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BOARD EXECUTIVE COMMITTEE

Thursday, February 26, 2009
 12:45 p.m., Board Room

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District's website (www.ebparks.org), the Headquarters reception desk, and at the meeting.

AGENDA

STATUS	TIME	ITEM	STAFF
(R)	12:45 p.m.	1. City of Berkeley-CPS Long-Term Use Agreement, Tom Bates Regional Sports Complex	Radosevich
(D)	1:15 p.m.	2. Point San Pablo Yacht Harbor	Doyle
(R)	1:45 p.m.	3. Request for Board Contingency Funding for Rose Hill Cemetery Book and Burial Record	Parent/Kaiser
	2:15 p.m.	4. Public Comments	

- (R) Recommendation for Future Board Consideration
- (I) Information
- (D) Discussion

Executive Committee Members:

Ted Radke, Chair; Doug Siden; Ayn Wieskamp
 Beverly Lane, Alternate
 Pat O'Brien, Staff Coordinator

Future Meeting Dates

March 26	April 23
May 28	June 25
July 23	Aug. 27
Sept. 24	Oct. 22
Nov. 24 (Tues.)	

Distribution/Agenda

Carol Severin
 John Sutter
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 Ted Radosevich
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 Afton Crooks
 Ralph Kanz
 Michael Kelley
 Judy Bank
 Daniel Levy
 Sylvia Falcon

 Tom Butt via email

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 Allen Pulido
 Tyrone Davis – POA
 Dave Kalahale – Local 2428
 Dee Rosario – Local 2428
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 Diane Althoff
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Board of Directors

Ted Radke President Ward 7	Doug Siden Vice-President Ward 4	Beverly Lane Treasurer Ward 6	Carol Severin Secretary Ward 3	John Sutter Ward 2	Whitney Dotson Ward 1	Ayn Wieskamp Ward 5	Pat O'Brien General Manager
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DATE: February 19, 2009

TO: Board of Directors

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the February 26, 2009 Board Executive Committee Meeting

I. City of Berkeley-CPS Long-Term Use Agreement, Tom Bates Regional Sports Field

Ted Radosevich, District Counsel, will make a presentation on this agenda item.

BACKGROUND

On July 1, 2008, the City of Berkeley (City) submitted a proposed long-term use agreement with College Preparatory School (CPS) for the Tom Bates Regional Sports Complex for the District's review and approval. The Board Executive Committee considered this proposal on November 25, 2008, at which time the Executive Committee directed staff to continue discussions with City staff. Presentation of new information gathered since November 2008 will enable the Executive Committee to develop recommendations to the full Board regarding this agreement.

The District entered into a 25-year Ground Lease with the City for the construction, operation, and maintenance of the Tom Bates Regional Sports Complex on the District's 16-acre "Magna" property at Gilman Street and Frontage Road, as approved by the Board on March 20, 2007 by Resolution No. 2007-03-70. The appraised fair market value of the Sports Complex land is \$12,000,000 with an additional \$7,000,000 in Phase I capital costs. The Ground Lease provides that, for the purposes of generating revenue for the completion and maintenance of the sports complex, the City may enter into long-term use agreements with non-profit sports users provided that such agreements do not affect the ability of youth groups to use the facilities during peak hours, defined as Monday through Friday from 3:00 pm to 7:00 pm, and Saturday from 8:00 am to 5:00 pm. Any specific proposal for such an agreement must be approved by both the District and State Department of Parks and Recreation.

Major Provisions of the City-CPS Long-term Use Agreement

The major terms of the proposed Long-term Use Agreement between the City and CPS (Agreement) include the following provisions. The term of the Agreement is the earlier of 25 years or until the District-City Ground Lease terminates. After ten years, the City may terminate the Agreement, as long as it reimburses CPS for the pro rata share of the remaining years. Over the term of the Agreement, CPS has exclusive use of

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one of the complex's two synthetic fields in the fall and spring of each year, Monday through Friday from 3:00 p.m. to 5:30 p.m., as well as the exclusive use of one of the complex's two softball fields in the spring for the same hours and days. To use the fields during these time periods, CPS must pay the standard user fees charged to youth groups according to the complex's annual fee schedule. In addition, CPS will provide capital funds in the amount of \$600,000 according to the following terms: \$300,000 upon execution of the Agreement, \$150,000 when a synthetic field is ready for use, and \$150,000 when a softball field is ready for use.

Conformance with the District-City Ground Lease

As discussed on November 25, the Agreement raised questions regarding its conformance with the Ground Lease in terms of CPS reserving exclusive use of fields during defined peak usage hours. District staff asked the City to provide evidence of support for CPS's proposed field use from competing sports organizations in order to determine whether usage conflicts actually exist during the proposed 3:00 p.m. to 5:30 p.m. time slot. The City subsequently provided letters of support from the following organizations representing a cross-section of potential users of the Sports Complex: Alameda-Contra Costa Youth Soccer League, Albany-Berkeley Girls Softball League, Albany Little League, Association of Sports Field Users, Berkeley Lacrosse Club, and Berkeley Rhino Youth Rugby Club.

The other important consideration in approving a sublease during peak usage hours prior to the Sports Complex's completion is whether the lease payments will be promptly put to use for construction of additional public fields. City staff provided a draft budget for one baseball field, one softball field and related parking improvements totaling \$650,000. The budget is attached as Exhibit A. City staff still needs to provide details as to how the \$650,000 will be fronted for construction, given the CPS lease is for \$600,000, and the final \$150,000 payment is not due until after the softball field is completed. City staff also needs to confirm the City's commitment to completing the fields within a specified time frame. City staff initially indicated the fields could be built by fall 2009, but more recently provided a tentative schedule showing completion by April 2010. District staff believes a firm commitment by the City to complete the two additional sports fields with clearly identified funding sources by a specified completion date will answer the District's remaining questions.

Staff has recently been advised of, and seen, unauthorized work on the site, apparently undertaken by the City's designated field operator. Staff anticipates a full explanation of corrective action and further procedures from the City to address these violations.

RECOMMENDATION

Staff recommends that the Executive Committee support approval of the Agreement by the full Board, provided that the City provide in writing firm assurances of funding for the two additional new fields, and a timeline that demonstrates the fields will be built in the near term. Staff recommends that upon receipt of these commitments, the matter move forward to the full Board for consideration. Staff also recommends that the City be required to reach agreement on the remaining Phase I construction punch list items before entering into the Agreement and commencing with the subsequent Phase II construction. Prior to moving this matter for full Board approval (assuming the CPS recommendation is favorably acted upon at the Executive Committee meeting), staff will also be in contact with City staff to determine corrective actions and repairs related to the unauthorized field work.

2. Point San Pablo Yacht Harbor

Bob Doyle, AGM for Land Division, will make a presentation on this agenda item.

BACKGROUND

Richmond City Councilmember Tom Butt has requested time with the District Board Executive Committee to discuss the District's involvement in appraising the Point San Pablo Yacht Harbor. (See map attached as Exhibit B). At Councilmember Butt's request, the Richmond City Council has agreed to fund 50 percent of an appraisal cost on the condition the District funds the other half. Staff estimates the appraisal cost would be between \$15,000 to \$20,000. Staff has told Councilmember Butt that the District is not interested in pursuing the acquisition of the Point San Pablo Yacht Harbor because it is not a District master plan priority, has very limited public use and access, and would require a very significant outlay of capitol and on going management costs.

3. Request for Board Contingency Funding for Rose Hill Cemetery Book and Burial Record

Traci Parent, Supervising Naturalist, will make a presentation on this agenda item.

BACKGROUND

The District has been documenting and repairing gravesites in Rose Hill Cemetery since 1974. However, no formal record exists which documents the people, their lives, and the cultural artifacts left behind. While many burial lists for the cemetery were compiled over the years, most had sketchy, incomplete, or inaccurate information. Staff is preparing to publish a document which will provide a historical record of Rose Hill Cemetery located in Black Diamond Mines Regional Preserve – records of the people buried there, their lives, their families, and their towns – including historical photographs of the people, the places, and their beautifully carved gravestones.

The information assembled for this publication comes from a variety of sources including cemetery lists compiled by various individuals; historic photographs; oral history accounts from former residents of the area and their descendants; census, probate, and death records; family histories; newspaper articles; and from the gravestones themselves. This publication will contain the most complete and accurate information and is titled *Rose Hill – A Comprehensive History of a Pioneer Cemetery in the Mt. Diablo Coal Field*.

Although the cemetery has not been active since the close of the coal mines in the early 1900s, today the cemetery has many purposes. It serves as one of the most popular destinations for people exploring Black Diamond Mines Regional Preserve. Thousands of school children visit the cemetery annually to use the site as a learning tool while studying a variety of subjects that meet the curricula for the state school standards.

Production of the comprehensive history will be done in a two-volume set. The first volume contains the history of the cemetery, coal field information, photographs of the individuals interred, newspaper accounts of the deceased and/or their family members, photographs of the mining communities and their residents, and contemporary photographic documentation of the gravesites and their gravestones. The second volume supplements this information with epitaphs, lists of occupations and causes of death, monument companies and carvers, gravestone motifs, and other detailed information.

The targeted audience for this publication includes teachers and educators, librarians, historians, genealogists, Mt. Diablo Coal Field descendants, numerous historical societies, Black Diamond Mines Regional Preserve staff and docents, and anyone interested in the local history of eastern Contra Costa County.

Production costs for 500 copies are estimated at \$25,000, and staff has received \$1,200 in community donations towards this effort. The General Manager and Assistant General Manager for Operations have pledged \$8,000 each from contingency funds to complete this project during the District 75th Anniversary celebration.

RECOMMENDATION

Staff recommends that the Board Executive Committee approve funding in the amount of \$8,000 from Board Contingency funds to support the production of 500 copies of *Rose Hill – A Comprehensive History of a Pioneer Cemetery in the Mt. Diablo Coal Field*.

Tom Bates Regional Sports Facility

Budget Overview - Two Functional Fields

Parking				
Item Description	Quantity	Units	Unit Cost	Item Total
Estimated Construction Construction Costs				
Clearing	25,800	s.f.	\$0.08	\$ 2,064.00
Grading	753	c.y.	\$20.00	15,060.00
Drainage and Dispersal Structures	Allow			17,000.00
Bio-swale (adjustments to existing sand layer)	Allow			30,000.00
Gravel Parking	25,665	s.f.	\$3.50	89,827.50
A.C. Paving Parking	2,835	s.f.	\$6.90	19,561.50
Concrete Curb and Gutter	360	l.f.	\$44.00	15,840.00
Parking Blocks	35	ea.	\$43.00	1,505.00
Line Striping	Allow			400.00
Turf and Irrigation Adjustments	4,800	s.f.	\$1.60	7,680.00
Turn Around A.C. Paving	3100	s.f.	\$6.90	21,390.00
Turn Around Concrete Curb	148	l.f.	\$35.00	5,180.00
Total Estimated Construction Costs				\$ 225,508.00
Contingency 15%				33,826.20
Parking Sub-Total				\$ 259,334.20
Soft Costs				64,833.55
Parking Total				\$ 324,167.75

Softball Field, Backstop, Fencing & Access				
Item Description	Quantity	Units	Unit Cost	Item Total
Estimated Construction Construction Costs				
Grading	548	c.y.	\$22.00	\$ 12,056.00
Gravel and Slurry Seal	13,820	s.f.	\$5.00	69,100.00
Backstop	1	ea.	\$25,500.00	25,500.00
20 ft. Chain Link Fence	50	l.f.	\$139.00	6,950.00
Band at Fence	120	l.f.	\$33.00	3,960.00
Turf and Irrigation Adjustments	4,500	s.f.	\$1.60	7,200.00
Total Estimated Construction Costs				\$ 124,766.00
Contingency 15%				18,714.90
Softball Sub-Total				\$ 143,480.90
Soft Costs				35,870.23
Softball Total				\$ 179,351.13

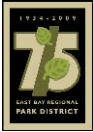
Baseball Field, Backstop & Fencing				
Item Description	Quantity	Units	Unit Cost	Item Total
Estimated Construction Construction Costs				
Turf and Irrigation Adjustments	Allow	ea.		\$ 12,000.00
Steelcraft Backstop (BS-35)	1	ea.	\$38,000.00	38,000.00
30 ft. Height Chain Link Fence	90	l.f.	\$194.00	17,460.00
Band at Fence	170	l.f.	\$33.00	5,610.00
Gravel and Slurry Seal	5,610	s.f.	\$5.00	28,050.00
Total Estimated Construction Costs				\$ 101,120.00
Contingency 15%				15,168.00
Baseball Sub-Total				\$ 116,288.00
Soft Costs				29,072.00
Baseball Total				\$ 145,360.00

Total Project Cost (Softball, Baseball & Parking)	\$ 648,878.88
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Tom Bates Regional Sports Facility

Projected Phase II Schedule (Tentative)

Milestone	Completion Date Range
Funding is confirmed	February-09
Contract with Phil Singer for preparation of bid package	March-09 - April-09
Preparation of bid package	May-09 - June-09
Plan Check, COB, EBRPD and JPA review and approval	May-09 - July-09
Bidding	June-09 - August-09
Council awards construction contract	July-09 - September-09
Construction begins	August-09 - October-09
Construction is completed (6 months)	February-10 - April-10



Environmental Programs Department
& GIS Applications
February 17, 2009
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POINT MOLATE / POINT SAN PABLO SAN PABLO PENINSULA OPEN SPACE

- JOINT PARTNERSHIP FEASIBILITY STUDY AREA
- RED ROCK
- POINT SAN PABLO YACHT HARBOR

