



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

March 9, 2009

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by President Carol A. Pereira at 7:00 p.m. on Monday, March 9, 2009 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

BOARD OF DIRECTORS' WORK SESSION

5-Year Strategic Plan

President Pereira announced that the Board of Directors attended a Work Session at 5:30 p.m. to review the Hayward Area Recreation and Park District's Five-Year Strategic Plan (2009-2013), prepared by BHI Management Consultants of Tracy, California.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

Staff: Shue, Silva, Gouveia, Lepore, Maharaj

PUBLIC COMMENTS

Items Not
Appearing on
Regular Agenda

President Pereira invited members seated in the audience to address the Board of Directors under Public Comments, if they so wished, on items not appearing on the Agenda. She reminded everyone that the law prohibits the Board of Directors from discussing or taking action at the meeting on items not on the Agenda.

Ms. Marlene Massetti
Addresses B.O.D.
About the Expansion
Of the Summer Day
Camp Hours
(X-Camps), at
East Avenue Park
In 2009

Decision Made in
October 2008 and
Residents Not
Notified

Ms. Marlene Massetti, 3248 East Avenue, Hayward, presented to the Board of Directors a letter signed by 25 residents of East Avenue, Ridgeview Terrace and Paul Court in Hayward, about the expansion of the summer day camps at East Avenue Park and the adverse impact on their neighborhood including traffic, noise, parking, and fire safety issues. Ms. Massetti stated that the Board of Directors promised residents that they would be informed in advance of any proposed changes at East Avenue Park, including the summer camp programs, which she claimed has not happened, and their pleas ignored. As stated in their letter, Ms. Massetti said that on February 26, 2009 the residents found out that the camp hours were being extended an additional 4.5 hours per day; more specifically, a pilot project, X-Camps, to be held from 7:30 a.m. to 9:00 a.m., and 3:00 p.m. to 6:00 p.m., a decision made by the District in October 2008. She pointed out that not one resident of the neighborhood was informed about that decision, nor any input solicited from the neighbors, until receipt of a March 3, 2009 letter from the District,

PUBLIC COMMENTS

(Continued)

Residents of East Avenue, Ridgeview Terrace and Paul Court Adversely Impacted - Request Withdrawal of X-Camps

which she said originated after the residents voiced their objection and said that they would bring the matter to the attention of the Board. She pointed out that the camp enrollment has reached an all-time high. She referred to the evening potlucks, the summer movie night in 2008, and continuation of the sleepover night activities until 12:00 a.m. Ms. Massetti reiterated that the residents of East Avenue, Ridgeview Terrace and Paul Court continue to be adversely impacted and requested that the District reinstate the original summer day camp hours from 9:00 a.m. to 3:00 p.m., and that the Board of Directors adhere to the promises that were made to the neighbors and, finally, that the 4.5 hour extended day camp program be withdrawn as the District failed to seek input from the neighbors.

Ms. Diane Cranor Addresses Fire Danger

Ms. Diane Cranor, 25909 Clausen Court, Hayward, expressed her concerns about the campfire during the sleepovers. She stated that in view of the drought and the current water restriction, the campfire should not be allowed, as it poses threat of a major fire, thereby endangering the almost 50 residents and homes on Ridgeview Terrace, who will not be able to get in and out. She concluded that it is important for the camp program staff and participants to only use the barbecue pits for fire, and nothing else in the trails.

Ms. Peggy Lodes, Input from Residents On Changes Around East Avenue Park - No Feedback Solicited From Residents

Ms. Peggy Lodes, 3264 East Avenue, Hayward, stated that the residents of the East Avenue Park neighborhood, who are the constituents of the District Board of Directors also, maintained a good relationship with the Board, especially with regard to any changes around East Avenue Park. She said that the promise made by the Board to work together with the residents has gone by the wayside.

Public Comments closed at 7:17 p.m.

H.A.R.D. Summer Day Camp Program At East Avenue Park Referred to B.O.D. Committee for Review with Staff And Residents

At the conclusion of Public Comments and, at the request of Director Andrade, President Pereira referred the subject of the Summer Day Camp Program at East Avenue Park to the Board of Directors' Program, Policy and Public Relations Standing Committee to meet with Staff and the East Avenue residents to review the various concerns and issues outlined by the speakers, and addressed by the residents in their letter dated March 6, 2009, presented to the Board on this date.

CONSENT CALENDAR

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, February 23, 2009 at 7:00 p.m.

CONSENT CALENDAR

Finance

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

R-0809-71

Personnel

Adoption of Resolution No. R-0809-71, authorizing appointments and the separation of Hourly Employees.

**CASTRO VALLEY
COMMUNITY PARK**

Installation of
Water Recycling
System -- Four
Bids Received on
March 5, 2009

Staff reported that four (4) bids were received and opened at 1:30 p.m. on March 5, 2009 for installation of a water recycling system at Castro Valley Community Park. Bids ranged from a low of \$231,120 to a high of \$315,777. The low bid in the amount of \$231,120 was submitted by M.A.K. Associates of Sunnyvale, which was \$16,120 over Staff estimate.

System Similar to
One Installed at
The Newly Opened
Cannery Park

The project includes the installation of a complete water recycling system similar to the system installed at Cannery Park. The system would recycle and will continually treat the water chemically, in addition to an ultraviolet light system. Staff estimate for the project was \$215,000. Funds are available in the District's Capital Outlay Account for fiscal year 2008/2009. Staff recommended acceptance of the low qualified bid and award of contract contingent upon receiving Performance and Payment Bonds, if the necessary documents are in order.

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

R-0809-72
Award of
Contract

Resolution No. R-0809-72, awarding the contract for installation of the contract for the water recycling system at Castro Valley Community Park to M.A.K. Associates, Inc., 1175 Willow Avenue, Sunnyvale, California, in accordance with the terms of the bid submitted by said contractor.

Reference to
Contractors that
Did Not Submit a
Bid

Director Jameson referred to the remaining eight (8) contractors who picked up plans and specifications, but did not submit a bid. Staff responded that two bidders showed up at the District Office after the 1:30 p.m. bid-opening deadline, which was clearly stated in the bid documents. Staff also noted that Deets Electric of Castro Valley was listed as M.A.K. Associates, Inc.'s electrical sub-contractor.

Board and Staff
Comments -
Timeline for
Project Completion

During brief discussion on the timeline for commencement and completion of the project, Staff reported that following receipt of the Performance and Payment Bonds, estimated to take approximately two (2) weeks, Staff would hold a pre-construction meeting with M.A.K. Associates, Inc. and give directions to the contractor to order items for the project, estimated to be delivered within a six-week

**CASTRO VALLEY
COMMUNITY PARK**
(Continued)

period, with actual commencement of the project in late April and the re-opening of the Castro Valley Community water park tentatively scheduled towards the end of May 2009.

**MISSION HILLS OF
HAYWARD GOLF
COURSE**

Resurfacing of the
Parking Lot --
Scope of Project,
Estimate and
Funding

Staff reported that the parking lot in front of the Mission Hills of Hayward Golf Course building was originally constructed in 1999 and is in need of resurfacing as the original asphalt has deteriorated and sustained damage during construction of the Mission Hills of Hayward Driving Range. The scope of work includes grinding, replacing areas of asphalt, and overlaying the entire parking lot with Petromat overlay, which Staff said is cost effective and will provide a good asphalt surface. Staff estimate for the project was \$95,000. Funds are available in the Repair and Maintenance Account of the Golf Department for fiscal year 2008/2009.

Staff requested approval of specifications and requested authorization to advertise for bids for the resurfacing of the parking lot at Mission Hills of Hayward Golf Course with bids to be opened at 1:30 p.m. on Thursday, April 9, 2009.

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

R-0809-73
Approval of
Specifications
And Call for Bids -
1:30 p.m.,
April 2, 2009

Resolution No. R-0809-73, approving specifications and authorizing Staff to advertise for bids for the resurfacing of the parking lot at Mission Hills of Hayward Golf Course, with bids to be opened at 1:30 p.m. on Thursday, April 2, 2009.

**CLAIM FOR
PERSONAL INJURY**

Application for
Leave to Present
Late Claim -
Staff Report

The District received an Application for Leave to Present Late Claim from the law offices of William L. Schott representing Mr. Gibran Morales regarding alleged personal injury sustained by Mr. Morales on August 7, 2008 for which a claim was not submitted to the defendant within the six-month period. Staff recommended that the Board of Directors reject the Leave to Present Late Claim under the provisions of Government Code Section 912.6, and directed Staff to notify Claimant, District Legal Counsel, and Insurance Broker. Staff noted that in accordance with the recommendation of the Legal Counsel, it is necessary for the Board of Directors to review and formalize the rejection of the late claim submitted.

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

Motion to Reject
Claim

Motion carried to reject the Leave to present Late Claim submitted under the

CLAIM FOR PERSONAL INJURY (Continued)

provisions of Government Code Section 912.6, and directed Staff to notify claimant, District Legal Counsel and Insurance Broker.

RECREATION DEPT.

Nine (9) Bids Submitted

Staff reported nine (9) bids were received and opened at 1:30 p.m. on Thursday, February 26, 2009 to print 98,500 each of the District's quarterly Recreation Guide and Facility Directory beginning in summer 2009 and ending in spring 2012 (12 separate brochures). Staff reported that in addition to the Base Bid, the bid specifications called for an Alternate Bid for the addition of a four-page glossy wrap. Staff estimate to print 98,500 copies of twelve (12) separate 64-page brochures, and prepare 94,794 for mailing via the Greater Hayward Area Recreation and Park Foundation's bulk rate, was \$186,000. Funds are available in the Advertising District Resources Account of the Recreation Department.

Multi-Year Printing and Preparation for Mailing Brochure

Twelve (12) Separate 64-Page Brochures

The Guide, which will be 64 pages, printed mini-magazine style, saddle bound by wire, trimmed to a finish size of 6.125 inches x 10.75 inches, with 48 pages on 32-lb Hilbrite, 72 Brite recycled newsprint or equivalent, black ink + 1 PMS spot ink, and a 16-page outside wrap on 40-lb E-star pro brite or equivalent, which is the current format, was a high bid in the amount of \$291,567.60, submitted by ebco Print and Promotions of San Ramon. The low bid in the amount of \$139,992.00 for the current format was submitted by Fricke-Parks Press of Union City, which was \$46,008 under Staff estimate.

Current Format To be Retained

Bids for Alternate 1

For Alternate 1, Staff reported the high bid in the amount of \$293,004.00 for 64 pages, plus a 4-page, 4-color process, 70-lb gloss wrap for a total of 68 total pages, was submitted by Consolidated Printers, Inc. The low bid in the amount of \$2,506.67 was submitted by Alonzo Printing Company, Inc. of Hayward.

Low Bid Submitted By Fricke-Parks Press of Union City, California

Staff recommended acceptance of the low bid and award the contract for the printing and the distribution of the quarterly Recreation Guide and Facility Directory beginning summer 2009 through Spring 2012 (12 issues) to Fricke-Parks Press of Union City in the amount of \$139,992.00.

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

R-0809-74 Award of Contract

Resolution No. R-0809-74, awarding contract to Fricke-Parks Press, 33250 Transit Avenue, Union City, to print and prepare for mailing the Summer 2009 through spring 2012 Recreation Guide and Facility Directory of the

RECREATION DEPT.
(Continued)

Hayward Area Recreation and Park District, twelve (12) separate brochures, in accordance with the terms of the bid submitted.

Printing with Recycled Material And Products to be Reflected in Brochure, And Discount Coupon

Director Waespi suggested that it would be prudent to include in the brochure that it is printed with recycled material and products. Director Jameson suggested a discount coupon be included should space in the brochure allow that. Staff responded that they would be happy to review the suggestion further for golf and recreation programs, as in the past.

BOARD OF DIRECTORS' COMMITTEE REPORTS

Regulations Governing Use Of Parks, Recreation Areas And Facilities - Amendment of H.A.R.D's Regulations Ordinance - Presentation of Staff Report

Program, Policy and Public Relations: Staff reported that in an effort to further improve the safety, health and general welfare of the park and recreation patrons, Staff, with public input, has been working to amend the District's Regulations Ordinance. As required by State Law, prior to adoption of the Amended Ordinance by the Board of Directors, the Hayward Area Recreation and Park District must advertise the summary of the Regulations Ordinance Amendment, (Attachment "A") in the legal section of the newspaper. Staff stated that the District Legal Counsel reviewed the Amended Ordinance, a copy of which was sent to the Board for their review.

Staff Outlines Procedure for Introduction

Staff stated that introduction of the Ordinance can occur by reading the title of the Ordinance. Moreover, all Ordinances shall be read in full either at the time of introduction or at the time of passage, *except when, after reading the title, further reading of the Amended Ordinance (Number 001-02) in its entirety is waived by regular motion adopted by a majority vote.* Staff requested that the Board of Directors, by motion, should they desire, can authorize Staff to read only the title of the *Amended* Ordinance and waive formal reading of the entire Ordinance.

Motion Carried to Waive Formal Reading of Ordinance No. 001-02.

Following Staff's introductory report, it was moved by Director Hodges, second by Director Jameson, and unanimously carried to authorize Staff to read the titles only and waive formal reading of the entire Ordinance No. 001-02.

Summary of The Amendments To the Ordinance Presented

A summary of the amendments to the Ordinance, as presented and outlined by Staff following the Board of Directors' motion to waive formal reading of the entire Ordinance, is attached hereto and made a part of the Minutes of the Board of Directors meeting on this date and will be published in the legal section of the newspaper as required by State law, prior to adoption of the Ordinance by the Board of Directors.

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

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

(Continued)

R-0809-75
Publication of
Regulation
Amendment
Ordinance
Summary

Resolution No. R-0809-75, authorizing Staff to advertise the Regulation Amendment Ordinance Summary of the Hayward Area Recreation and Park District's Regulation Handbook prior to adoption of the Ordinance by the Board of Directors in their meeting on Monday, March 23, 2009.

Section 16(b) -
Smoking
Amendment

For the information of the Board, Staff reported that Section 16(b), which reads -- *Prohibits smoking of any substance in all District parks and facilities including buildings, athletic fields and parking lots. Smoking may be allowed within a designated area at Rowell Ranch with a prior written permit. Smoking is also prohibited in any vehicle owned, leased or operated by the District*, will be publicized and advertised in the brochure so that the public knows ahead of time. Staff noted that the Rowell Ranch Rodeo Association will include and publicize the Hayward Area Recreation and Park District's Smoking Ordinance at Rowell Ranch Rodeo Park in their publicity material and programs for the rodeo.

Publicity of
Smoking
Ordinance

Mr. Paul Cummins,
Public Health Dept.,
Alameda County

Mr. Paul Cummings, Alameda County Public Health Department, 1000 Broadway, Oakland, California, referred to Section 16(b) on the Smoking Ordinance. He thanked the Board of Directors and Staff for their time, effort and leadership, and for moving forward on the no smoking issue, and for enforcing the District's Smoking Ordinance.

Ms. Andrea Dodge,
Buck Tobacco
Sponsorship
Project, Oakland

Ms. Andrea Dodge, Buck Tobacco Sponsorship Project, 2201 Broadway, Suite 502, Oakland, likewise, thanked the Board of Directors for their due consideration of the Smoking Ordinance, and for the compromise reached. She requested that the District post clear signage where people can and cannot smoke, and that children not be allowed in the designated smoking areas.

Board and Staff
Comments -
Timeframe for
Review of Regulations
Ordinance

During brief discussion on the timeframe for re-visiting the District's Ordinance, Staff responded that the Ordinance was last amended in November 2005. Staff reiterated comments made by Director Hodges that it is more efficient to re-examine issues and significant changes to the Regulations as they come before the Board of Directors, as opposed to reviewing them on an annual basis.

Fees and Charges
For Programs,
Services and
Facilities

Finance: In order to maintain an acceptable level of quality recreation programs, services and facilities, the Board of Director's Finance and Program, Policy and Public Relations Committee Chairpersons, along with Staff, reviewed the District's fees and charges levied for programs, services and facilities. Staff reported that Recreation Supervisors responsible for specialized programs conducted a survey of ten (10) cities and special districts in Alameda

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

Fees and Charges
Survey of Cities
And Special Districts
In Alameda County

and Contra Costa Counties and found the District to be competitive with those agencies and, in some cases, in the higher range of fees. Staff said that while there is a need to increase revenue, it is also important to keep fees and charges affordable and not lose registrants due to their inability to pay. Staff noted that in consideration of that, very few new fees and charges are being recommended. Staff also recommended that fee increases be minimal as new and innovative means of raising revenue continue to be researched and developed by Staff.

Staff Recommends
\$1.00 Inclusion Fee -
New Fee Beginning
Fall 2009 to Respond
To Needs of
Eligible Individuals

Staff recommended a \$1.00 *Inclusion Fee*, which is a new fee this year, be added to selected classes, activities and facility rentals beginning in the fall of 2009, once the application and evaluation process is finalized. Staff added that the *Inclusion Fee* would enable the District to be proactive in responding to needs for reasonable accommodations to allow eligible individuals to participate in programs, events and classes offered by the District, for example, provide a sign language interpreter, if needed; provide a companion to assist a person that may need assistance, or to pay for specialized items to allow participation. Staff reported that another fee increase is a \$1.00 increase for use of fields by local youth groups.

Fees and Charges
Effective
May 1, 2009,
Commencement
Of Summer Programs

The Board of Directors’ Finance and Program, Policy and Public Relations Chairpersons submitted their recommendations for fees and charges for recreation programs, facilities and services for Board of Directors’ consideration, and further recommended that the fee increases be effective May 1, 2009, concurrent with commencement of summer programs, and advertised in the summer brochure.

President Pereira -
Comments on
Inclusion Fee and
More Information
For the Board’s Review
Prior to Approval

President Pereira referred to the new \$1.00 *Inclusion Fee* recommended by Staff and requested that more information be provided to allow the Board of Directors to understand the concept of the fee prior to approval. Staff responded that they would be presenting an *Inclusion Policy* to the Board of Directors for their review and adoption in the future, and would be happy to further explain the *Inclusion Fee* at that time.

Following comments and Staff response to minimal increases in accordance with the guidelines established by the District, and, with no further discussion, it was moved by Director Andrade, second by Director Waespi, and unanimously carried to adopt the following:

Motion
Carried to
Adopt Fees
And Charges

Motion carried to adopt the Hayward Area Recreation and Park District Fees and Charges, to be effective May 1, 2009, concurrent with commencement of the summer programs, with the exception of the \$1.00 *Inclusion Fee*.

BOARD OF DIRECTORS' COMMITTEE REPORTS
(Continued)

Fees and Charges For Skywest Golf Course, Mission Hills Of Hayward Golf Course And Mission Hills of Hayward Driving Range – No Fee Increases - Competitive with Bay Area Golf Courses

In accordance with the guidelines provided by the Board of Directors, the Golf Department Staff completed a review of the current fees charged at Skywest Golf Course, Mission Hills of Hayward Golf Course, and Mission Hills of Hayward Driving Range. Staff reported that a major portion of the review involved conducting a competitive analysis survey of thirteen 18-hole golf courses, eight 9-hole golf courses and six driving range facilities located in the Bay Area, which was presented to the Board for their review.

Staff recommended that the fees at the Hayward Area Recreation and Park District's three golf facilities not be increased, primarily due to the current recession and the golf fees being competitive with other Bay Area golf courses.

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

R-0809-76
Appointment of Recreation Coordinator II - Michael Maine

Resolution No. R-0809-76, appointing Mr. Michael Maine to the position of Recreation Coordinator II, Item No. 1173, Compensation \$4,554/month; \$54,648 annually, effective March 16, 2009.

Staff Introduces Mr. Maine Seated In the Audience

Staff introduced Mr. Maine who was seated in the audience. Staff reported that they interviewed the top seven candidates for the Recreation Coordinator II position from the list provided by the Alameda County Human Resources Department and, following their selection of Mr. Maine, the top candidate, Staff met with the Personnel Committee Chairperson of the Board to review the appointment.

Staff Interview and Selection Process

Staff Outlines Mr. Maine's Experience with District's Youth and Teen Program

Mr. Maine has worked in the Hayward Area Recreation and Park District's Youth and Teen Program for over twelve years, first as a basketball official in the Youth Sports Program. During his tenure with the District, Staff said that Michael Maine has shown tremendous growth and development, which was recognized further in 2007 with his appointment as Coordinator of the Matt Jimenez Community Center, where he has proven himself to be a valuable asset in the District's Youth and Teen Program.

The Board of Directors extended their congratulations and welcomed Mr. Maine as the Youth and Teen Program's new Recreation Coordinator.

REPORT ON BOARD MEMBER ACTIVITIES

Director Waespi referred to the detailed Fees and Charges survey completed by Staff for District programs, services and facilities and extended his gratitude to Staff and the Board of Directors' Committee

**REPORT ON BOARD
MEMBER ACTIVITIES**
(Continued)

2009 California Park
and Recreation
Society Conference -
Santa Clara
Convention
Center -
March 4th to
March 6, 2009 -
Board Member
Comments on
Conference
Educational
Sessions

Next BOD Mtg.,
3/23/09; 7:00 p.m.

ADJOURNMENT

In Memory of
Paul Hodges, Snr.

Chairpersons for their time and effort to review the fees and charges that would become effective in summer 2009.

Director Waespi reported that he and his fellow Board Members (Directors Andrade, Hodges and Jameson) were in attendance at the 2009 California Park and Recreation Society Conference held at the Santa Clara Convention Center, March 4 through March 6, 2009. He reported that the sessions were great, and the conference in general very beneficial, and glad that he had the opportunity to attend.

Director Andrade briefly shared information on the conference sessions that he attended at the California Park and Recreation Society Conference. He referred to the results of a customer survey conducted on community parks, which concluded that parks are a source of pride, identity and an inspiration in their respective communities. He also referred to a session on public safety and park operations, which focused on the revitalization of parks to make them safer and more useful. He suggested that the Board and Staff may wish to visit one of the revitalized parks discussed at the conference.

President Pereira announced the next regular meeting of the Board of Directors will be held on Monday, March 23, 2009 at 7:00 p.m.

There being no further business to discuss, President Pereira adjourned the Board of Directors' meeting at 8:05 p.m. in memory of the late Paul Hodges, Snr., father of Director Paul Hodges, Jr., who passed away on Wednesday, February 25, 2009, following a somewhat lengthy illness.

MINANE JAMESON, Secretary
Board of Directors