



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541
(510) 881-6700

MINUTES

January 9, 2012

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by President Dennis Waespi at 6:00 p.m. on Monday, January 9, 2012 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

BOARD OF DIRECTORS' CLOSED SESSION

President Waespi announced that the Board of Directors would adjourn the meeting to hold a Closed Session at 6:00 p.m. to meet with designated representatives regarding the SEIU 1021 Bargaining Unit of the Hayward Area Recreation and Park District.

RECONVENE TO REGULAR SESSION

The Board Meeting reconvened at 7:00 p.m. and was followed by the Pledge of Allegiance and Roll Call.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

Staff: Shue, Gouveia, Lepore, Ely, Maharaj

CLOSED SESSION ANNOUNCEMENT

President Waespi reported that the Board of Directors held a Closed Session at 5:30 p.m. on this date to meet with designated representatives under the provisions of Government Code Section 54947.6 to receive an update on contract negotiations with the SEIU 1021 Bargaining Unit at which no action was taken.

MONTHLY VOLUNTEER RECOGNITION AWARD

President Waespi on behalf of the Board of Directors extended sincere thanks to Ms. Joan Howard for her service as a volunteer and congratulated her for being selected as the Monthly Volunteer Recognition Award for December 2011.

Ms. Joan Howard -
Volunteer of the
Month, December
2011 from the Ashland
Community Center's
Youth Activity Zone
(Y.A.Z.) -
Presentation of
Staff Report

Staff reported that Joan Howard is a volunteer in the Ashland Community Center's Youth Activity Zone (Y.A.Z.) and donated over 100 volunteer hours during 2011. She volunteers on Monday, Tuesday and Wednesday from 3:00 p.m. to 5:00 p.m. helping provide artistic learning techniques and sharing her knowledge of fine arts with the participants. Staff commented that since becoming a part of the program Joan Howard has impacted the lives of many individuals, provides valuable resources and is an inspiration to the Ashland community at large. She is a very caring individual and takes time out to make a difference in the community and in the lives

**MONTHLY VOLUNTEER
RECOGNITION AWARD**
(Continued)

of our youth and, undoubtedly, her presence shows participants of the Y.A.Z. Program that there are adults who care about their community.

Comments -
Mr. Noel Munivez,
Recreation
Supervisor

Mr. Noel Munivez, Recreation Supervisor, acknowledged the hard work, dedication and support of Joan Howard to the YAZ program. He commented that Joan is not only a great asset to the program, but sincerely cares about her community and Staff, and the participants love and respect her for that. He extended his personal thanks to Ms. Howard for her continual inspiration and for her relentless support to staff and the participants.

Eligible for
VOY Award

Her picture will be displayed in the District Administration Office and on the District website as the Monthly Volunteer Recognition Awardee for December 2011. In addition, she will be eligible for the Volunteer of the Year Award for 2011.

CONSENT CALENDAR

It was moved by Director Pereira, second by Director Hodges, and unanimously carried to adopt the Consent Calendar as set forth below.

Minutes -
12/12/11

The corrected Minutes of the Regular Meeting of the Board of Directors on Monday, December 12, 2011 at 7:00 p.m.

Minutes -
12/23/11

The Minutes of the Special Meeting of the Board of Directors on Friday, December 23, 2011 at 10:00 a.m.

Finance

The Invoices payable and Warrants paying the Invoices were prepared and presented for Board of Directors' approval.

R-1112-43
Personnel

Adoption of Resolution No. R-1112-43, authorizing appointments and the separation of Hourly Employees.

Finance Report

Acceptance of the Finance Report for November 2011.

**CASTRO VALLEY
COMMUNITY PARK**

Cell Tower Site

Lease Agreement with
T-Mobile West Corp.
For Installation of
Communication
Equipment

Staff reported that on January 10, 2011, the Board of Directors approved a Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, for the installation of communication equipment on a Mono Cypress, and installation of maintenance cabinets at the Castro Valley Community Park. The Lease Agreement will allow T-Mobile to sublease space on the Mono Cypress with approval from the Hayward Area Recreation and Park District. Alameda County favors congregating telecommunication carriers on the same equipment pole.

Staff further reported that T-Mobile is seeking approval to sublease space on the Mono Cypress to New Cingular Wireless, dba AT&T

**CASTRO VALLEY
COMMUNITY PARK**
(Continued)

Sub-Lease Space
To New Cingular
Wireless, dba
AT&T Mobility Corp.

Mobility Corporation, and, in turn, New Cingular Wireless would sublease ground space from the District per the “First Amendment to Option and Lease Agreement.” The sublease would follow the existing lease duration of an initial five-year term with an option to automatically renew four (4) additional terms. Additionally, the Hayward Area Recreation and Park District held a community meeting at the Castro Valley Community Center on December 8, 2011 and there were no objections to the project.

Five-Year Option
And Lease
Agreement and
Renewals

Staff requested that the Board of Directors approve T-Mobile West Corporation’s request to sublease space on the Mono Cypress at the Castro Valley Community Park to New Cingular Wireless, dba AT&T Mobility Corporation, and authorize the General Manager to enter into the sublease, which has been reviewed by the District’s Legal Counsel.

Board and
Staff Comments -
Future Appearance
Of Mono Cypress
And Maintenance of
Telecommunication
Facility

The Board of Directors expressed concern for the appearance of the Mono Cypress, which they pointed out should ultimately look like a tree and not a pole. Staff responded that the simulation projected by T-Mobile is currently under construction and Staff will insure that T-Mobile complies with the Board’s concerns. Staff elaborated on the responsibilities of T-Mobile and AT&T as they relate to appearance of the telecommunication facility, including the appearance of the Mono Cypress owned and to be maintained by T-Mobile West Corporation. Director Andrade suggested planting a real Cypress tree at that location in due course.

Dimension of
Telecommunication
Cabinet

Brief discussion ensued on restrictions, if any, on height and width of the telecommunications cabinet. Staff responded that the Alameda County Planning Department has reviewed the dimension and steps will be taken to insure that the cabinets are barely visible.

Following discussion and comments and an assurance that the Mono Cypress will eventually look like a tree, it was moved by Director Jameson, second by Director Pereira, and unanimously carried to adopt the following:

R-1112-44
Approval to
Sub-Lease
Space on the
Mono Cypress
At Castro Valley
Community Park

Resolution No. R-1112-44, authorizing the General Manager to approve T-Mobile West Corporation’s request to sub-lease space on the Mono Cypress at the Castro Valley Community Park to New Cingular Wireless, PCS, LLC, a Delaware Limited Liability Company (Cingular), dba AT&T Mobility Corporation.

**CASTRO VALLEY
COMMUNITY PARK**
(Continued)

Installation of
Communications
Equipment on Mono
Cypress and
Installation of
Maintenance
Cabinets

On January 10, 2011, the Board of Directors approved a Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, for installation of communications equipment on a Mono Cypress, and installation of maintenance cabinets at Castro Valley Community Park. The Lease Agreement allows T-Mobile to sub-lease space on the Mono Cypress with approval from the Hayward Area Recreation and Park District.

Commencement
Of Rent Per Land
Lease Agreement

Representatives of New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, dba AT&T Mobility Corporation, requested the lease of ground space (567 sq. ft.) from the District located adjacent to T-Mobile's equipment cabinet. When New Cingular Wireless begins construction, the rent will commence per the terms and conditions of the "Land Lease Agreement" at which time the District will start to receive the initial monthly rental payment of \$1,500, with annual increases of 3% over the rent payment paid during the previous year, for a five-year initial term. The Agreement will automatically renew four (4) additional terms, at the same annual percentage increase. The Lease Agreement has been reviewed by the District's Legal Counsel.

Community Meeting
Held on 12/8/11
To Present Project

As reported above, a community meeting was held at the Castro Valley Community Center on December 8, 2011 and there was no objection to the project. Staff requested that the Board of Directors approve the Ground Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, dba AT&T Mobility Corporation, and authorize the General Manager to enter into a Land Lease Agreement.

R-1112-45
Approval and
Entry into Land
Lease Agreement

Resolution No. R-1112-45, approving the Land Lease Agreement with New Cingular Wireless, dba AT&T Mobility Corporation, and entry into the Land Lease Agreement at Castro Valley Community Park.

**HAYWARD AREA
SENIOR CENTER**

ADA Upgrades
To the Kitchen

Staff reported that the Hayward Area Senior Center was constructed in 1976 and the kitchen therein does not meet the Americans with Disabilities Act (ADA) or the Alameda County Health Department requirements of a commercial kitchen. On October 24, 2011, the Board of Directors hired Gutierrez and Associates to develop plans and specifications for the ADA upgrades to the kitchen, which will include new kitchen equipment, new energy efficient lights, new flooring, new ceiling surface and new service counters. Gutierrez and Associates completed the bid documents. Staff estimate for the project is \$540,000. Funds are available from a City of Hayward Community Development Block Grant (\$73,000) and In-Lieu Park Dedication Fees (\$467,000).

Staff Estimate
And Funding

**HAYWARD AREA
SENIOR CENTER**
(Continued)

Staff requested approval of plans and specifications and authorization to advertise for bids to be opened at 1:30 p.m. on Friday, February 3, 2012 for the ADA upgrades to the kitchen at the Hayward Area Senior Center.

Board and Staff
Comments -
Used Kitchen
Equipment

Director Jameson discussed the possibility of purchasing used kitchen equipment to lower the cost of the project. Staff responded that while that was possible, there were some constraints with respect to size and design of the specialized kitchen equipment, and trying to find used equipment would prove to be a challenge. Staff said that they have worked closely with the chef, who has also reviewed the recommended equipment and prices quoted by the Architect. Staff said that some of the kitchen equipment being replaced, for example, the freezer and refrigerator, will be used elsewhere in the District and every effort will be made to keep and re-use existing items, where possible. Staff referred to Health and Fire Department regulations that the District is required to comply with as well.

Use of Equipment
At Other District
Facilities

Director Andrade -
Hayward Area
Senior Center Kitchen
In Operation Since
1976

Director Andrade for the record said that the Hayward Area Senior Center kitchen has been in use for over 35 years and referred to current ADA, fire and health requirements, applicable to a modern commercial kitchen. Director Waespi said that it is also important to insure that the new pieces equipment are energy-efficient and star-rated. For information of the Board, Staff reported that events at the Hayward Senior Center will be moved to other community centers in the District through May 2012.

It was moved by Director Pereira, second by Director Hodges, and unanimously carried to adopt the following:

R-1112-46
Approval of Plans
And Specs.; Call
For Bids – 1:30 p.m.
February 3, 2012

Resolution No. R-1112-46, approving plans and specifications and calling for bids for the ADA upgrades to the kitchen at the Hayward Area Senior Center, with bids to be opened at 1:30 p.m. on Friday, February 3, 2012.

**EDEN GREENWAY
LINEAR PARK -
PHASE XI**

Approval of
Off-Leash
Dog Area
Location

The Hayward Area Recreation and Park District currently operates an off-leash dog area at Earl Warren Park, San Lorenzo Park and Edendale Park. Staff reported that for quite some time, an off-leash dog area has been requested by the citizens of Hayward and a number of locations have been proposed over the years, but none have been approved for a number of reasons. Staff reported that the Board conducted tours of various sites and directed the District's Citizens Advisory Committee to study proposed sites and make recommendations to the Board.

**EDEN GREENWAY
LINEAR PARK -
PHASE XI**

(Continued)

Staff Outlined
Recommendation of
H.A.R.D. Citizens
Advisory Committee

The Citizens Advisory Committee recommended the Eden Greenway Linear Park - Phase XI, which is located on Contessa Street near Sleepy Hollow, as their first choice. Community meetings were held on September 10, 2011 and November 17, 2011, attended by citizens, homeowners and the Southgate Homeowner's Association. Questions and concerns were answered and heard at those meetings and a proposed design was presented at the November 17, 2011 community meeting. Staff said that everyone who attended the two meetings was notified of the Board Meeting on this date.

Community Meetings
Held on 9/10/11 and
11/17/11 to Provide
Information and
Answer Questions
And Concerns

Staff reported that Mr. Zack Ebadi, who served on the Citizens Advisory Committee Dog Park Sub-Committee, was unable to attend the Board Meeting to report on the recommendation of the Sub-Committee for an off-leash dog area at the Eden Greenway Phase XI that has open space, is visible from Hesperian Boulevard and borders multiple homes with not many homes impacted, along with the fact that the proposed off-leash dog area would not take over the entire location. For the benefit of the audience and the Board, Staff shared and reviewed the H.A.R.D. Citizens Advisory Committee's dog park tour conducted on July 21, 2011, which included Eden Greenway Phase IX and XI (Option 1); Eden Greenway Phase VII (Option II) and Longwood Park (Option 3), along with pros and cons of each of those sites for an off-leash dog area in Hayward.

Dog Tour Conducted
By C.A.C. on 7/21/11

Staff also noted that the Board of Directors' Committee Chairpersons met on December 22nd and December 23rd to review the proposed site. Staff recommended approval of Eden Greenway Linear Park – Phase XI as the location for the off-leash dog area.

Public Comments
Opened at 7:35 p.m.

President Waespi opened public comments on the Eden Greenway Linear Park - Phase XI off-leash dog area at 7:35 p.m.

The following residents of Hayward, and dog owners, addressed the Board of Directors to express their approval and/or disapproval for the off-leash dog area at Eden Greenway Linear Park – Phase XI:

Eden Greenway
Linear Park -
Phase XI -
Comments of
Residents and
Dog Owners

Ms. Darlene R. Beaty, 2783 Decatur Way, Hayward, pointed out the need for a large and an open space area to allow dogs, both large and small, to run, along with parking. She expressed concern for electricity and wiring overhead at the recommended site, Eden Greenway Linear Park - Phase XI, which she said is not large enough, and expressed concern for not being able to participate or provide input in selection for the site. She expressed her preference for Gansberger Park, which she said has lots of open space and is accessible, and referred to their ABCD Dog Club, which sets a very fine example with a great deal of consideration for their neighbors and the community in general, and being very responsible as well.

**EDEN GREENWAY
LINEAR PARK -
PHASE XI**
(Continued)

Comments of
Residents and
Dog Owners -
Continued

Mr. Edward Bogue, 729 Poinciana Street, Hayward, and a member of the Southgate Homeowners Association, stated that they are **not** in favor of the Eden Greenway Linear Park – Phase XI, and requested that another suitable location be found, preferably Phase VIII located on the Eden Greenway on Cypress at Harder, which few residents use, with easier access, parking, and no impact to the neighborhood. He reiterated concerns expressed by the homeowners at the public meeting regarding overflow parking and the off-leash dog area being located right in the middle of Southgate. He stated that a nicer and permanent dog park location in Hayward be identified and developed to full standards that would prove to be a regional draw, as opposed to a temporary one.

Ms. Lutrecia Koffi, 256 Elmwood Lane, Hayward, referred to her use of parks in Hayward, including Gansberger Park, and being able to walk to those park sites. She said that she looked forward to a future dog park in Hayward, and preferably staying at Gansberger Park, which offers a variety of amenities. She requested that H.A.R.D. work with the School District to pursue a dog area at that site. Ms. Koffi referred to her fellow dog owners and friends as being very responsible at all times during their visit to the parks.

Ms. Debra Van Metre, 25242 Meredith Court, Hayward, referred to the need for a large open space dog area and a home for their animals to run freely and play, and not run into each other.

Ms. Doris R. Rodriguez, 26741 Contessa Street, Hayward, expressed her opposition to the proposed off-leash dog area at Eden Greenway Linear Park – Phase XI, along with concerns for traffic, and dog owners not being responsible. She pointed out that while most of the Southgate residents are pleased to have an off-leash dog area, she said that the process to select the location was not handled well and a majority of the Southgate residents are discouraged. She referred to many reasons to not have an off-leash dog area at the recommended site. She concluded that the Board of Directors needs to be aware of restrictions that the Southgate homeowners would ultimately request.

Mr. Ray Allairg, 26604 Wauchula Way, Hayward, stated that he is an avid and a very responsible dog owner, making the effort to keep the parks clean at all times. He stated that he enjoys walking his dogs at Gansberger Park. He requested that the Board of Directors complete the Eden Greenway Linear Park off-leash dog area quickly so that they have a dog park close to home, and be able to walk to it, and not have to leave Hayward.

Ms. Betty Moose, 1328 Via El Monte, San Lorenzo, member of H.A.R.D. Citizens Advisory Committee, speaking in favor of the Eden

**EDEN GREENWAY
LINEAR PARK -
PHASE XI -
(Continued)**

Greenway Linear Park – Phase XI, said that the off-leash dog area was selected for reasons of safety, disposition, and access to the park without travelling miles. She commented that should the aforementioned park not be acceptable, that the Board and Staff look at other sites to see what can be done to meet the needs of the community.

Comments of
Residents and
Dog Owners -
Continued

Mr. Mike Debble, 26088 Kay Avenue, #208, Hayward, referred to his two-hour travel to Point Isabel Park in Richmond to enjoy the acreage and the experience that park has to offer for both him and his dog, as well as Point Isabel Park being a regional draw. He said that having a dog park close to one's home would be phenomenal and expressed his preference for a dog park at Gansberger Park. Mr. Debble pointed out that the proposed off-leash dog park will not draw people from far away, would not draw attention and pointed out that the importance of much larger acreage.

Ms. Sally A. Holt, 28247 Wren Court, Hayward, thanked the Board for taking into consideration and for looking into a dog park in Hayward, which she said is also a physical need, and should be addressed soon.

Comments Closed
At 8:05 p.m.

Comments on the Eden Greenway Linear Park – Phase XI off-leash dog area closed at 8:05 p.m.

Board of Directors
Response and
Comments -

Director Jameson -
Elaborated Further
On H.A.R.D.
C.A.C.
Recommendation,
And Equitable
Distribution of
Dog Parks
District-Wide

Director Jameson referred to a possible off leash dog area on the Eden Greenway Linear Park – Phase VIII, on Harder Road, referred to by members of the audience. Staff responded that the Citizens Advisory Committee toured that site. Director Jameson stated that the Eden Greenway Linear Park – Phase XI was recommended by the Citizens Advisory Committee because it is away from traffic and for reasons of safety, as opposed to the remoteness of Phase VIII. Director Jameson went on to add that the concerns of Staff and members of the audience appear legitimate and she would like Staff to take into considerable the aesthetics that the community desires and to focus on developing a nice off-leash dog area, complimented with fencing, vegetation and bushes. Director Jameson referred to the Board of Directors effort for an equitable distribution of dog parks in the District. She pointed out that it is important for residents and dog owners to be able to walk to their neighborhood dog park, and not have to travel out of town. Director Jameson concluded that perhaps the Board of Directors and Staff at the appropriate time can seek another location to help extend the number of off-leash dog parks in the District. She also referred to the how much the residents and dog owners enjoy the Earl Warren dog park. She concluded that the off-leash dog area, Phase XI, is a good start and, as a Park and Recreation District, it is the District's job to fulfill that need, and she remained hopeful.

**EDEN GREENWAY
LINEAR PARK -
PHASE XI**

(Continued)

Board of Directors
Response and
Comments -
Director Andrade -
Support for Eden
Greenway Linear
Park – Phase XI
Off-Leash Dog Area

Director Andrade also referred to the Eden Green Linear Park – Phase XI, recommended by the Citizens Advisory Committee, which he pointed out will be a neighborhood and not a regional park, and one which will be open to everyone, but will be used largely by the neighborhood residents. He said that the aforementioned site has great potential if it is developed properly. He encouraged Staff to work with the Southgate Homeowners Association and requested the support of the homeowners. He added that the off-leash dog area would prove to be successful if everyone can work together. Director Andrade referred to interest expressed for another dog park should funding be identified, and the importance of weighing and exploring all pros and cons for future dog park sites. Director Andrade expressed his support for the off-leash dog area at the Eden Greenway Linear Park – Phase XI, which he said the District will develop with input from the community, and with funds available.

Director Hodges -
Addressed the
Need for More
Dog Parks;
B.O.D. Dog Park
Ad Hoc Committee

Director Hodges referred to comments from members of the audience and the need for more than one dog park, three rather than one, and to not impact any one area. He said that any dog park that goes in should take into consideration the comfort of dog owners and include benches and shade. He referred to the Board of Directors Dog Park Ad Hoc Committee and the residents' desire to have a dog park at Gansberger Park, which he suggested the Ad Hoc Committee look into. Director Hodges said that many possibilities exist to develop more dog parks in the District. He concluded that before his vote on the aforementioned off-leash dog area, he would like to ensure that another dog park would open within a year.

Director Waespi said that the Board's Dog Park Ad Hoc Committee would continue to explore and address the subject of additional dog parks in the District, should funds become available.

Motion Carried to
Approve Eden Greenway
Linear Park – Phase XI
Off-Leash Dog Area

With no further discussion and comments, it was moved by Director Jameson, second by Director Andrade, and carried to approve the Eden Greenway Linear Park – Phase XI as the location for the off-leash dog area, as recommended by the Hayward Area Recreation and Park District's Citizens Advisory Committee. (Ayes: Andrade, Jameson, Pereira, Waespi; Abstain: Hodges).

President Waespi -
Closing Remarks

President Waespi thanked members of the audience for their attendance and for their comments. President Waespi said that the Board and Staff listens to concerns of the residents and endeavors to provide good quality parks District-wide. He said that as the District proceeds with design and development of the off-leash dog area, Staff will work with the community to address concerns and make the off-leash dog area a great asset for the neighborhood and for the District. For information of the audience, he said that the Dog Park

**EDEN GREENWAY
LINEAR PARK -
PHASE XI**

(Continued)

Recess -
8:21 p.m.

Ad Hoc Committee meetings are open to the public, should anyone be interested to attend.

Following comments and Board of Directors' action on the off-leash dog area at Eden Greenway Linear Park – Phase XI, the Board of Directors took a short recess at 8:21 p.m. and reconvened their meeting at 8:25 p.m.

**HAYWARD SHORELINE
PROPERTY**

Levee Repair -
Presentation of
Staff Report -
Contract for the
Levee Repair
Awarded on
11/8/10

Damage to Tidal
Gate Structure from
2005/2006 Storms

Change Order
No. 1

Staff Comments
On Possible Use of
District-Wide Park
Dedication In-lieu
Fees

On Monday, November 8, 2010, the Board of Directors awarded the contract for the levee repair at the Hayward Shoreline Property to Stevens Creek Quarry, Inc. of Cupertino in the amount of \$392,622. Staff reported that during the course of the work, it was determined that additional work was required to repair the tidal gate structure at the Triangle Marsh that sustained damage during the 2005/2006 storms. In addition, vandalism and theft, and dry rot recently discovered caused failure of the tidal gate structure. Therefore, additional work must be performed to rebuild the tidal gate and the land bridge. Work will include demolition of the damaged materials, excavation within the levee road to expose the culverts, and replacement of materials, new timber and placement of rip rap rock on the levee. The cost of the additional work is \$56,700, bringing the new contract amount for the levee repair at the Hayward Shoreline to \$449,322. Staff estimate for the project was \$470,000. Funds are available from FEMA/Cal –EMA (\$355,000), San Francisco Airport Mitigation Fund (\$58,000) and In-Lieu Park Dedication Fees (\$57,000). Staff requested approval of Change Order No. 1 in the amount of \$56,700 for the levee repair at the Hayward Shoreline Property.

Staff reported that although funds for repair of the levee are forthcoming from FEMA and the San Francisco Airport Mitigation Fund, Staff referred to the likelihood of FEMA and the Airport not approving repairs that were not specifically damaged by the storm, in which case Staff would recommend use of District-wide Park Dedication In-lieu Fees. Staff said that they would be happy to seek the Board's approval should additional work be required.

Following comments, it was moved by Director Andrade, second by Director Hodges, and unanimously carried to adopt the following:

R-1112-47
Approval of
Change Order
No. 1

Resolution No. R-1112-47, approving
Change Order No. 1 in the amount of
\$56,700 for repair of the levee at the
Hayward Shoreline property.

Security of
Tidal Gate
Structure

The Board of Directors directed Staff to take all steps necessary to build and secure the tidal gate structure to deter vandalism and criminal activity, which are becoming prevalent. Staff responded

**HAYWARD SHORELINE
PROPERTY**
(Continued)

that they will continue to work with the Bay Conservation and Development Commission (BCDC) on the current requirements for the design, and pursue the permit process with Alameda County for placement of rip rap rock on the levee, all in an effort to secure and make access to the area more difficult.

**CLAIM FOR PERSONAL
PROPERTY DAMAGE**

Mr. Kuldip Singh -
Claimant

The District has received a claim from Mr. Kuldip Singh regarding alleged property damage sustained to Mr. Singh's vehicle on December 1, 2011. The claim alleges that Mr. Singh's vehicle, while parked on the corner of Tennyson Road and Huntwood Road by Tennyson Park, was hit by a large tree branch and sustained damage to the windshield of the vehicle. The amount of the claim is \$908.00.

Staff recommended that the Board of Directors reject this claim under the provisions of Government Code Section 912.6, and that Staff be directed to notify Claimant, District Legal Counsel, and Insurance Broker.

It was moved by Director Pereira, second by Director Jameson and unanimously carried to adopt the following:

Motion Carried
To Reject
Claim

Motion carried to reject the claim under the provisions of Government Code Section 912.6, and directed Staff to notify claimant, District Legal Counsel and Insurance Broker.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Fiscal Year
2012/2013
Budget Schedule

Finance: Staff said that the District must begin preparing the fiscal year 2012/2013 Budget for submission to the Alameda County Board of Supervisors not later than August 10, 2012.

Presentation of
Budget Preparation,
Review and Adoption
Schedule

Staff referred to the Budget Preparation, Review and Adoption Schedule for fiscal year 2012/2013 that reflected proposed sequential steps and corresponding completion dates of the 2012/2013 fiscal year budget. Staff referred to the due dates leading to completion of the Fiscal Year 2012/2013 Proposed Budget and the Board of Directors Budget Work Sessions scheduled on April 9th and April 23rd, adoption of the Hayward Area Recreation and Park District's Preliminary Budget at the Board of Directors' meeting on May 14th and a public hearing and adoption of the District's fiscal year 2012/2013 budget by the Board of Directors in their meeting on Monday, July 23, 2012. Staff requested adoption of the Budget Schedule to be used in the preparation of the fiscal year 2012/2013 budget.

Public Hearing and
Adoption of Fiscal
Year 2012/2013
Budget

It was moved by Director Hodges, second by Director Pereira, and unanimously carried to adopt the following:

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**
(Continued)

Adoption of
Budget Schedule

Motion carried to adopt the Preparation, Review and Adoption Schedule of the Hayward Area Recreation and Park District’s Fiscal Year 2012/2013 Budget reflecting sequential steps and corresponding completion dates.

Property Tax
Revenue -
FY2011/2012

During brief comments on indication, if any, on revenue generated by the District from property tax, Staff reported that they hope to receive a final estimate from Alameda County in February or March for the current fiscal year, 2011/2012. Staff said that they would be happy to include that information to the Board in the weekly General Manager’s Report.

Request for
Refund of
Overpayment
Of Measure Q
Parcel Tax -
Mr. Ghulam Rabani,
Claimant

On Thursday, December 8, 2011 the District received an email correspondence from Mr. Ghulam Rabani regarding his commercial property located at 3760 Depot Road in Hayward, claiming that a recent appraisal uncovered an error that has resulted in an overpayment of the Measure Q parcel tax passed by the voters in 1997. Staff reported that under Measure Q, commercial properties are assessed at the equivalent of seven (7) residential units per acre. Mr. Rabani’s property was incorrectly entered into the Alameda County database as being 25 acres rather than 2.5 acres, which was confirmed by District Staff, and the error corrected for the current tax year.

Claim Reviewed by
District’s Legal
Counsel and Refund
Of Property Taxes
Per CA Revenue
And Taxation Code

For the Board’s information, Staff further reported Mr. Rabani acquired the property in February 1999, and requested a refund overpaid since that time, a total of \$55,603.28, plus interest. Since Mr. Rabani’s claim is the first the District has so far received, Staff contacted Legal Counsel for an opinion. Legal Counsel determined that Section 5097 of the California Revenue and Taxation Code provides that a verified claim for refund of property taxes must be made within four (4) years after making the payment sought to be refunded, and further that Section 4801 provides that the term “taxes” includes assessments collected at the same time and in the same manner as County taxes. Payment of interest is required under Section 5151 at the greater of three percent per annum or the County pool apportioned rate. Even though Mr. Rabani’s email was not in and of itself a verified claim, due to the nature of the request, and the fact that the District was able to confirm the error, Legal Counsel recommended that the District treat the email as a verified claim for the purpose of processing the refund.

Overpayments Made
Between 12/8/07 and
12/8/11 – Total of
\$15,732.71 Plus
3% Interest

Staff recommended that the Board of Directors authorize Staff to process a refund for overpayments made for the Measure Q Parcel Tax between December 8, 2007 and December 8, 2011 (each

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**
(Continued)

Grand Total of
Refund - \$16,731.16

overpayment in the amount of \$2,247.53), for a total of \$15,732.71, plus 3% interest in the amount of \$998.45, making the grand total due under the California Revenue and Taxation Code in the amount of \$16,732.26, to Mr. Ghulam Rabani’s property located at 3760 Depot Road, Hayward. Funds are available in the District’s Contingency Reserve.

It was moved by Director Andrade, second by Director Hodges, and unanimously carried to adopt the following:

Authorization
To Expend
Funds -
\$16,731.16

Authorization to expend funds in the amount of \$16,731.16, being the total amount of the refund due to Mr. Ghulam Rabani, for overpayment of the Measure Q Parcel tax, plus 3% interest, on the property located at 3760 Depot Road, Hayward, between December 8, 2007 and December 8, 2011.

Annual H.A.R.D.
Board of Directors’
Awards – 2011

President’s Report: In 1962, the Board of Directors established an Annual Board of Directors Awards policy to recognize individuals and organizations that, on a voluntary basis, assist the District in its mission to provide high quality leisure facilities and programs to its residents.

Awards Committee
Meeting -
12/16/11

On December 16, 2011, the Board of Directors Awards Committee composed of Directors Hodges and Pereira, and Staff members, Kerrilyn Ely and John Gouveia, reviewed the nominations received for 2011. As always, the group of nominees was strong, but after some debate the Committee selected the following recipients for 2011:

2011 Individual
Awards Recipient -
Ms. Donna Fitzwater -
Honored *Posthumously*

Staff was very pleased to announce that the winner of the **Individual Award** recipient was **Donna Fitzwater**, who was being honored *posthumously* for her outstanding efforts to make Hayward and the surrounding area a better place through volunteerism. In 1996 the Hayward Area Recreation and Park District, the Hayward Unified School District and the City of Hayward collaborated to form Volunteer Hayward, and selected Donna Fitzwater to be the first, and so far the only, Volunteer Hayward Coordinator. Donna Fitzwater took on this new and challenging position with relish and made it what it is today. The list of accomplishments is extensive and includes the Youth Enrichment Program, Adopt-A-Family, Annual Coat Drive, Stuff the Bus, Kaboom! Playground Build, Prom Possible, Week of Caring, Hayward Clean-Up and Celebrity Waiters and Readers at schools and senior centers, among others. Donna’s efforts were always focused on those with the greatest need, including at-risk children, low income families and seniors. One of the most special things about Donna Fitzwater was that she truly

Role, Dedication,
Hard Work and
Support of Hayward
Volunteer Coordinator
Since 1996

Presentation of Staff
Report and Highlights
Of Extensive
Accomplishments

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**
(Continued)

2011 B.O.D.
Awards -
Continued

loved her job and loved helping others even more. Our community and those touched by her, who number in the thousands, are fortunate to have had Donna Fitzwater’s heart, hard work and dedication for the past 15 years.

The late Donna Fitzwater was nominated by Recreation Supervisor Daniela Keiffer.

Organization Award
Recipient -
Cherryland Community
Association -
Twentieth Year of
Existence

Staff was pleased to announce that the **Cherryland Community Association** was selected winner of the 2011 Organization Award. The Association, which is celebrating its twentieth year of existence, is comprised of members of the community and is open to all Cherryland residents, plus property owners, business owners and employees. The Association works for the betterment of Cherryland through neighborhood cleanup and beautification; works with Alameda County agencies and Supervisors to improve the Cherryland community; conducts public informational meetings and community events such as the Easter Egg Hunt at Meek Park; partners with the Historical Society on Fourth of July and Days of the Dead celebrations, and the Ashland-Cherryland Garden and Arts Network. During a twenty-year period, the Association members have advocated and fought for community projects like landscape enhancements, park improvements, tree planting and improved streetscape. In 2010 the Redevelopment Agency finished a sidewalk improvement project that was supported and lobbied for by the Association. The Cherryland Community Association’s partnerships include Alameda County, Hayward Area Historical Society, Seven Step Foundation, H.A.R.D., among many other groups. Their latest partnership was spearheaded by Susan Beck, Chair, in the creation of community gardens and garden networks to grow and distribute healthy foods and vegetables and create local jobs.

Association Works
For Betterment of
Cherryland Community;
Community Events,
And Partnerships
In Alameda County

The Cherryland Community Association was nominated by Recreation Superintendent Kerrilyn Ely.

Recognition Luncheon
For Award Recipients
On Friday, 1/27/12

In closing, Staff extended congratulations and announced that the Award winners will be recognized by the Board of Directors at a catered luncheon at the Mt. Eden Mansion on Friday, January 27, 2012 at 12:00 Noon.

Comments -
President Waespi

President Waespi extended thanks to the Board of Directors’ Awards Committee for serving on the Committee, and for their excellent choices for the 2011 Awards.

Appointment of
Board of Directors’
Standing and Ad Hoc
Committees – 2012

On Monday, December 12, 2011, the Board of Directors reorganized itself by electing Directors to the offices of President, Vice-President and Secretary. President Waespi recommended that the following Standing Committees be established: Finance – Paul W. Hodges, Jr.,

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**
(Continued)

Capital Outlay Committee – Carol A. Pereira; Personnel Committee – Minane Jameson; Program, Policy and Public Relations Committee – Louis M. Andrade, and Golf Operations Committee – Minane Jameson.

Minor Changes to
2012 Standing and
Ad Hoc Committees

Director Waespi also recommended the addition of Director Andrade to the Golf Operations Standing Committee, and changes to the Board of Directors Ad Hoc Committees that reflected the elimination of Committees no longer needed (Meek Estate and Park Standards Committee), and the formation of new Ad Hoc Committees (Dog Park and Castro Valley Veterans Memorial). The Board of Directors’ Standing and Ad Hoc Committees attached hereto will be effective immediately.

Board of Directors
Meeting Dates -
Calendar Year 2012
And Adoption of
Resolution

Staff reported that District Legal Counsel has advised that it would be prudent for the Board of Directors to adopt a Resolution at the beginning of each calendar year announcing the dates and times of its regularly scheduled meetings. Staff noted that adoption of the schedule would not preclude the Board from calling Emergency or Special Meetings as provided for in the Board of Directors Bylaws, nor would it prevent the date and time of any regular meeting from being adjusted to meet the needs of the District, as long as they are posted in accordance with the Brown Act. Regular meeting dates of the Board are the 2nd and 4th Monday of each month. Staff recommended that the Board of Directors adopt a Resolution establishing the meeting dates and times for calendar year 2012, attached hereto.

It was moved by Director Pereira, second by Director Andrade, and unanimously carried to adopt the following:

R-1112-48
H.A.R.D
Board Meeting
Dates for Calendar
Year 2011

Resolution No. R-1112-48, establishing the dates of the regular Board of Directors’ Meeting of the Hayward Area Recreation and Park District during 2012, to be held on the second and fourth Monday of the month at 7:00 p.m.

Reappointment of
H.A.R.D. Citizens
Advisory Committee
Members

Staff reported that the two-year term of office of Ms. Kathy Gil, Mrs. Betty Moose, Mr. Arthur Wyder, Mrs. Deborah McHenry and Mr. Darryl Gray expired on December 21, 2011. In accordance with Article IV, Section 4, of the Committee’s By-Laws, all members are eligible for re-appointment. Staff reported that Ms. Kathy Gil, Mrs. Betty Moose and Mr. Arthur Wyder, have indicated an interested in serving an additional one-year term, while Mrs. McHenry has declined reappointment due to scheduling conflicts and no response from Mr. Darryl Gray. Staff said that they would continue to contact Mr. Gray for a response on his re-appointment.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**
(Continued)

One-Year
Re-appointments -
January 2012 to
December 31, 2012

Staff recommended the reappointment for Ms. Kathy Gil, Mrs. Betty Moose and Mr. Arthur Wyder to serve an additional one-year term on the Hayward Area Recreation and Park District's Citizens Advisory Committee beginning January 2012, and ending December 2012. Staff also reported that the Citizens Advisory Committee has been working on a review of the Committee's By-Laws, and the selection of an Off-Leash Dog Park in Hayward that Mrs. Judith Radousky has been instrumental in working on. Staff recommended the reappointment of Mrs. Radousky for an additional one-year, to expire on December 31, 2012, to allow those projects to be completed.

Staff Comments on
Four (4) Current
C.A.C. Vacancies

On the subject of current vacancies that exist on the District's Citizens Advisory Committee, Staff reported that the vacancies total four (4), and are open to interested applicants from the various geographical areas of the District. Staff concluded that recommendations for new appointments on the H.A.R.D. Citizens Advisory Committee will be brought to the Board at a future meeting.

President Waespi -
Extended
Congratulations to
Re-Appointed
C.A.C. Members
And Thanked
C.A.C. for their
Contribution

President Waespi extended the Board of Directors congratulations to the re-appointed members of the Hayward Area Recreation and Park District's Citizens Advisory Committee and thanked the Committee for their hard work and valuable contribution and for bringing matters to the attention of the Board of Directors. He said that he looked forward to working with the Committee in the future on bigger projects. Director Jameson also thanked the Committee for their great support and contribution in many areas, some of which have been controversial, such as the Eden Greenway Linear Park – XI off-leash dog park. Board Members thanked Mrs. Betty Moose, re-appointed C.A.C. Committee Member for her attendance at the meeting.

Comments -
Mrs. Betty Moose,
Re-Appointed
C.A.C. Members

Mrs. Betty Moose referred to the off-leash dog park approved by the Board of Directors on this date per the recommendation of the Citizens Advisory Committee and thanked the Board for their ongoing support, and for their outreach into the communities, which she pointed out, is the Board's number one priority.

Director Andrade -
Prospective
Candidates for
H.A.R.D. Citizens
Advisory Committee

Director Andrade in referring to current vacancies on the H.A.R.D. Citizens Advisory Committee said that members of the audience who were in attendance at the Board Meeting to speak on the off-leash dog area, may be interested to fill the current vacancies on the Citizens Advisory Committee.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Jameson -
Del Rey Park

Director Jameson referred to the sand issue in the playgrounds at Del Rey Park, which she requested be expedited soon. Director Jameson suggested installation of a basketball or volleyball court, rather than three playgrounds at the park site, which she said may not be necessary, including more frequent Park Ranger patrols to Del Rey Park. Staff responded that Del Rey Park will be a part of the 2012/2013 fiscal year budget process for capital projects.

Director Andrade -
Dog Park Ad Hoc
Committee and
Eden Greenway Linear
Park – Phase VIII

Director Andrade referred to the Dog Park Ad Hoc Committee appointed on this date and briefly referred to discussion earlier in the meeting about a dog park at the Eden Greenway Linear Park – Phase VIII. He requested that the Ad Hoc Committee work with Staff and the community to further discuss the idea as the site has potential and would be put to good use by dog-owners and enjoyed by the community.

Next B.O.D. Mtg.;
1/23/12; 7:00 p.m.

The next meeting of the Board of Directors will be held on Monday, January 23, 2012 at 7:00 p.m.

ADJOURNMENT

There being no further business to discuss, President Waespi adjourned the Board Meeting at 9:03 p.m.

CAROL A. PEREIRA, Secretary
Board of Directors