

The Board Meeting, which was held on July 21, 2009 at the Administrative Building, 2950 Peralta Oaks Court, Oakland, CA, was called to order at 12:45 p.m. by Board President Ted Radke.

ROLL CALL

Directors Present: Ted Radke, President  
Doug Siden, Vice-President  
Beverly Lane, Treasurer  
Carol Severin, Secretary  
Whitney Dotson  
Ayn Wieskamp  
John Sutter

Directors Absent: None.

At this time, the Board of Directors met in Closed Session to discuss those items outlined on the Board Meeting Closed Session Agenda.

The Open Session of the Board Meeting was called to order at 2:00 p.m. by Board President Ted Radke.

Staff Present Included: Pat O'Brien, Dave Collins, Rosemary Cameron, Tim Anderson, Carol Victor, Mike Anderson, Bob Doyle, Ken Blonski, Jack Kenny, Cinde Rubaloff, Carol Johnson, John Swanson, Steve Myli, Jon King, Brad Gallup, Anne Scheer, Dan McCormick, Megan Jones, Chris Barton,

A. APPROVAL OF AGENDA

By motion of Director Siden, and seconded by Director Weiskamp, the Agenda was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp  
Directors Absent: None.

B. PUBLIC COMMENTS

Members of AFSCME Local 2428 addressed the Board and expressed their frustration with the current status of labor negotiations. Individuals from the Alameda Labor Council and the general public also addressed the Board, and, together with Local 2428 members urged for a fair contract and asked the Board to facilitate the on-going labor negotiations.

Director Radke announced that the Board gave direction to staff to engage the services of a State-appointed mediator.

Director Lane remarked that the Board expects the management bargaining team to be courteous at all times; she disapproved of the union's use today of an inflatable rat display outside the building, especially since it is personal and directed at a specific staff member, and that it was inappropriate and very offensive.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Lane, seconded by Director Severin, the Consent Calendar was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

C-I-a Approval of District Check Listing for the Period of June 20, 2009 through July 3, 2009  
Resolution No. 2009-7-198 (Attached)

C-I-b Approval of the Minutes for the Board Meeting of June 2, 2009

C-I-c Authorization to Negotiate with Various Property Owners  
Resolution No. 2009-7-199 (Attached)

C-I-d Authorization to Transfer Funds for Continued Staff Time Associated with Property Acquisition at Oakland Army Base: Eastshore State Park  
Resolution No. 2009-7-200 (Attached)

Director Sutter requested that staff schedule a presentation to the full Board on Gateway Park and its current status.

C-I-e Authorization to Enter into a Sole Source Contract for Design Consulting Services  
Resolution No. 2009-7-201 (Attached)

C-I-f Adoption of Policies for Gifts to an Agency, and the Receipt and Distribution of Tickets and Passes Pursuant to FPPC Regulations 18944.1 and 18944.2  
Resolution No. 2009-7-202 (Attached)

C-I-g Authorization to Purchase One Brush Chipper  
Resolution No. 2009-7-203 (Attached)

C-I-h Authorization to Enter into an Agreement with Filter Recycling Services, Inc. for Hazardous Waste Removal: District-wide  
Resolution No. 2009-7-204 (Attached)

C-I-i Authorization to Support the San Francisco Bay Conservation and Development Commission's Requirement for Caltrans to Provide Safe Bicycle and Pedestrian Access between the Benicia Bridge and the Marina Vista in Martinez: San Francisco Bay Trail/Section 10 Carquinez Bridge to Martinez Shoreline  
Resolution No. 2009-7-205 (Attached)

Board President Radke commented that this item was discussed at the recent EBRPD/City of Martinez Liaison committee meeting and reported on the "old" George Miller bridge. He stated that this is being reconfigured to have a pedestrian lane, but where it comes off on the Contra Costa side is a very hazardous intersection with heavy industrial traffic. Director Radke added that Caltrans needs to be contacted to call their attention to this

issue, as well as legislators and possibly contractors involved. Because of this hazard, the opening will be held on the Benicia side. Director Lane added that this condition is unacceptable and that she was concerned that Caltrans has talked about the infeasibility of meeting the terms of the BCDC permit. Both Directors Radke and Lane asked for a report on this issue soon.

2. FINANCE AND MANAGEMENT SERVICES

PUBLIC HEARING

C-2-a Approval of the Measure CC 2009/2010 Tax Report and Proposed Measure CC Budget Revenues and Expenditures for 2010  
Resolution No. 2009-7-206 (Attached)

By motion of Director Siden, seconded by Director Sutter, item C-2-a was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

AGM of Finance and Management Services Dave Collins gave a presentation on this item, stating that this is the annual tax report for Measure CC passed by the voters in 2004 and is expected to raise \$3.2 million for this fiscal year. After fees, the estimated net revenue to the District is \$3.146 million. AGM Collins added that proposed appropriations for expenditures are consistent with schedules as in previous years. He added that the staff report also includes a list of appropriations for both ongoing and new projects.

Board President Radke opened the Public Hearing; there being no requests to speak, it was closed accordingly.

C-2-b Acceptance of the 2008 Comprehensive Annual Financial Report of the East Bay Regional Park District, Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriations Limit Schedule (Gann Limit), Report to Board of Directors and Management Single Audit Report, SAS 114 Letter to Board of Directors and Management  
Resolution No. 2009-7-207 (Attached)

By motion of Director Lane, seconded by Director Siden, item C-2-b was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

District CFO Cinde Rubaloff gave a presentation and brief explanation on the various reports covered under this Board item.

Director Lane noted that the individuals who worked with the District from Caporicci and Larson, CPA, and presented at the Finance Committee meeting were Priscillia Octarina, Audit Manager, and Gary Caporicci, Audit Partner.

3. LAND DIVISION

C-3-a Authorization to Exercise the Option, Purchase and Sale Agreement as Amended and to Appropriate and Transfer Funds for the Acquisition of the 190± acre Souza II Property: East Contra Costa County Habitat Conservation Plan/Byron Vernal Pools  
Resolution No. 2009-7-208 (Attached)

By motion of Director Radke, seconded by Director Sutter, item C-3-a was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

Land Acquisition Manager Nancy Wenninger gave a presentation on this item and described the property proposed for acquisition, stating that this is the District's second partnership/acquisition with the East Contra Costa County Habitat Conservancy. She also pointed out the special nature of this acquisition in that the acquisition and the beginning of the restoration project will follow one another without an extended period of time in-between. Ms. Wenninger added that this will be the first acquisition and a cornerstone for the Byron Vernal Pools.

Chris Barton, Project Planner, explained the various components of the project, stating that it has important biological resources as well as public access opportunities and restoration potential. The parcel also contains excellent habitat for the San Joaquin kit fox, coyote, badger and other grassland-dependent species.

In answer to Director Sutter's question on public access, AGM for Land Acquisition Bob Doyle stated that while this will not be restricted, a management plan has first to be developed. He added that it is the intent of staff to work on the management plan in conjunction with the Habitat Conservancy and other agencies involved.

John Kopchik, Executive Director for the East Contra Costa County Habitat Conservancy, speaking on this item as well as C-3-b, addressed the Board to encourage their support and approval of both items. He added that the Conservancy has taken on the task of buying up to 30,000 acres of land and restoring up to 500 acres of those over the next 30 years and would like knowledgeable partners such as the District to do that.

Jakki Kehl questioned how the main tunnel under Vasco Road, which was built to facilitate passage of kit fox, could be taken over under this purchase. AGM Doyle responded that there are currently animal tunnels on either side of the main tunnel; the main tunnel was originally put in for the rancher to get cattle back and forth under Vasco Road.

Ms. Kehl also asked if any cultural/archeological research has been conducted on the site, especially since Byron hot springs is a sacred site. AGM Doyle answered that John Kopchik has assured the District that these have been done. Mr. Kopchik added that a cultural resources assessment was commissioned consistent with both CEQA and the National Historic Places Act which found 3 potential cultural/resources at the site, but determined they were not eligible.

C-3-b Authorization to Enter into an Agreement with the East Contra Costa County Habitat Conservancy to Construct the Souza II Wetland Restoration Project and to Accept and Appropriate Funds: Byron Vernal Pools  
Resolution No. 2009-7-209 (Attached)

By motion of Director Lane, seconded by Director Severin, item C-3-b was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

In response to a question by Director Sutter, Mr. Kopchik stated that the required regulatory permits have all been applied for and are in the process of being delivered; they do not have all of the required regulatory permits but the regulators who worked with them with the Lentzner acquisition before have expressed confidence that the permits will be delivered in time for a construction start of August.

#### 4. PLANNING/STEWARDSHIP AND DEVELOPMENT

C-4-a Authorization to Transfer Funds and Acceptance of Bid for the Construction of Souza II Wetland Restoration: Byron Vernal Pools (Vasco Caves Regional Preserve)  
Resolution No. 2009-7-210 (Attached)

By motion of Director Sutter, seconded by Director Wieskamp, item C-4-a was unanimously approved.

Directors Present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter and Ayn Wieskamp

Directors Absent: None.

In response to a question from Director Sutter, Design Chief Diane Althoff stated that while staff anticipates getting the required permits, there is language in the contract that will protect the District in case permits are not obtained.

#### 5. BOARD AND STAFF REPORTS

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

GM O'Brien discussed the items listed on the report, as well as the current status of State budget negotiations, wherein a tentative deal was reached on Monday, July 21. GM O'Brien also reported that the estimated drop in property valuations from the County Assessor's office were 7.2% for Contra Costa and 2.4% for Alameda County.

#### 6. GENERAL MANAGER'S COMMENTS

District Fire Chief Ken Blonski presented a video showing an overview of the District's Fire Department and various activities and events it was involved in during the 2008 fire season. He also spoke about the Fire Department's productive partnership with the Civicorp group for prescribed burns and mopping-up operations.

## 7. ANNOUNCEMENTS FROM THE CLOSED SESSION

There were no announcements from the Closed Session.

## 8. BOARD COMMITTEE REPORTS

- a. Executive Committee (4-23-09) (Radke)
- b. Executive Committee (6-25-09) (Radke)
- c. Finance Committee (6-24-09) (Lane)

Directors Lane and Wieskamp forwarded minor corrections to the Finance Committee minutes.

Director Sutter expressed his gratitude to the Finance Committee for their work on the District's finances, which gets more complicated from year to year.

- d. Pinole/Hercules/EBRPD and North Contra Costa County JPA (5-26-09) (Radke)

Director Radke reported that there was a lot of interest expressed in the District's grant program. Directors Radke and Sutter requested that there be a future staff presentation to the Board regarding the District's grant program procedures and regulations, especially as it applies to creeks.

## 9. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Track to Trails event, where she spoke to several people in attendance. She expressed her appreciation to staff and public volunteers;
- Attended the recent Board field trip;
- Attended the Fremont Liaison Committee meeting, where they viewed the Stanford staging area;
- Attended the Legislative Committee meeting;
- Attended the Niles Dog Show as a judge;
- Will attend the Pleasanton City Council meeting at 7:00 pm tonight wherein the District will be honored.

Director Sutter reported on meetings attended. Director Sutter

- Complimented staff on the Ferry Point Loop Trail Guide, stating that it was very well done;
- Attended the Operations Committee meeting;
- Attended the Chabot Space and Science Center Board Finance Committee meeting and spoke about the ballot measure in Oakland today; one of the measures is envisioned to provide \$375K annually to CSSC;
- Attended a meeting of Oakland's Measure DD Committee, wherein the High Street bridge/Corp of Engineer issue regarding the Bay Trail was discussed;
- Commented that staff should be very careful with the fence design proposed for the Serpentine Prairie, and suggested that there may be a need for a stronger design review procedure, and felt the split-rail fence design is more attractive;
- Attended Alameda County Mayors Conference in Berkeley.

Director Lane reported on meetings attended. Director Lane

- Attended the Tracks to Trails event;
- Attended the Finance Committee meetings and the Board field trip;
- Showed a 4<sup>th</sup> of July "Best Community Service Award" presented to the District by the Kiwanis Club;
- Commented that the Ferry Point Loop Trail Guide was well done;

- Commented on the proposed fence for the Serpentine Prairie, stating that the design should be more attractive given that it will be installed next to Skyline and will be very visible to trail users;
- Will not attend the next Natural and Cultural Resources Committee meeting in August.

Director Dotson reported on meetings attended. Director Dotson

- Presented to the Richmond Neighborhood Coordinating Council on an open space proposal for the shoreline;
- Attended the last Board field trip;
- Met with a representative from PIDO where an alternative to Round-up was presented, which he discussed with AGM of Operations Escobar;
- Attended the Operations Committee meeting;
- Announced that the planning for the September 26 Pt. Pinole festival is on-going;
- Attended the last Contra Costa CSDA meeting on July 21;
- Will be attending the City of Richmond Liaison Committee and the Ecology Committee meetings;
- Forwarded his vacation schedule.

Director Siden reported on meetings attended. Director Siden

- Hosted the Alameda County CSDA meeting;
- Attended the Alameda County Mayors Conference in Berkeley with Director Sutter;
- Attended the reception for Beverly Green, who is leaving the Alameda County Transit Authority;
- Attended the Concerts at the Cove series at Crab Cove;
- Attended the Board Field trip;
- Worked as an American Camp Association accreditation visitor;
- Attended the groundbreaking event of the San Leandro bridge slough;
- Attended the Day of the Casa outreach event in San Leandro;
- Attended a meeting of the City of Alameda Democratic Club;
- Attended a meeting with George Philips, Executive Director of the Alameda Boys and Girls Club regarding Measure WW funds;
- Visited Tidewater in preparation for the future groundbreaking;
- Expressed his appreciation for the newsclips section of the Board packet, stating that it enables him to view articles which he may have missed.

Director Severin reported on meetings attended. Director Severin

- Attended Alameda County CSDA meeting;
- Attended the Board field trip;
- Attended the CARPD meeting in Sacramento;
- Attended the Operations Committee and the Fremont Liaison Committee meetings;
- Will attend a hearing in Hayward regarding the proposed Salem Towers;
- Mentioned that Cull Canyon attendance has grown this year;
- Spoke about the excellent customer service provided by employees Karen McClendon and Mimi Waluch in helping foreign campers and the stable operator, respectively;

Director Radke reported on meetings attended. Director Radke

- Attended a meeting of the City of Martinez JPA;
- Attended the Board field trip, as well as other meetings reflected in the various meeting minutes;
- Attended the Contra Costa CSDA meeting;
- Asked that the resolution prepared by the District concerning the Miller Bridge be sent to the City of Martinez.

D. PUBLIC COMMENTS

Jakki Kehl addressed the Board regarding the Brushy Peak trail project, stating that the District had a report in 2001 which identified Brushy Peak as a sensitive area with a recommendation that it be fenced. She asked the Board to pay more attention to the area to prevent more damage.

E. ADJOURNMENT

The Board Meeting was adjourned at 5:17 p.m.

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Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2009-7-198 to 2009-7-210  
Board Committee Reports