



**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

DATE	September 17, 2024
TITLE	Approval of the Minutes for the Board Meeting July 30, 2024
DIVISION	General Manager's Office
FROM	Yolande Barial Knight, Clerk of the Board

RECOMMENDATION

The General Manager recommends the Board of Directors approve the attached minutes for the Board Meeting of July 30, 2024.

COMMITTEE MINUTES

The Closed Session Board Meeting, which was held July 30, 2024, at East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94605 was called to order at 11:08 a.m. by Board President Elizabeth Echols.

The July 30, 2024 the Board of Directors meeting was video recorded and may be viewed by clicking the following link: <https://ebparks.new.swagit.com/videos/311259>

I. ROLL CALL

Directors Present:

Elizabeth Echols, President

John Mercurio, Treasurer

Olivia Sanwong, Secretary

Colin Coffey

Dennis Waespi

Dee Rosario

Directors Remote: None

Directors Absent: Ellen Corbett, Vice-President

Staff Present: Sabrina Landreth, General Manager; Lynne Bourgault, General Counsel

Guests: None

II. PUBLIC COMMENTS ON CLOSED SESSION AGENDA ITEMS

No public comment

III. CLOSED SESSION ITEMS

- a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Gov. Code Section 54956.9(d)(1))

Workers' Compensation Claim of Dustin Martinelli

WCAB: ADJ16651634

Workers' Compensation Claim of Anthony Roderick
WCAB: ADJ16971600

b. CONFERENCE WITH LABOR NEGOTIATORS

(Pursuant to Gov. Code Section 54957.6)

Agency Designated Representatives: Sabrina Landreth, Allyson Cook Employee
Organizations: AFSCME Local 2428, Police Association

c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to Gov. Code Section 54956.8)

Property: 2481 Grizzly Peak Blvd., Orinda, CA 94563

Agency Negotiators: Sabrina Landreth, Tiffany Margulici Negotiating Parties:
Redwood Valley Railway Corporation

Under Negotiation: Price and terms of payment

The Board Meeting, which was held July 30, 2024, at East Bay Regional Park District, 2950 Peralta Oaks Court, Oakland, CA 94605 called the Open Session of the Board Meeting to order at 1:20 p.m. by Board President Elizabeth Echols.

The July 30, 2024, Board of Directors meeting was video recorded and may be viewed by clicking the following link: <https://ebparks.new.swagit.com/videos/311259>

I. ROLL CALL

Directors Present:

Elizabeth Echols, President

John Mercurio, Treasurer

Olivia Sanwong, Secretary

Colin Coffey

Dennis Waespi

Dee Rosario

Directors Remote: None

Directors Absent: Ellen Corbett, Vice President

Staff Present: Sabrina Landreth, Lynne Bourgault, Dr. Ana Alvarez, Yolande Barial Knight, Debra Fuller, Allyson Cook, Ken Wysocki, Renee Patterson, Deborah Spaulding, Ren Bates, Toby Perry, Erich Pfuehler, Carmen Erasmus, Amanda Gallo, Lisa Goorjian, Ross Mitchell, Tiffany Margulici and Robert Filice

II. PLEDGE OF ALLEGIANCE

Director Coffey led the Pledge of Allegiance.

III. LAND ACKNOWLEDGEMENT

Director Rosario read the Native American Land Acknowledgment.

IV. APPROVAL OF AGENDA

By motion of Director Sanwong, and seconded by Director Mercurio, the Board voted unanimously to approve the agenda 6-0.

Directors Present: Colin Coffey, Elizabeth Echols, John Mercurio, Dee Rosario, Olivia Sanwong, Dennis Waespi

Directors Against: None
Directors Absent: Ellen Corbett
Abstain: None

V. SPECIAL PRESENTATIONS

None.

VI. PUBLIC COMMENT

Renee Patterson reminded the Board about the PERS filing.

VII. ANNOUNCEMENTS

Director Rosario acknowledged Reservation Coordinator, Karen McClendon's 40 years of service. McClendon thanked the Board for their acknowledgement. President Echols thanked and acknowledged Karen McClendon's 40 years of service. AGM Operations, Lisa Goorjian announced the new Chief of Operations, Robert Kennedy.

VIII. BUSINESS BEFORE THE BOARD

A. CONSENT CALENDAR

Item 14 was pulled to make a correction to the title which should state that it is Measure AA not Measure WW.

The Board of Directors made a motion to approve the consent calendar.

Moved by Director Waespi seconded by Director Mercurio, the Board voted unanimously 6-0.

FOR: Colin Coffey, Elizabeth Echols, John Mercurio,
Olivia Sanwong, Dennis Waespi, Dee Rosario
AGAINST: None
ABSENT: Ellen Corbett
ABSTAIN: None

1. Approval of Park District Check Listing for the Period of May 6, 2024 through May 26, 2024
Resolution No. 2024 – 07 – 153
2. Approval of the Minutes for the Board Meeting of June 18, 2024
3. Authorization to Enter into an Equestrian Arena Special Use Agreement with TriCities Horsemen Association
Resolution No. 2024 – 07 – 154
4. Authorization to Execute Contract Amendment and Appropriate Funds for the Grand Street Restroom Improvements in the Total Amount of \$497,000: Robert W. Crown Memorial State Beach
CEQA Determination: No further review per 14 Cal Code Regs §15162
Resolution No. 2024 – 07 – 155
5. Authorization to Enter into Agreement with Zone 7 of Alameda County Flood Control and Water Conservation District for Treated Water Supply with an Annual Cost of Approximately \$25,000/year: Camp Arroyo
Resolution No. 2024 – 07 – 156

6. Authorization to Award and Execute a Professional Services Agreement for Pavement Condition Assessment and Upgrade of StreetSaver Software to AMS Consulting, LLC in the Amount of \$98,780: District-wide
Resolution No. 2024 – 07 – 157
7. Authorization to Award a \$60,000 Contract to The Professional Tree Care Company for Tree Removal for the Point Pinole Habitat Restoration Project: Point Pinole Regional Shoreline
CEQA Determination: Exempt per 14 Cal Code Regs 15301, §15304, §15307, §15308, §15061(b) (3)
Resolution No. 2024 – 07 – 158
8. Authorization to Execute a Reimbursement Agreement with Contra Costa County for Pumping Expenses at the Knightsen-Nunn Property: Delta Access Regional Recreation Area
Resolution No. 2024 – 07 – 159
9. Authorization to Use Up to \$15,000 in Board Contingency Funds for Deferred Compensation Advisory Committee Members to Attend the National Association of Government Defined Contribution Administrators (NAGDCA) Conference in Phoenix, Arizona in September 2024
Resolution No. 2024 – 07 – 160
Ross Mitchell thanked the Board for their support in providing funding.
10. Authorization to Amend the East Bay Regional Park District's 457(b) Deferred Compensation Plan to Add Qualified Disaster Recovery Distributions Pursuant to the Disaster Tax Relief Provisions of the SECURE ACT 2.0 and Approval of the Final Adoption Agreements for the 401(a) Plan and the 457(b) Deferred Compensation Plan
Resolution No. 2024 – 07 – 161
11. Adopt Resolution to Support State Legislation: AB 1581
Resolution No. 2024 – 07 – 162
12. Adopt Resolution to Support Federal Legislation: S. 4628 (Kelly D-AZ); H.R. 7936 (Tonko D-NY); H.R. 8656 (Harder D-CA)
Resolution No. 2024 – 07 – 163
13. Acceptance of the First Quarter 2024 General Fund and Other Governmental Funds Financial Reports
Resolution No. 2024 – 07 – 164

Moved by Director Mercurio seconded by Director Rosario, the Board voted unanimously 6-0.

FOR: Colin Coffey, Elizabeth Echols, John Mercurio,
Olivia Sanwong, Dennis Waespi, Dee Rosario
AGAINST: None
ABSENT: Ellen Corbett
ABSTAIN: None

14. Authorization to Execute a Professional Services Contract with TRC Solutions, Inc. in an Amount Not to Exceed \$150,000 for Environmental Site Assessment Services at Point Molate and Appropriate \$150,000 from Measure AA West Metro Area Acquisition Funds:

B. GENERAL MANAGER'S OFFICE

I. Recommended Pilot Change to the Board Meeting Agenda Structure to Add a Section for Board Requested Agenda Items

Assistant to the General Manager, Amanda Gallo presented this pilot change to the Board Meeting Agenda structure to add a section for board requested agenda items. Director Coffey stated there is a distinction between an existing right every board member has under the board operating guidelines and under the Brown Act as well as legal counsel the ability to place things on future agendas. He welcomes this addition.

2. Presentation on Voter Survey Findings from April 2024 Poll by Tulchin Research
Chief of Government and Legislative Affairs, Erich Pfuehler presented on Voter Survey Findings from April 2024 Poll by Tulchin Research. Pfuehler, stated in attendance was Ben Tulchin who was the lead pollster for the survey and shared the data collected.

C. ACQUISITION, STEWARDSHIP AND DEVELOPMENT DIVISION

Chief of Planning, Trails & GIS, Brian Holt presented on the award of the contract for phase one consulting services on the District Plan. Director Coffey asked about how Placeworks charges for their deliverables. HOLT responded there is a scope of work that spells out a series of different tasks, including the deliverable for each task and final deliverables bi-weekly status.

Moved by **Director Rosario**, seconded by **Director Sanwong**, and adopted July 30, 2024 by the following vote:

FOR: Elizabeth Echols, Dennis Waespi, John Mercurio
Dee Rosario, Colin Coffey, Olivia Sanwong
AGAINST: None
ABSTAIN: None
ABSENT: Ellen Corbett

Award Second Century District Plan Planning Services Contract to PlaceWorks Incorporated in an Amount Not to Exceed \$1,632,548 and Authorize a Contract for Phase I Consulting Services in the Amount of \$599,547: District-wide
CEQA Determination: Exempt per 14 Cal Code Regs §15262
Resolution No. 2024 – 07 – 166

Landscape Architect, Carmen Erasmus introduced Project Manager, Toby Perry who presented on the Improve Peralta Oaks North Project and presented the construction contract authorization request for the project. General Manager, Sabrina Landreth provided an update on sale of the promissory notes. There were 11 bidders and the most successful one was with Morgan Stanley at a competitive rate of 3.35% which translated into annual debt service of \$2.75 million a year. Director Waespi asked who the construction management firm will be for the project. Perry responded with Griffin Structures. Director Sanwong stated she does not support the project.

Moved by **Director Mercurio**, seconded by **Director Sanwong**, and adopted July 16, 2024 by the following vote, 6-0:

FOR: Elizabeth Echols, Dennis Waespi, Dee Rosario
Colin Coffey, Olivia Sanwong
AGAINST: None
ABSTAIN: None
ABSENT: Ellen Corbett

President Echols called for a 10-minute break.

Authorization to Award to and Execute a Construction Contract with Swinerton, Inc. in the Amount of \$59,847,000 and Appropriate Approximately \$39,000,000 of 2024 Promissory Note Funds and \$950,000 in 2012 Promissory Note Funds for the Improve Peralta Oaks North Project: 2955 Peralta Oaks Court
CEQA Determination: Exempt per 14 Cal Code Regs §15301, §15302, §15061(b)(3)
Resolution No. 2024 – 07 – 167

Moved by **Director Waespi**, seconded by **Director Mercurio**, and adopted July 30, 2024 by the following vote, 5 - 1:

FOR: Elizabeth Echols, Dennis Waespi, John Mercurio
Dee Rosario, Colin Coffey
AGAINST: Olivia Sanwong
ABSTAIN: None
ABSENT: Ellen Corbett

D. OPERATIONS

Authorization to Execute an Agreement with the California Conservation Corps for Use of Homestead Valley Group Camp at Briones Regional Park as a Spike Camp
CEQA Determination: Exempt per 14 Cal Code Regs §15301, §15302, §15303, §15304, §15307, §15308, §15061(b)(3)
Resolution No. 2024 – 07 – 168

Business Services Manager, Tiffany Margulici presented the authorization to execute an agreement with the California Conservation Corps to use the Homestead Valley Group Camp at Briones Regional Park as a Spike Camp and alongside to support the item was Sloane Viola. Ross Mitchell, Pres. AFSCME wanted to make it known that AFSCME should have been notified under Article 19 that requires both notice and a joint labor management review board to be convened for expansion of use of community resource groups, such as Conservation Corp.

Moved by **Director Waespi**, seconded by **Director Rosario**, and adopted July 30, 2024 by the following vote:

FOR: Elizabeth Echols, Dennis Waespi, John Mercurio
Dee Rosario, Colin Coffey, Olivia Sanwong
AGAINST: None
ABSTAIN: None
ABSENT: Ellen Corbett

E. PUBLIC SAFETY

I. Awarding and Authorizing Execution of Seven One-Year Specialty Contracts for On-Call Fuels Reduction Services for a Combined Annual Maximum of \$4,000,000 and a Combined Maximum \$12,000,000 Over a Potential Three-Year Term: District-wide
CEQA Determination: No further review per 14 Cal Code Regs §15162

The item was pulled from this agenda.

XI. GENERAL MANAGER'S COMMENTS

GM Landreth provided an update on the Creek fire at Sunol Regional. The fire reached 55% containment. Landreth thanked everyone for their hard work and reported no homes or buildings were damaged or destroyed.

X. BOARD COMMENTS

Director Rosario reported on meetings attended. Director Rosario:

- Attended the Operations Committee Meeting on July 17;
- Attended the Port Chicago Weekend at the African American Museum in Oakland on July 18;
- Attended the Port Chicago Weekend at Port Chicago on July 20;
- Attended the Finance Committee Meeting on July 24;
- Attended the Board Site Tour at Coyote Hills on July 26.

Director Mercurio reported on meetings attended. Director Mercurio:

- Traveled to Vasco Hills to look at the Flag Barn to see what condition it was in on July 18;
- Attended the State of the County Lunch on July 18;
- Attended the Port Chicago Weekend at Port Chicago on July 20;
- Attended a meeting with Luz Gomez, newest EBMUD Board Member on June 28;
- Attended the Finance Committee Meeting on July 24;
- Hiked Las Trampas with Bruce Henry on July 24;
- Attended the Board Site Tour at Coyote Hills on July 26.

Director Waespi reported on meetings attended. Director Waespi:

- Attended the Regional Park Foundation's Lakeside Laps at Lake Chabot on July 20;
- Attended 1:1 with Lynne Bourgault at Lake Chabot on July 23;
- Attended the HASPA meeting on July 25;
- Attended the Board Site Tour at Coyote Hills on July 26.

Director Sanwong reported on meetings attended. Director Sanwong:

- Attended the Operations Committee Meeting on July 17;
- Attended the Finance Committee Meeting on July 24;
- Attended the Board Site Visit on July 26;
- Attended the Ecology Committee Meeting on July 30.

Director Coffey reported on meetings attended. Director Coffey:

- Attended the Campfire at Big Break on July 16;
- Attended the Operations Committee Meeting as an alternate on July 17;
- Attended the Marsh Creek Watershed Council on July 17;
- Attended the Port Chicago Weekend on July 19 & 20;
- Attended the Board Site Tour at Coyote Hills on July 26.

President Echols reported on meetings attended. President Echols:

- Attended the Port Chicago Weekend;
- Attended meeting with Berkeley City Council Member Wengraf on July 22;
- Attended meeting with DGM Ana Alvarez on July 25;
- Attended Board Site Tour at Coyote Hills on July 26;
- Attended pre-board meeting on July 29.

XI. ADJOURNMENT

President Echols adjourned the meeting at 4:06 pm.