



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

July 13, 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 Pereira at 5:30 p.m. on Monday, July 13, 2009 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

BOARD OF DIRECTORS' CLOSED SESSION

President Pereira announced that the Board of Directors would adjourn the meeting to hold a Closed Session scheduled at 5:30 p.m. to meet with designated representatives to discuss the various bargaining units of the Hayward Area Recreation and Park District.

Adjourn to
Closed Session

Closed Session
Followed by Budget
Work Session

The Closed Session was followed by a Board of Directors' Budget Work Session at 6:00 p.m. to review the Hayward Area Recreation and Park District's fiscal year 2009/2010 Preliminary Budget.

Closed Session
Announcement

The Board of Directors reconvened their regular Board Meeting at 7:00 p.m. President Pereira announced that there was no announcement to make from the Closed Session.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson (Absent), Pereira, Waespi

Staff: Shue, Silva, Gouveia, Lepore, Ely, Maharaj

Secretary
Pro-tem

In the absence of Director Jameson, Secretary, who was out of town, President Pereira appointed Director Andrade Secretary Pro-tem.

PUBLIC COMMENTS

Mr. Eric Mills,
Coordinator of
Action for Animals

Shares Information
With Board and Staff
On Rodeos/Events
Held in Conjunction
With Rodeos

Mr. Eric Mills, Coordinator of Action for Animals, P.O. Box 20184, Oakland, passed out information on a variety of topics to the Board of Directors and Staff pertaining to rodeos, comments on goat tying during the rodeo, which he referred to as inhumane and cruel. He requested the Board to watch a goat tying video that he had forwarded to staff. Mr. Mills referred to an article published in the Denver Post on the death of a 12-year old boy in a bull riding accident while he was competing in a rodeo at the Boulder County Fairgrounds, which he pointed out, is child endangerment. He said that he hoped that the Board of Directors would place the aforementioned items, namely the goat-tying event and the participation of children in a rodeo, on a future Agenda and, perhaps,

PUBLIC COMMENTS

(Continued)

Non-Prosecution
Of Flying U Rodeo
Company; Anti-
Smoking Bill & PCA's
Animal Injury Report

banned. Mr. Mills referred to a Letter to the Editor published in the Montclarion and the Contra Costa Times in June 2009 about Cotton Rosser and his Flying U Rodeo Company who was not prosecuted by the Alameda County District Attorney following the 2008 Rowell Ranch Rodeo at which the horses suffered; a historic anti-smoking Bill passed by Congress that would ban tobacco sponsorship of rodeos and sporting events. Last, he referred to a recent animal report released by the Professional Cowboys Association.

CONSENT CALENDAR

It was moved by Director Hodges, second by Director Andrade, and unanimously carried to adopt the Consent Calendar as set forth below. (Absent: Director Jameson.)

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, June 22, 2007 at 7:00 p.m.

Finance

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

R-0910-1
Personnel

Adoption of Resolution No. R-0910-1, authorizing appointments and the separation of Hourly Employees.

SUN GALLERY

Request to
Address the
Board - Rental
For Use of the
Sun Gallery
Building Under a
Lease Agreement

Staff reported that representatives from the Sun Gallery addressed the Board of Directors under Public Comments at the June 22, 2009 Board Meeting and requested to be placed on the Agenda to address the Board of Directors regarding the rental for the Sun Gallery building, which is owned by the Hayward Area Recreation and Park District and operated under a Lease Agreement, originally entered into in 1993 with the Sun Gallery.

Presentation of
Staff Report -
Waiver of Rent
Requested and
Granted for a
Total of 17 Months

For background information of the Board, Staff reported that the Sun Gallery first approached the District in April 2008 to request a waiver of the rent until July 2008 as the Sun Gallery was deeply in debt and needed time to stabilize their finances. After much discussion, the Board waived the rental through December 31, 2008. Subsequently, after meeting with officials with the Sun Gallery regarding their financial situation, the General Manager waived the rent through the end of the Lease Agreement expiring in July 2009, for a grand total of seventeen (17) months. In addition to waving the rent, the District's Park Department provided caretaker and maintenance assistance, which under the terms of the Lease Agreement, are the responsibility of the Sun Gallery.

Caretaker and
Maintenance
Provided by HARD

Lease Renewal
Discussed with
Sun Gallery -
\$265/month

District Staff met with Valerie Caveglia, Sun Gallery's Executive Director, to further discuss the lease renewal. The rent for the period beginning August 1, 2009 through July 31, 2010 as per the original Lease Agreement would be \$265 per month. Ms. Caveglia said that the group would like the District to consider accepting \$150

SUN GALLERY

(Continued)

Extension of Lease -
8/1/09 to 7/31/10
At \$235/month

per month in rent. Staff stated that inasmuch as the District wants to help the Sun Gallery, the District has to consider HARD's financial situation and fairness to other tenants and citizens of allowing one group to receive this benefit. Staff concluded that an offer was extended to the Sun Gallery to renew the Lease for one (1) year beginning August 1, 2009 through July 31, 2010, at the 2007 rate of \$235 a month, which was Staff's recommendation and, additionally, District Staff has offered to continue to assist the efforts of the Sun Gallery when feasible.

Mr. David Steffes -
Addressed B.O.D.
And Outlined
Art Programs
Offered at the
Sun Gallery and
Fundraisers and
Proceeds to Help
Keep the Facility
Open and Staffed
With the Help of
Volunteers

Mr. David Steffes, 24977 Bland Street, Hayward, thanked the Board of Directors for waiving the rent. However, he said that the Sun Gallery continued to have financial problems and was looking at plans to reduce their costs. He outlined major improvements and repairs completed at the facility, which looks better than two years ago, only made possible with money freed up from the rent that was kindly waived by the District. He referred to the invaluable art programs offered at the facility, allowing children to learn art, which he said is disappearing, and hold exhibitions and fundraisers to benefit the Sun Gallery. During brief discussion on their funding sources, Mr. Steffes referred to the generosity, support and proceeds from the Hayward Fire Fighters' fundraisers, funds received from the City of Hayward, income derived from the community and a very modest amount from artists who exhibit their artwork at the Sun Gallery, all of which help to keep the Sun Gallery open and staffed, with the assistance of many hard working volunteers. In conclusion he thanked the Board of Directors and Staff for everything that the Hayward Area Recreation and Park District has done to support the Sun Gallery, which he hoped would continue by working together and said that what the Hayward Area Recreation and Park District is doing on behalf of the community is marvelous.

Commended
H.A.R.D. for
Ongoing Support

Comments -
Director Andrade,
Chairperson of the
Program, Policy and
Public Relations
Standing Committee

Director Andrade, Chairperson of the Board's Program, Policy and Public Relations Committee, stated that rent paid to the District by the Sun Gallery appeared to be the primary issue. He referred to Staff's recommendation of rent in the amount of \$235 per month, and a request from the Sun Gallery to accept \$150 per month in rent, which he pointed out is rather cheap for a facility that the District is subsidizing. Mr. Andrade stated that the Hayward Area Recreation and Park District's art programs are considered to be a model in the community and popular. He referred to the art programs successfully run and operated by the artists and support groups of Adobe Art Center and PhotoCentral, such as Art, Inc. Director Andrade stated that while he is willing to entertain some sort of a rent reduction only for a while, he said that it is important for the Sun Gallery Board to focus on what they want to do and how to best serve the community in the future.

Reference to
PhotoCentral and
Adobe Art Center

SUN GALLERY

(Continued)

Comments -
Director Andrade
Collaboration with
H.A.R.D.

Following comments, Director Andrade reiterated Staff's recommendation for rent in the amount of \$235. Director Andrade said that while the Hayward Area Recreation and Park District Board of Directors is very supportive of art programs in general, they had questions for members of the Sun Gallery Board who were not in attendance at the meeting to explore the possibility of working together with the District, as well as utilizing the District's website and the Recreation Guide that is distributed to 98,000 residents quarterly.

Comments -
Director Hodges

Director Hodges said that he has enjoyed his visits to the Sun Gallery and their Art Shows. Likewise, he referred to the widespread financial hardships of non-profit organizations in the community in general, including the sports leagues that derive their revenue primarily from registration fees.

Motion Carried to
Renew HARD's
Lease Agreement with
The Sun Gallery -
8/1/09 – 7/31/10 at the
Rate of \$235/month

Following remarks from the Board, and with no further discussion, Director Andrade moved, second by Director Waespi, and unanimously carried, to accept Staff's recommendation to renew the Hayward Area Recreation and Park District's Lease Agreement with the Sun Gallery for one (1) year beginning August 1, 2009 through July 31, 2010, at the rate of \$235 a month. (Absent: Director Jameson.)

HOLLAND PARK

Discretionary
Review of the
Holland Park
Development Project -
Review by Legal
Counsels

At the Board of Directors' meeting on June 22, 2009, the discretionary review of the Holland Park development project was pulled from the Agenda to allow the Hayward Area Recreation and Park District and the Alameda County Legal Counsels to review the State Government Code sections that would allow the District to be exempt from discretionary review of the development of Holland Park by the Alameda County Planning Department. The exemption was recommended to facilitate the progress of the project since the Hayward Area Recreation and Park District would approve the project design and plans.

No Ability to
Request an
Exemption and
Alameda County
Planning Dept.
To Process the
Zoning Change

Staff reported that following review of the State Government Codes, District Legal Counsel and Alameda County Legal Counsel agreed that there is no ability to request such an exemption. Further discussion ensued with the Alameda County Planning Department Staff, and it was ascertained that Alameda County would now process the zoning change for the Holland property, which is the best long-range solution for not only the Holland Park development, but also for construction of the Youth Center by Alameda County in the future. Therefore, following resolution of the exemption issue as outlined above, Staff noted that no formal action of the Board was required.

ASHLAND COMM. CENTER

Restroom and Kitchen Upgrades to Comply with ADA Requirements

Authorization to Enter into An Agreement with Gutierrez & Associates

Staff Comments - ADA Upgrades at Hayward Snr. Ctr. Recently Completed

Staff reported that the restrooms and kitchen at the Ashland Community Center, which were originally constructed in 1984 call for renovations and upgrades to comply with the Americans with Disabilities Act (ADA) standards. The renovation would also include automatic doors to the main entrance and the restrooms, and ADA upgrades to the kitchenettes in the classrooms. Funds are available from the Alameda County Community Development Block Grant and Park Dedication In-lieu Fees for fiscal year 2009/2010. Staff said that Staff said that the District has successfully worked with Gutierrez & Associates of Oakland on similar ADA upgrade projects and requested authorization for the General Manager to enter into an agreement with Gutierrez & Associates to prepare plans and specifications for ADA upgrades to the restrooms and the kitchen at Ashland Community Center for an amount not to exceed \$32,000.

Brief discussion ensued on the amount of funding available from each funding source for the Ashland Community Center project that is estimated to cost \$270,000. Staff responded that the cost for preparation of plans and specifications and the contract for the ADA upgrades at the Hayward Senior Center was in the amount of \$240,000. For information of the Board Staff outlined the major ADA components for the Ashland Community Center project that includes upgrading the various fixtures in the restrooms and the kitchen to make them accessible, including the height of the fixtures. Director Andrade stated that while ADA improvements prove to be costly, it is necessary for the District to adhere to the law and meet the standards and the requirements governing ADA.

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

R-0910-2
Entry into Agreement

Resolution No. R-0910-2, authorizing the General Manager to enter into an Agreement with Gutierrez/Associates for an amount not to exceed \$32,000. (Absent: Director Jameson.)

Staff Outlined Components of District-wide Accessibility Study And Transition Plan Adopted by the Board In January 2008

Staff referred to the District-wide Accessibility Study and a Transition Plan accepted by the Board in January 2008 that consisted of a survey of nineteen facilities throughout the District, with recommendations and estimated costs provided by the consultant to comply with the Building and ADA Codes. Staff concluded that the Transition Plan would help guide the District into the future and accomplish the recommendations in the Transition Plan as funds become available.

PUBLIC COMMENTS

Re-Opened – 7:40 p.m.
Ms. Audrey LePell,
Co-Chair, HASPACAC
and President,
Citizens Against
Pollution (CAP)

Salem Communications
Project/Construction
Of Four Radio Towers
On the Hayward
Shoreline – Opposition
To the Project

Mr. Andy Wilson,
Vice-President of
CAP Addressed
B.O.D.

Outlined Environmental
And Visual Impacts
Of the Project

Comments
Director Andrade
Salem Communications
Project a Major Issue
For Hayward - HARD
Needs to Devote Time
And Communicate
With Their Partners
of the Shoreline

Comments
Director Waespi

President Pereira re-opened Public Comments at 7:40 p.m. to allow the following members of the public seated in the audience to make their comments.

Ms. Audrey LePell, 299 Ocie Way, Hayward, addressed the Board of Directors as Co-Chairperson of the Hayward Area Shoreline Planning Agency Citizens Advisory Committee, President of Citizens Against Pollution, and as a citizen of Hayward, regarding the Salem Communications project on the Hayward Shoreline. Ms. LePell read contents of her letter addressed to the Board of Directors about the construction of four radio towers on the City of Hayward property which, she pointed out, is not in the best interest of Hayward as it will create visual pollution, be a hazard to the birds and in a flood control zone, along with twenty reasons being put together by the HASPA Citizens Advisory Committee why this project should not be built, which will be presented to the Hayward City Council on July 21, 2009. She requested that the Board of Directors take action against this plan before the Hayward City Council meeting on July 21, 2009.

Mr. Andy Wilson 31438 Greenbrier Lane, Hayward, and Vice-President of Citizens Against Pollution (CAP), made comments about the Salem Communications project. He stated that it was CAP's understanding that the East Bay Regional Park District has a possible lawsuit if these antennas go in. He added that the Hayward Area Recreation and Park District, as partners of the Hayward Shoreline, join in the lawsuit. He outlined the environmental and visual impacts of the project on the Hayward Shoreline, that would include additional red blinking lights that the Shoreline is not able to handle. Mr. Wilson requested that the Board of Directors has to take a stand, including other agencies, that Hayward does not need more antennas and more power plants, which is inconsistent with the stated purposes of the Shoreline.

Following public comments, Director Andrade stated that the Salem Communications project is a major issue for the Board of Directors of the Hayward Area Recreation and Park District to take action on at this time. He said that if the East Bay Regional Park District (EBRPD) is going to pursue a lawsuit, as indicated, it is important for HARD to communicate with EBRPD. He stated that there is a great deal of information for HARD to absorb by the July 21, 2009 meeting of the Hayward City Council. Director Andrade noted that HARD would be in a better position to make a statement after July 21, 2009.

Director Waespi stated that the construction of the radio towers be placed on the HARD Board of Directors' agenda after July 21, 2009 to allow the Board to discuss issues and take action one way or another, or refer the item to a Board of Directors' Committee.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Following comments, President Pereira referred the item to the Program, Policy and Public Relations Standing Committee Chairperson of the Board for review and a report to the Board.

Board President
Read Letter Received
From A.R.T., Inc. -
Dedication of the
Mini Gallery at the
Adobe Art Center

President's Report: President Pereira read the contents of a letter from Ms. Peggy Harris, President of A.R.T., Inc., requesting the Board of Directors to dedicate the mini-gallery in the foyer of the Adobe Art Center in memory of Joy Gladding and Ernie Gladding. Joy Gladding was a creative artist and fervent supporter of local art exhibitions at the Adobe Art Center, in addition to her extensive involvement in the local art community in many ways for forty (40) years. President Pereira referred A.R.T. Inc's request to the Board of Directors Park Naming Ad Hoc Committee, consisting of Directors Pereira and Waespi, for further review and a recommendation.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Andrade -
Fairmont Terrace
Homeowners'
Association Meeting -
7/8/09 – Current
Condition and
Possible
Improvements

Director Andrade reported that he attended a meeting of the Fairmont Terrace Homeowners' Association on Wednesday, July 8th to discuss the current condition of Fairmont Terrace Park and possible improvements for usefulness of the park, for example, upgrading the turf and irrigation, and allocating funds in the Capital Outlay budget for a more efficient irrigation system that would allow more efficient use of water, which he said appeared to be a reasonable request and ought to be considered. Other suggestions included adding horseshoe pits, re-establishing a full basketball court and the addition of a dog park. He concluded that the residents are aware and understand the financial constraints of the District.

Director Andrade
Refers to Positive
Changes Implemented
At East Avenue Park
For Day Camp Program

Director Andrade was pleased to note that the changes implemented at East Avenue Park for the day camp program to ease traffic congestion, etc. appear to be successful and working well. He noted that a follow-up meeting with the residents will be held at the conclusion of the summer day camp program to receive their input and comments. On the subject of nature camps being offered this summer, Director Andrade extended compliments and thanked the Naturalist Staff of the Wildlife Camp at Sulphur Creek Nature Center for a well-run and enjoyable camp program.

Naturalist Staff
Commended for 2009
Wildlife Camp at SCNC

Director Hodges -
Opening Reception of
PhotoCentral's New
Show – 6/26/09

Director Hodges reported that he attended PhotoCentral's Opening Reception of their new exhibition, *25 Views: A Photographic Journey*, on Friday, June 26, 2009, which he said was well attended, and enjoyable.

Day at the Races -
Fundraiser of the
H.A.R.D. Foundation -
7/1/09 During the
Alameda County Fair

Director Hodges reported that he thoroughly enjoyed the Greater Hayward Area Recreation and Park Foundation's *Day at the Races* on Thursday, July 1, 2009, held in conjunction with the Alameda County Fair, which he said ought to be offered again in 2010. Director Waespi concurred and added that the one-day event ought to be publicized more widely.

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

Free Sunday Concert
At H.A.R.D.'s Memorial
Park

Director Waespi reported that he once again was happy to attend the free summer *Concert in the Park*, held at the Tony Morelli Bandstand in Memorial Park on Sundays at 2:30 p.m. He complimented the District's Memorial Park, which he said is a beautiful park for everyone to enjoy, along with the great entertainment provided by the Hayward Municipal Band at that location.

Castro Valley
Water Park

For the information of the Board, Staff reported that the contractor of the Castro Valley Water Park project is waiting for delivery of the equipment that Staff was informed is in transit, and will be installed upon delivery.

Next BOD Mtg.;
7/27/09; 7:00 p.m.

The next meeting of the Board of Directors will be held on Monday, July 27, 2009 at 7:00 p.m. at the District Administration Office.

ADJOURNMENT

Meeting Adjourned
In Memory of the Late
Keith Boyer, Board
Member, H.A.R.D.
Foundation and
Steve Jespersen,
Retired Recreation
Supervisor of H.A.R.D.

There being no further business to discuss, President Pereira adjourned the meeting at 7:55 p.m. in honor and in memory of Keith Boyer, Board Member of the Greater Hayward Area Recreation and Park Foundation since 2003, who passed away in Castro Valley on June 29, 2009, **and**, in memory of Steve Jespersen, Recreation Supervisor of the Hayward Area Recreation and Park District from June 2002 until his retirement in November 2005, who passed away in Florida on Friday, July 10, 2009.

MINANE JAMESON, Secretary
BOARD OF DIRECTORS