

The Board Meeting, which was held June 4, 2019 at the East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94606 called its **Closed Session** to order at 11:13 a.m. by Board President Ayn Wieskamp.

ROLL CALL

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

Directors Absent: Whitney Dotson

The **Open Session** of the Board Meeting was called to order at 1:01 p.m. by President Wieskamp.

Staff Present: Robert Doyle, Ana Alvarez, Carol Victor, Debra Auker, Jim O'Connor, Chris Newey, Kristina Kelchner, Dave Mason, Brian Holt, Ren Bates, Mona Koh, Noah Dort, Becky Tuden, Anthony Ciaburro, Alan Love, Erich Pfuehler, Lisa Baldinger, Matt Graul, Michael McNally, Anne Kassebaum, Katy Horneck, Dan Cuning, Renee Patterson

Guests: Steve Snider, Andrew Jones, Doreen Kwasnicki

A. APPROVAL OF AGENDA

By motion of Director Corbett, and seconded by Director Lane, the Board voted unanimously to approve the Agenda and move Item 3a-Approval of a Concession Agreement with Oakland Venue Management for the Operation of the Bridge Yard Building Concession: Judge John Sutter Regional Shoreline before Item 2a and 2b – ASD.

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

Directors Against: None.

Directors Absent: Whitney Dotson.

B. PUBLIC COMMENTS

Norm LaForce, Sierra Club announced the Sierra Club will honor John Sutter as a Trail Blazer at the Brower Dinner. The Sierra Club supports the Board taking up the matter to change the name of Redwood Regional Park to Aurelia Reinhardt Regional Park.

Chris Newey, President of AFSCME 2428, said that he will have to leave the meeting earlier and therefore will not be able to speak on the Bridge Yard item. He referred to the Janus Resolution recently adopted by the Board that states it is in support of organized labor, however due to recent actions the Union is starting to believe the support is not as solid as thought. Newey commented that in 2017 he spoke before the Board at a meeting that he thought the offer of \$1 million would not be enough. The report is about to come out, and it is clear it is not enough money. Newey commented on the contracting out of union work and the retaliation and unfair treatment of union leadership being displayed.

President Wieskamp introduced Lisa Baldinger, Legislative Assistant. Baldinger announced that the new community engagement survey launched yesterday and is in four languages. If you complete the full survey, provide your e-mail address, the Regional Park Foundation is offering one free month of membership with the purchase of an annual membership. Bookmarks were on the display table.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

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

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

- a. Approval of District Check Listing for the Period of, April 22, 2019 to May 5, 2019
Resolution No. 2019 – 06 - 115 (attached)
- b. Resolution to Support Federal Legislation to Establish the San Francisco Bay Restoration Grant Program
Resolution No. 2019 – 06 - 116 (attached)
- c. Resolution to Support AB 1718 (Levine D – Greenbrae) Smoking Ban at State Parks and Coastal Beaches
Resolution No. 2019 – 06 - 117 (attached)
- d. Resolution to Support S. Res. 128 (Murray D-WA) and H.Res. 250 (Grijalva D-AZ) – 100th Anniversary of National Parks Conservation Association
Resolution No. 2019 – 06 - 118 (attached)
- e. Resolution to Support AB 296 (Cooley D-Rancho Cordova) – Climate Innovation Grant Program
Resolution No. 2019 – 06 - 119 (attached)
- f. Resolution to Support ACR 89 (Cooley D-Rancho Cordova) – Special Districts Week
Resolution No. 2019 – 06 - 120 (attached)
- g. Authorization to Negotiate with Various Property Owners
Resolution No 2019 – 06 – 121 (attached)
- h. Adoption of Amendments to the Board of Directors Operating Guidelines at Section IX(A): “Rules and Provisions for Board Member Compensation and Reimbursement for Expenses While Performing Official District Business: Compensation of Board Members,” With Related Findings, to Comply with AB 2329 (Oberholte, 2018)
Resolution No. 2019 – 06 - 122 (attached)
- i. Authorization to Convert 1.0 FTE Assistant District Counsel I to Assistant District Counsel II: Legal/Risk Division
Resolution No. 2019 – 06 - 123 (attached)

- j. Authorization to Enter into Agreement with Neil Nobriga for Caretaker Services: Vasco Caves Regional Preserve
Resolution No. 2019 – 06 - 124 (attached)
- k. Authorization to Amend the Tilden Merry-Go-Round Concession Agreement with Sycamore Concessions Corporation: Tilden Regional Park
Resolution No. 2019 – 06 - 125 (attached)
- L. Authorization for New Special Use Agreement - Portuguese Water Dog Club Chapter of Northern California: Shadow Cliffs Regional Recreation Area
Resolution No. 2019 – 06 - 126 (attached)
- m. Authorization to Amend FOX Broadcasting Communication Site License Agreement: Mission Peak Regional Preserve
Resolution No. 2019 – 06 - 127 (attached)
- n. Authorization to Renew Communication Site License Agreement with KQED Public Radio: Carquinez Strait Regional Shoreline
Resolution No. 2019 – 06 - 128 (attached)
- o. Authorization to Amend a Contract with Placeworks Incorporated for the Develop Tidewater Day Use Area Project: Martin Luther King, Jr. Regional Shoreline
Resolution No. 2019 – 06 - 129 (attached)

Director Corbett requested a report on the additional projects, and necessary changes in this project. Lisa Goorjian, Chief of Design & Construction replied this item is to increase fees to import fill needed to address sea level rise. Tidewater and Boating should remain open during this time. President Wieskamp asked Goorjian to do a short write-up. GM Doyle stated that as we move forward on any shoreline projects, there will be more regulatory requirements.

- p. Authorization to Execute a Professional Services Contract with EKI Environment & Water, Inc. for Stormwater Management and Technical Assistance for North Point Isabel: McLaughlin Eastshore State Park
Resolution No. 2019 – 06 - 130 (attached)

Director Rosario asked for additional details on the repairs. Matt Graul, Chief of Stewardship stated that there needs to be another liner for longer term controls. The Liner is currently being designed. Rosario inquired when the District exposes a hazard, who is the responsible party. Victor replied District staff work hard during pre-acquisition to make sure the Park District is not accepting responsibility, so the polluter is ultimately responsible. Under the operating agreement, the State of California is supposed to be responsible for contamination at Eastshore State Park.

- q. Authorization to Amend a Contract with INDIGO/Hammond & Playle Architects, LLP and Appropriate Funds for Acquisition Due Diligence Prior to Purchase of Peralta Oaks North Facility
Resolution No. 2019 – 06 - 131 (attached)
- r. Authorization to Renew the East Bay Regional Park District's Insurance Program
Resolution No. 2019 – 06 - 132 (attached)
- s. Authorization to Enter into an Agreement with the Moraga-Orinda Fire District on the North Orinda Shaded Fuel Break Project: District-wide
Resolution No. 2019 – 06 - 133 (attached)

Director Lane asked about specific areas on the map, and the location of the fuel break. Aileen Theile, Fire Chief, indicated the location on the map. President Wieskamp asked for an additional map created for the Board by District staff. Director Rosario asked if there will be a need for an EIR, or CEQA work to be done by the District. Theile replied not by the District. Theile explained the District has their own agreements with EBMUD and Moraga/Orinda. Rosario asked if the District has the capacity to do the work. Theile answered she has requested money for an Acting Fuels Reduction Coordinator from Moraga/Orinda. GM Doyle complimented Chief Theile on her education of others, and on challenges with obtaining permits. Director Waespi asked if any other projects impact the District. Chief Theile replied there are none.

Norm LaForce commented that this proposal is good conceptually, and the concept is to create a shaded oak habitat. Maintenance needs to be in perpetuity, with prescribed burns which Air Board is reluctant to grant. This will reduce the risk, but not prevent the risk.

- t. Authorization to Partner with California Coastal Conservancy and Enter into an Agreement with the California Invasive Plant Council for Marsh Restoration and Spartina Control:
District-wide
Resolution No. 2019 – 06 - 134 (attached)

Director Rosario asked about Clapper rail birds thriving in a Spartina environment. Matt Graul, Chief of Stewardship, said that the current biological treatment does not allow treatment where there is Clapper rail, and there is currently no alternative method because of where it grows. Director Corbett inquired how it spreads, and Graul replied through seed and seed transport. GM Doyle explained that Spartina has very deep roots in the mud and is a very adaptive plant.

- u. Authorization of a Federal Grant Application to the United States Fish and Wildlife Service (USFWS) Partners for Fish and Wildlife Program (Partners Program) and Authorization of Cooperative Funding Agreement with the University of Colorado for Invasive Species Research:
District-Wide
Resolution No. 2019 – 06 - 135 (attached)

Director Rosario is in favor of this grant and asked if Dr. Johnson's research is available. Matt Graul answered once it is published, it is available to the public. Presently, staff are looking at raw data.

- v. Authorization to Appropriate Funds from the Workers' Compensation Unrestricted Fund Balance and to Pay an Assessment to the Local Agency Workers' Compensation Excess Joint Powers Authority (LAWCX) for Excess Workers' Compensation Coverage for Deficit Program Years
Resolution No. 2019 – 06 - 136 (attached)
- w. Authorization to Apply for Grant Funds from the Statewide Park Development and Community Revitalization Program (Prop 68) for Expansion of the Tidewater Area: Martin Luther King Jr. Regional Shoreline
Resolution No. 2019 – 06 - 137 (attached)

Director Corbett stated she is pleased the District is requesting funds from Prop 68. Corbett asked if this funding will be available for programming? Tiffany Margulici, Grants Manager, replied that staff are applying, it currently is for capital only, and there is discussion of allowing some portion to be used for programs. This is still under discussion with the State. Corbett commented she is glad that Tidewater has been chosen as a park to receive the funding.

- x. Authorization to Purchase Cisco SmartNet Support Contract for Voice and Data Networking Services from AMS.Net: District-wide
Resolution No. 2019 – 06 - 138 (attached)

2. ACQUISITION, STEWARDSHIP & DEVELOPMENT DIVISION

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

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

- a. Authorization to Enter into an Option, Purchase and Sale Agreement and Transfer and Appropriate Funds for the Acquisition of 7.80± Acres of Real Property from Bonnie J. Symon, Trustee of the Symon Family Trust: Las Trampas Wilderness Regional Preserve
Resolution No. 2019 – 06 - 140 (attached)

Michael Reeves, Chief of Land and Acquisition, gave a PowerPoint presentation where pictures were included of the property. Reeves explained the Symon property acquisition will protect viewsheds from within Las Trampas Wilderness, compliments the Districts recent Lothamer property acquisition, and prevents habitat degradation.

Director Lane commented that seeing pictures makes it more convincing as to why the District should purchase this property. Lane asked what steps are needed to open the road, because it is currently a single-lane road. Reeves replied staff are looking into it. Valley Hill Road is a private road and is one factor for developing access.

By motion of Director Waespi, and seconded by Director Corbett, the Board voted unanimously to approve Item 2b.

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

- b. Authorization to Execute a Professional Services Contract with EKI Environment and Water, Inc. for Remedial Investigation and Ecological and Human Health Risk Assessment of the Former Anthony Chabot Marksmanship Range: Anthony Chabot Regional Park
Resolution No. 2019 – 06 - 141 (attached)

Matt Graul, Chief of Stewardship, gave an overview of this item including the background and history, and location of the marksmanship range. Graul discussed the RFP process, and explained how EKI was selected based on their experience and knowledge of the regulatory requirements. Director Lane asked if staff have done testing to determine if there is lead in the water. Graul replied yes, adding that there is lead in the water historically. There is less lead now, and it is being contained onsite. Corbett asked if this will be cataloged, and Graul replied it would be. Director Waespi asked why is the District spending all this money when there are lead weights at the bottom of Lake Chabot. Graul replied it is much different situation than what is on the marksmanship range, the lead is more mobile and spread out. GM Doyle commented that on the aerial and asked if this we can look into operation as a fuel break.

3. OPERATIONS DIVISION this item was moved to #2.

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

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

- a. Approval of a Concession Agreement with Oakland Venue Management for the Operation of the Bridge Yard Building Concession: Judge John Sutter Regional Shoreline
Resolution No. 2019 – 06 - 139 (attached)

Jim O'Connor, AGM Operations, gave a quick historical synopsis of the origins of this park starting in 1995 to present day. The term sheet was discussed: terms and 180-day written termination notice. The District can also terminate for material default for failure to comply with the terms of the agreement. The Oakland Venue Management (OVM) agreement terms were highlighted. The building will be used for the operation of a high-quality reservable facility and the District retains authority to deny an event if it is determined that it will adversely impact public health, safety, and order or require public safety beyond those ordinarily required for similar size events. All revenues will be put back into the facility. Director Lane asked what will be open at the shoreline in 2020, and who will manage the trail? O'Connor replied that the pier will be open and the trail is being managed by Caltrans. California Highway Patrol is in charge of security. Coffey commented on his previous concerns about the outsourcing of reservations and thanked Alvarez and O'Connor for the satisfactory termination arrangement. Director Corbett asked what is the termination language? Victor stated there are specific default provisions and a list which are standard to all District concession agreements. Language is being added to include that the District can terminate with 180-days' notice for convenience. Corbett commented on the unique nature of this facility and would like to know if this displaces District staff? GM Doyle stated he is concerned with capacity of existing growth, absent the Bridge Yard. GM Doyle explained the need to grow in order to handle existing demand. O'Connor said the District is not displacing any staff. This facility is almost four times the size of all District facilities. Corbett asked about the Insurance and indemnification clause being subject to the approval of the Risk Manager. Victor replied the Risk Manager is already vested with some discretion and will approve the limits and protective of the District. Caltrans owns the building, vendors have insurance, business have insurance (caterers, bartenders), the event sponsor has to procure insurance, so there are several layers to cover the risk. The District has a very strong indemnification provision. Corbett asked who is responsible for the leasing of the facility who is responsible for repair. Victor replied the Concessionaire would be responsible.

Corbett asked about the waste reduction plan. She suggested it is not as strong as it could be and hoped staff will make it stronger. GM Doyle agreed that the District should make it a priority, and staff will come back to the Board with a report in the first year of this item. Director Waespi said that he was hoping that our employees could staff reservations but has come to the conclusion that the scale of the operations requires the vendors to handle. Waespi echoed Corbett's comments regarding solid waste collection. Waespi said it is a great opportunity, and the District embraces the sustainability policy of the city of Oakland. Director Rosario also had hoped that staff could manage reservations, however the District staff will be bringing the Dumbarton campground on, and that will be a big park. GM Doyle stated that as use grows, there will be a need to provide more District staff. Director Lane requested that the District and Oakland Venue Management websites have clear wayfinding instructions.

Kymerly Anderson, Steward of AFSCME 2428, stated the Union agrees with the District's position about reservations, and it is not displacing staff. The Union feels it is feasible for District staff to do the janitorial and

maintenance work at the Bridge Yard. Anderson referenced the Janus Resolution and asked that it be included in the contract that workers be paid prevailing wages, including the defaults provisions. Victor responded that OVM is a city of Oakland licensed business and they are required to comply with the cities living wages which is a guaranteed minimum wage. The District can add compliance with Oakland's living wage into the contract.

GM Doyle thanked OVM for staying and wished them great success.

4. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

GM Doyle commented on the items in this report.

5. GENERAL MANAGER'S COMMENTS

GM Doyle acknowledged the fine work of Public Affairs to publish the Measure WW Local Grant Program Ten Year Report.

Steve Castile, Chief of Park Operations introduced Park Supervisor Coyote Hills, Matt McDonnell. McDonnell reported on Del Valle Flood Protocol's in working with the different agencies in managing the influx of water through Lake Del Valle. Del Valle is used to augment water through three water districts which are Zone 7, Valley Water and Alameda County. It is operated by the US Army Corp of Engineers and Department of Water Resources, together they are known as South Bay Contractors. The normal operating level is 701.3 mean feet above sea level or 13 billion gallons. The challenge is to monitor lake levels to release the water and protect the assets of the park. McDonnell highlighted the protocols balancing the reservoir and the operational responsibilities. Lake levels must be monitored and the impacts of rains on lake level. McDonnell described how staff documentation was extremely beneficial in obtaining funding from FEMA.

DGM Alvarez stated that she and the GM Doyle are proud of the work staff has accomplished.

6. ANNOUNCEMENTS FROM CLOSED SESSION

There were none.

7. BOARD COMMITTEE REPORTS

- a. Natural and Cultural Resources Committee (4/10/19) (Coffey)

Norm LaForce, Sierra Club commented on the use of pesticides or herbicides adding they have beneficial uses and purposes.

8. PUBLIC COMMENTS

There were none.

9. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Finance Committee meeting;
- Attended What's Brewing in the Parks at Lake Chabot;
- Attended the State of the City in Livermore;
- Attended the LAFCO meeting;
- Attended the Hero Event at Sunol;

- Attended the Butterfly Festival and did a birdwalk at Coyote Hills;
- Attending the State of the County at Fremont Library.

Wieskamp congratulated Mona Koh on the Multicultural Walks Award at the CPRS Conference. Will be attending Ed Bennett's Memorial.

Director Corbett reported on meetings attended. Director Corbett

- Attended the Volunteer Recognition BBQ Dinner;
- Attended the Friends of San Leandro Creek;
- Attended What's Brewin' in the Parks at Lake Chabot;
- Attended the Cherry Festival Parade.

Corbett attended the Democratic State Convention. She invited the Board to attend the Sandcastle Contest on this Saturday, June 8 at Crown Beach, and Concerts at the Cove beginning on June 14.

Director Rosario reported on meetings attended. Director Rosario

- Attended the Finance Committee meeting;
- Attended the Volunteer Recognition BBQ Dinner;
- Attended Duncan Marshall's retirement;
- Attended the City of Richmond Liaison meeting;
- Attended the 442nd Regimental Combat Team Memorial Service at Roberts Park;
- Attended What's Brewin' in the Parks at Lake Chabot;
- Attended Wilder Art and Garden Center ribbon cutting in Orinda;
- Attended the Special Park Districts Forum (SPDF) Appreciation at Drakes;

Rosario attended the Asian Pacific Democratic Caucus dinner, met with Don Nichols at Redwood Park and thanked Kymberly Anderson, 2428, for the clarification to be included within the OVM contract.

Director Coffey reported on meetings attended. Director Coffey

- Attended the City of Richmond City Council meeting;
- Attended the Volunteer Recognition BBQ Dinner;
- Attended the Richmond Liaison Committee;
- Attended the Environmental Labor Coalition of Contra Costa County;
- Attended the Delta Group of Sierra Club;
- Attended the Multicultural Walk and luncheon;
- Attended the season opening of the Garin Visitor Center and visited the Iris Garden.

Coffey hiked Black Diamond Mines with the Moonless Night Hike.

Director Lane reported on meetings attended. Director Lane

- Attended the Volunteer Recognition BBQ Dinner;
- Attended Duncan Marshall's retirement event;
- Attended the 442nd Regimental Combat Team Memorial Service at Roberts Park;
- Attended the Environmental Labor Meeting;
- Attending the Council Meeting in Concord;
- Attended Elected Women's Luncheon in Alamo;
- Golden Gate Audubon Society, getting involved with some of the birders.

Lane hiked Las Trampas and Shadow Cliffs – she handed out part of the Diablo magazine and talked about excellent adventures at Black Diamond. Lane thanked staff for

the WW local investments book.

Director Coffey had left the meeting at 4:02 pm for a prior appointment.

Director Waespi reported on meetings attended. Director Waespi

- Attended the CPRS Conference from May 22-25, 2019;
- Attended the Pat O'Brien Recreation Center in Sacramento;
- Attended the Medicare 101 class;
- Attended the What's Brewin' in the Parks;
- Attended the Butterfly Festival at Coyote Hills.

Waespi hiked in Redwood Park and Lake Chabot and visited the Iris Garden.

D. ADJOURNMENT

President Wieskamp adjourned the meeting at 4:18 p.m.