;
- Attended the Natural Cultural Resources Committee meeting;
- Attended the Alameda County Mayors' Conference;
- Attended the Board Field trip;
- Attended the Board Workshop;
- Met with constituents from Lake Temescal.

Director Rosario inquired about the health of the motorcycle officer injured in the accident. Chief Ciaburro said that he is at home and doing well.

Director Coffey reported on meetings attended. Director Coffey

- Left the board meeting at 4pm to attend another meeting.

Director Lane reported on meetings attended. Director Lane

- Attended the Sunol Wildflower Festival;
- Attended the Ecology Committee;
- Attended the Natural Cultural Resources Committee meeting;
- Attended the Board Field trip;
- Attended the Board Workshop;
- Attended the Regional Park Association meeting;
- Will meet with Save Mt. Diablo;
- Attended Earth day for Danville.

Director Lane attended the City Walk in San Ramon. She will attend the Botanic Gardens annual plant sale and the California Trails & Greenways Conference in San Diego. Lane asked President Wieskamp if it is ok if she attend the Alamo MAC meeting and talk about the staging area. Wieskamp granted permission.

Director Waespi reported on meetings attended. Director Waespi

- Attended the Castro Valley Chamber of Commerce;
- Attended the All Things Redwood, Regional Parks event;
- Attended the Supervisor Miley Agricultural Committee;
- Attended the Board Field trip;
- Attended the HASPA meeting;
- Attended the Finance Committee meeting;
- Attended the Sunol Wildflower Festival.

Director Waespi referred Board to articles in the Board Packet.

Director Dotson reported on meetings attended. Director Dotson

- Attended the Board Field trip;
- Attended the Board Workshop.

D. ADJOURNMENT

President Wieskamp adjourned the meeting at 4:22 p.m. in honor of the passing of Don Black.