

The Board Meeting, which was held on August 9, 2011 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 12:30 p.m. by Board Vice President Carol Severin.

## ROLL CALL

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

Directors Absent: Beverly Lane, President

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 2:05 p.m. by Board Vice President Carol Severin.

Staff Present Included: Bob Doyle, Carol Victor, Mike Anderson, Nancy Wenninger, Diane Althoff, Brian Wiese, Megan Jones, Susan Gonzales, Carol Johnson, Shelly Lewis, Anne Scheer, Mark Pearson, Jeff Rasmussen, Neal Fujita, Mark Taylor, Dave Collins, Ken Blonski, John Swanson, Anne Rockwell, Chief Tim Anderson, Miles Thomas (HR Intern).

## **A. APPROVAL OF AGENDA**

Board Vice President Severin requested that the agenda be revised to add **item C.I.t.** and pull **item C.I.p.**, which will be brought back for consideration at a later date.

By motion of Director Wieskamp and seconded by Director Sutter the Board voted unanimously to approve the addition of item C.I.t. to the agenda.

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

Directors Absent: Beverly Lane.

By motion of Director Siden and seconded by Director Dotson, the Board voted unanimously to approve the agenda as amended.

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

Directors Absent: Beverly Lane.

**B. PUBLIC COMMENTS**

David Tam, representing Friends of Alvarado Park, asked the Board to look at other transportation alternatives to get people to Alvarado Park.

**C. BUSINESS BEFORE THE BOARD**

**I. CONSENT CALENDAR**

By motion of Director Radke, and seconded by Director Wieskamp, the Board voted unanimously to adopt the Consent Calendar, excluding item C.I.c. which was pulled for separate consideration.

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

Directors Absent: Beverly Lane.

C-I-a. Approval of District Check Listing for the Period of July 1, 2011 through July 24, 2011  
Resolution No. 2011 – 8 - 163 (attached)

C-I-b. Authorization to Negotiate with Various Property Owners  
Resolution No. 2011 – 8 - 164 (attached)

C-I-d. Resolution to Support Pending State Legislation SB 436 (Kehoe) Allowing Special Districts and Non-Profits to Hold and Manage Endowments (California Council of Land Trusts)  
Resolution No. 2011 – 8 - 165 (attached)

C-I-e. Resolution to Support Pending State Legislation SB 769 (Fuller) Allowing Display and Exhibition of Legally-possessed Mountain Lion Carcasses for Scientific or Educational Purposes  
Resolution No. 2011 – 8 - 166 (attached)

C-I-f. Approval of Cost of Living Adjustment (COLA) for AFSCME, Local 2428 and Benefit Adjustments  
Resolution No. 2011 – 8 - 167 (attached)

C-I-g. Authorization to Award Contracts for District Rainbow Trout and Channel Catfish Requirements for 2012 and 2013  
Resolution No. 2011 – 8 - 168 (attached)

C-I-h. Authorization to Execute a Water Main Extension Agreement and Encumber Capital Funds for Payment of Water Service Installation Costs and Fees: Point Pinole Regional Shoreline – Atlas Road Bridge  
Resolution No. 2011 – 8 – 169 (attached)

C-I-i. Authorization to Accept a Grant of Access Easement from Contra Costa County for the former Hallissy Property: Crockett Hills Regional Park  
Resolution No. 2011 – 8 - 170 (attached)

- C-I-j. Authorization to Enter into a Five-Year Lease Agreement for the Relocation of the North County Shop of the Equipment Unit, the Roads and Trails Unit and the Contra Costa Trails Unit: Contra Costa Trails  
Resolution No. 2011 – 8 - 171 (attached)
- C-I-k. Authorization to Negotiate a Sole Source Contract for Site Work Required to Effect the Placement of Free Fill for the Atlas Road Extension and Access Improvements Project: Pt. Pinole Regional Shoreline  
Resolution No. 2011 – 8 - 172 (attached)
- C-I-l. Authorization to Appropriate Funds, Transfer Funds and Accept the Bid for Irrigated Turf and Tree Planting: Oyster Bay Regional Shoreline  
Resolution No. 2011 – 8 - 173 (attached)
- C-I-m. Authorization to Enter into a Sole Source Contract for Design Consulting Services  
Resolution No. 2011 – 8 - 174 (attached)
- C-I-n. Acceptance of the East Bay Regional Park District Investment Report for the Quarter Ending March 31, 2011  
Resolution No. 2011 – 8 - 175 (attached)
- C-I-o. Acceptance of Quarterly Unaudited Financial Statements for the East Bay Regional Park District for the Period Ending March 31, 2011  
Resolution No. 2011 – 8 - 176 (attached)
- ~~C-I-p. Approval of 2011 Mid-Year Budget Adjustments to Special Revenue Funds: Two County LLD, ECCC LLD, Zones of Benefit and Measure CC Funds, and the Corresponding Change to the General Fund~~
- C-I-q. Authorization to Purchase Steel-Frame Information Panels from Design Construction of Martinez, CA  
Resolution No. 2011 – 8 - 177 (attached)
- C-I-r. Authorization to Accept Federal Funds through the Diablo Fire Safe Council for Fire Fuels Maintenance, District-Wide  
Resolution No. 2011 – 8 - 178 (attached)
- C-I-s. Authorization to Purchase Western Red Cedar from Channel Lumber Company  
Resolution No. 2011 – 8 - 179 (attached)
- C-I-t Authorization to Negotiate a Sole Source Contract for Emergency Levee and Culvert Repairs: Hayward Regional Shoreline  
Resolution No. 2011 - 8 - 180



In response to a question by Director Sutter asking what delay would result assuming the District went ahead with the lawsuit, did not prevail and assuming a revision of the EIR was necessary, Mr. Ball stated that if the trial court rules against the District on one or more of HCN's claims, the trial court will issue a writ and require the District to redo or amend the EIR. The District can then obey the writ or appeal. The amount of time is uncertain but it will be focused and will not be a wholesale revision of the EIR. Mr. Ball added that it is conceivable that the delay could take several years but does not mean the District is hamstrung from acting.

Joe Engbeck, representing Claremont Canyon Conservancy, addressed the Board, stating that as an organizer of Friends of Claremont Canyon and a member of the Conservancy, he has worked on this kind of issue for many years. He added that the Advocacy Plan has adopted almost all of the Park District proposals into its own, and thinks the Conservancy has been very reasonable and he hoped the Board will see that what the Conservancy is asking today is also reasonable.

David Bingham, representing California Native Plant Society (CNPS), stated that this has been a difficult issue for his group. He stated that they have taken a "No Position" and explained that their group is a consensus-driven decision making group and were unable to reach consensus; therefore the 'No Position' stand. The way that HCN has chosen to work with the District is less than constructive. CNPS states that there is need to have a forum so that CNPS can understand what the District is doing on the ground.

Audrey O'Brien, a 59-year resident of Chabot Park Estates, stated that she would like the District to get rid of the Monterey Pines, and that eucalyptus are so historic that she can't see cutting them down.

Shelagh Brodessen, resident and lead volunteer for Garber Park Stewards/member of CCC, stated that she lives right outside of Garber Park and that HCN has threatened and intimidated everyone in the neighborhood.

District Counsel Radosevich responded briefly to Director Sutter's question regarding the timeline of going through the court in the appeals process. He stated that based on his 33 years' experience of practicing law, he can state that the courts move slowly and it could take many years to go through the appeal process. The goal of this agency is to move forward. He added that it is uncertain what the court will do, citing as an example the injunction at Niles Canyon which stopped the cutting of the trees in that area; that will be the same judge that the District would be before. He stated that out of the 12 RTAs in the area, only 4 will be impacted.

John Swanson, Assistant Fire Chief began by putting his response in some context. He stated that he is now in his 40<sup>th</sup> wild land fire season, and has fought fires in Monterey Pine plantations and some eucalyptus. He has fought fires in Washington, Florida, Chile, Spain, Argentina, Southern Mexico and Guatemala and served as chief in incident management teams. He has been called upon to provide technical assistance, training and advice to governments, as well as serving as a nationally certified fire analyst. He was sent on the first incident management team ever to be invited to Australia and served as the planning section chief and assisted in a 2-million acre wildfire suppression. He has a B.S. in Forestry, Master of Science in Forest Fire Science and Technology. Based upon his experiences, formal education and training, he explained that these minor modifications will result in no downgrade or undermining of the District's fire protection capability. In terms of costs involved, the costs are virtually identical whether implementing the plan as is or with the agreements reached in the settlement agreement. He handed out a chart wherein he pointed out the affected RTAs. In any case, he stated that the District will have to do maintenance and follow-up treatments.

In response to a question by Director Sutter asking for an estimated delay in implementation should there be additional litigation, Mr. Radosevich said that it could quite conceivably go on for several years. If the trial court asks the District to make changes, then staff would have to start all over again.

Director Radke commented that the District could do nothing and the fire danger could get worse.

Director Wieskamp stated that she has learned that as a Board member of many years that there is nothing more controversial than eucalyptus, and believes the District was very thoughtful in the plan and that every time there is a delay there is that chance of something happening. She added that as a Board member, it is her job to make it safe for the public and firefighters. She has been reassured by staff today that the settlement does not diminish the plan. All parties are invited to come every year as it is a part of Measure CC. She commented that she will accept a settlement if it will make the process move forward.

Director Sutter added that the Board appreciates the work of Claremont Conservancy and the neighbors in Garber Park, and are at a point where the Board has to decide whether it agrees with the settlement or not. The plan itself is not being debated. It has been 20 years since the fire, and he believes it is important to move forward even though the plan may have defects; further delay is not in the public interest. Director Sutter expressed his agreement with Mr. Bingham of CNPS that the door should be open for groups to evaluate what the District does each year.

## 2. GENERAL MANAGER

- C-2-a. Authorize the 2011/2012 Tax Rate to be Levied by Alameda and Contra Costa Counties for the Payment of East Bay Regional Park District Measure AA and Measure WW General Obligation Bonds  
Resolution No. 2011 – 8 - 182 (attached)

By motion of Director Sutter and seconded by Director Radke, the Board voted unanimous.

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

CFO Cinde Rubaloff spoke briefly about the 2011/2012 tax levy rate, stating that staff comes before the Board to receive authority to levy the yearly tax rate.

## 3. BOARD AND STAFF REPORTS

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

General Manager Doyle discussed the items listed in the report; namely, Alhambra Highlands in Martinez and the East Alameda County Conservation Strategy in Livermore.

## 4. GM COMMENTS

General Manager Bob Doyle introduced Dave Collins, AGM of Finance and Management Services who provided an update on the greening initiatives of the division by department. Mr. Collins presented a Powerpoint presentation highlighting the various ways by which the activities related to documents, computers, water conservation, recycling and solar panels in Finance, Information Services, Clerk of the Board, Office Services and the Grants Departments.

## 5. ANNOUNCEMENTS FROM THE CLOSED SESSION

There were no announcements from Closed Session.

## 6. BOARD COMMITTEE REPORTS

- |    |   |           |           |
|----|---|-----------|-----------|
| a. | Contra Costa County Special Districts Association | (Radke)   | (7/18/11) |
| b. | Alameda County Special Districts Association      | (Siden)   | (5/11/11) |
| c. | Operations Committee                              | (Severin) | (6/16/11) |
| d. | Natural & Cultural Resources Committee            | (Dotson)  | (5/18/11) |
| e. | Finance Committee                                 | (Sutter)  | (6/28/11) |
| f. | Legislative Committee                             | (Radke)   | (6/24/11) |

## 7. BOARD COMMENTS

- 1) Director Siden reported on meetings attended. Director Siden
  - Attended the SF Business Times Corporate Philanthropy Awards;
  - Attended the field trip to the stables;
  - Attended the Midpeninsula field trip with appreciation to John Escobar for arranging it;
  - Attended the Alameda County Liaison meeting;
  - Attended PAC July meeting;
  - Attended the Airport Area Business Association meeting.;
  - Attended the Park Business Street Association Alameda Mixer;
  - Presented a proposal on San Leandro Creek Greenway to Shelia Young, on staff with Supervisor Chan;
  - Attended the Oakland Museum's exhibit for John Muir;
  - Met with MLK Rally committee and announced that there will be an event at the Shoreline Center on August 28 to recognize the MLK Memorial in Washington, DC.
- 2) Director Wieskamp reported on meetings attended. Director Wieskamp
  - Attended and appreciated the field trip to the stables;
  - Attended the Midpeninsula field trip;
  - Toured Del Valle with Beverly Lane and Warren Schultz;
  - Attended Scott Haggerty's BBQ;
  - Attended the 100 Club BBQ;
  - Working with Kevin Fox, Volunteer Coordinator on an Eagle Scout project.
- 3) Director Severin reported on meetings attended. Director Severin
  - Introduced one of the EBRPD interns, Miles Thomas who gave his background;
  - Attended CARPD meeting;
  - Attended the stables tour;
  - Attended the Midpeninsula field trip;
  - Attend the PAC and Executive Committee meetings;
  - Attended the Regional Planning Committee meeting (a branch of ABAG).
- 4) Director Sutter reported on meetings attended. Director Sutter
  - Attended the stables tour;
  - Attended the Midpeninsula field trip;
  - Attended the Alameda County Liaison meeting;

- Attended the SF Bay Restoration Authority meeting;
- Attended the Oakland meeting of the Lawrence Berkeley National Labs.

5) Director Radke reported on meetings attended. Director Radke

- Attended the Democratic Central Committee event;
- On Saturday, August 13, attending the Fresh Aire Affaire;
- Attending Legislative Committee meeting Friday, August 12.

6) Director Dotson reported on meeting attended. Director Dotson

- Thanked everyone for the condolences received from staff and Board on the passing of his mother.

#### **D. PUBLIC COMMENTS**

#### **E. ADJOURNMENT**

The meeting was adjourned at 4:15 p.m.,

Respectfully submitted:

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Yolande Barial, Acting Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2011 – 8 - 163 to 2011 – 8 – 181.