



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

August 10, 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 6:04 p.m. on Monday, August 10, 2009 in the Board Room of the Administration Building at 1099 'E' Street, Hayward.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

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

Staff: Shue, Silva, Gouveia, Hamid

BOARD OF DIRECTORS' CLOSED SESSION

Adjourn to Closed Session

President Pereira announced that the Board of Directors would adjourn the meeting to hold a Closed Session scheduled at 6:00 p.m. to meet with designated representatives to discuss the various bargaining units of the Hayward Area Recreation and Park District.

Reconvene to Regular Session

The Board of Directors reconvened their regular Board Meeting at 7:04 p.m. There was no announcement to make from the Closed Session.

PUBLIC COMMENTS

Ms. Janet Lemmons, Rowell Ranch Rodeo Association Speaks on Successful Junior Rodeo & Against Comments Made by Mr. Eric Mills, Action For Animals

Ms. Janet Lemmons, 3473 Castro Valley Blvd., Castro Valley, Rowell Saddlery and Rowell Ranch Rodeo Association, addressed the Board regarding the Junior Rodeo held on August 2, 2009 at the Rowell Ranch Rodeo Grounds, which she said was a very successful event with over 200 contestants and families in attendance. Ms. Lemmons stated that she is aware of the accusations made by Mr. Eric Mills, Action For Animals, the video that Mr. Mills has made reference to, as well the numerous phone calls made to the Hayward Area Recreation and Park District opposing the Junior Rodeo and goat tying events. Ms. Lemmons stated that she wished to insure the Board that the livestock is humanely treated, and that Mr. Mills' accusations are unfounded and undocumented, and he intends to ban the rodeos and children's events. She said that the parents were very uncomfortable with Mr. Mills' video taping their children at the rodeo and being exploited on the internet. She also made reference to Dr. Elliot Katz, seated in the audience, who she said jumped over the fence during the rodeo, endangering himself and the children, which was unacceptable. Ms. Lemmons added that Mr. Bill Lido, Chair of the Junior Rodeo, expressed that the Association would be more than happy to accept any phone calls forwarded by the District.

PUBLIC COMMENTS
(Continued)

Ms. Lemmons
Presents
Correspondence
From Mr. Dennis
Franklin, Alameda
County Sheriff's
Communications
Team

Further, Ms. Lemmons stated that no problems occurred during the 2009 Junior Rodeo, pointing out the presence of the Alameda County Sheriff's Communication Team. She referred to correspondence received from Mr. Dennis Franklin of the Communications Team, which reflected on his enjoyment of the rodeo and on the children's "*skills and horsemanship*" as "*pint-sized athletes*". The letter also reflected on the images depicted in his mind of youth involved in gang and crime activity compared to the children at the rodeo that were polite and well-mannered, and expressed that he would feel much better about America if the positive images of children would overshadow the negative images portrayed in the media. In closing, Ms. Lemmons expressed her appreciation of the District and its staff and insured the Board that the Association provides the utmost in animal care.

Dr. Elliot Katz, DVM
Reports on
Attendance to
Junior Rodeo &
Expresses Lack of
Sensitivity for
Animals & Safety
Of Children

Dr. Elliot M. Katz, DVM, 3010 Kerher Blvd., Corte Madera, CA, Founder and President of In Defense for Animals, an animal protection agency addressed the Board and reflected on his global experiences in animal rights activism and at sanctuaries for abused animals and expressed the lack of sensitivity towards animals. Dr. Katz stated that he attended the Junior Rodeo and said that the competition encourages children to ride faster, endangering themselves and the horse. He said he watched as girls ages 6-7 insensitively and repeatedly turned the goats over and tied their legs together; he witnessed young children pushing and riding the horses at unsafe speeds, and noticed a horse stumble, causing the rider to fall off, and although she was safe, she could have been seriously injured, pointing out his two (2) girls that came very close to being permanently crippled.

Dr. Katz
Addresses
Comments Made
By Ms. Lemmons

Further, Dr. Katz referred to Ms. Lemmons' comments regarding him jumping over the fence and possibly endangering himself and the animals. Dr. Katz explained that as he was seated in the stands, he overheard Mr. Bob Wilkinson comment, "he's hurting already", and was ignored by the gentlemen holding the goat. Dr. Katz said that he then proceeded over the fence to inform the gentlemen of the comment made by Mr. Wilkinson, checking first to insure that no one was coming out. He said he was then escorted off the arena, following which he spoke with the Sheriff and requested to speak with the vet who could not be identified. In closing, Mr. Katz stated that he wished to clarify what actually transpired during the rodeo, and reiterated the lack of sensitivity towards the animals.

Mr. Andy Wilson
Expresses Opposition
To Russell City
Energy Center

Mr. Andy Wilson, 31438 Greenbrier Lane, Hayward, Hayward resident since 1974, addressed the Board to oppose Calpine's proposal to construct the Russell City Energy Center (RCEC) power plant along the Hayward Shoreline. Mr. Wilson reported that the Hayward Area Shoreline Planning Agency Citizens Advisory Committee (HASPACAC) met with representatives from Calpine, where the HASPACAC voted to oppose the RCEC. Mr. Wilson reported on several outstanding issues and questions that were addressed during the meeting and said that if additional information is not received, HASPACAC has no alternative but to oppose the project. Additionally, Mr.

PUBLIC COMMENTS
(Continued)

Mr. Wilson
Expresses Concerns
With BAAQMD's
Issuance of Permit
For RCEC, & Lack of
Proper Notification
To Public &
Requests to Oppose
Installation of Salem
Communication
Towers

Wilson expressed HASPACAC's concerns with the permit issued by the Bay Area Air Quality Management District (BAAQMD). He said that it was determined that a permit was not issued and Calpine had not been truthful when asked to confirm receipt of the permit. It was also determined that the general public was not given proper notification on the RCEC proposal. As a result, a public hearing has been scheduled to allow for public comment and questions.

Further, Mr. Wilson addressed the proposed installation of the Salem Communications Towers, which he said was denied by the Hayward City Council. In closing, Mr. Wilson said that the land has been designated for public use and requested that the Board of Directors take a position by forwarding correspondence to the BAAQMD to oppose the Salem Communication Towers and the Russell City Energy Center.

President Pereira closed public comments at 7:28 pm.

HOLLAND PARK

Remedial
Excavation
& Grading

Staff reported that on Monday, June 22, 2009 the Board of Directors approved plans and specifications and authorized Staff to advertise for bids for the remedial excavation and grading at Holland Park.

Project Estimate -
\$500,000

Staff said that since the purchase of the Holland property in May 2008, Staff has been working with the Alameda County Environmental Health Department on the Corrective Action Plan (CAP). The Corrective Action Plan is the document that identifies what soil needs to be removed from the property and how the site will be cleaned up. Staff said that the County has approved the Corrective Action Plan and specifications have been developed to remove the required soil per the requirements of the plan. The estimate for this project is \$500,000 with funds available in grants received from the California State Parks and Recreation Department and the Alameda County Redevelopment Agency.

Report on Bid
Opening at
1:30 p.m. on
8/4/09

Staff further reported that five (5) bids were opened at 1:30 p.m. on Tuesday, August 4, 2009. Bids ranged from a low of \$121,000 to a high of \$274,200. The low bid of \$121,000 was submitted by O.C. Jones & Sons, Inc. of Berkeley, which was \$379,000 below Staff estimate. 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.

BOD & Staff
Comments

In response to Board questions, Staff explained that the add-on alternates are dependent upon whether there is additional contaminated soil that must be transported if found. Additionally, if the soil contamination is not as deep as originally anticipated, the District would receive a credit. In response to additional questions, Staff said that they have contacted the State and Alameda County Redevelopment Agency to redirect additional funds needed to complete the project and is awaiting feedback from those agencies.

HOLLAND PARK
(Continued)

Director Jameson
Comments on
Contract Costs,
Expected Change
Orders & Project
Inspections

For the Board's clarification, Director Jameson explained that the total cost of the project is based on the number of change orders that may occur, and the amount of contaminated dirt, and questioned whether change orders were anticipated. Staff responded that change orders are to be expected; however, Staff is cautiously optimistic that the project will be completed within Staff's estimate. In addition, Staff said that the District would not contract out for inspections since Alameda County Environmental Health, BAAQMD, and project managers would conduct the inspections.

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

R-0910-7
Award of
Contract

Resolution No. R-0910-7, awarding the contract for the remedial excavation and grading at Holland Park to O.C. Jones & Son, Inc., of Berkeley, CA in the amount of \$121,000 in accordance with the terms of the bid submitted by said contractor. (Absent: Andrade).

Director Hodges
Extends Appreciation
To Staff

Director Hodges extended his appreciation to Staff for allowing him to attend the bid opening, which he said was very educational. He encouraged his fellow Board members to attend future bid openings.

MEMORIAL TRAIL

Construction of
Retaining Wall

Memorial Trail
Sustains Damage
During 2006 Spring
Storms

Staff reported that the Hayward Area Recreation and Park District's Greenbelt Hiking and Riding Trail sustained substantial damage as a result of the storms experienced in Spring 2006. Staff said that the Memorial Trail segment was one area of the trail system that was damaged when saturated soil failed causing about 200 cubic yards of soil, including part of the Memorial Trail, to slip. In one area, about 2,000 feet east of Memorial Park, the trail width was reduced from approximately ten (10) feet to about four (4) feet in width, making this trail impassable by vehicles. Additionally, Staff said that on October 8, 2007 the Board authorized the General Manager to enter into a contract with Terrasearch, Inc. of Livermore to conduct a geotechnical investigation and to prepare plans and specifications for the Memorial Trail repair.

FEMA Approves
funding of Two (2)
Retaining Wall
Structures

Staff further reported that Federal Emergency Management Agency (FEMA) representatives visited the site and approved funding for two (2) retaining wall structures -- one retaining wall 115 feet in length and up to about twelve (12) feet in height and a second retaining structure comprised of in ground piles about twelve (12) feet in depth in an area 35 feet in length located about 45 feet south of the proposed 115-foot long retaining wall. FEMA estimated that the cost to repair both of the Memorial Trail sites would cost approximately \$150,000. Funds are available from FEMA and the State Office of Emergency Services (OES).

MEMORIAL TRAIL
(Continued)

Staff requested approval of specifications and authorization to advertise for bids to be opened at 1:30 p.m. on Friday, August 21, 2009 for the construction of the retaining wall at Memorial Trail.

BOD & Staff
Comments

Staff briefly described areas that had collapsed on the trail as depicted in the presentation shown. In addition, Staff explained that the concrete collecting at the bottom of the trail is a result of drainage from the homes above and is not related to the hill sliding.

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

R-0910-8
Approving Specs.
& Authorization
To Advertise
For Bids

Resolution No. R-0910-8, approving specifications and authorization to advertise for bids to be opened at 1:30 p.m. on Friday, August 21, 2009 for the construction of a retaining wall at Memorial Trail. (Absent: Andrade)

WARD CREEK TRAIL

Construction of
Retaining Wall

Staff reported that during the 2006 spring storms, the Hayward Area Recreation and Park District's Greenbelt Hiking and Riding Trail sustained substantial damage. Staff said that the Ward Creek Trail segment was one area of the trail system that was damaged when saturated soil failed causing part of the Ward Creek Trail to slip. On October 8, 2007 the Board authorized the General Manager to enter into a contract with Terrasearch, Inc. of Livermore to conduct a geotechnical investigation and to prepare plans and specifications for repair of the Ward Creek Trail.

Damage to
Ward Creek
Trail

FEMA Funds 40 Ft.
Retaining Wall
Structure

Staff further reported that the Federal Emergency Management Agency (FEMA) representatives have visited the site and have approved funding for a retaining wall structure about 40 feet in length and up to about 12 feet in height. FEMA estimated that the cost to repair the Ward Creek Trail site would be approximately \$45,000. Funds are available from FEMA and the State Office of Emergency Services (OES).

Bid Opening –
8/21/09;
1:45 p.m.

Staff requested approval of specifications and authorization to advertise for bids to be opened at 1:45 p.m. on Friday, August 21, 2009, for construction of retaining wall at the Ward Creek Trail.

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

R-0910-9
Approving Specs.
& Authorization
To Advertise
For Bids

Resolution No. R-0910-9, approving specifications and authorization to advertise for bids to be opened at 1:45 p.m. on Friday, August 21, 2009 for the construction of a retaining wall at the Ward Creek Trail. (Absent: Andrade)

WARD CREEK TRAIL
(Continued)

BOD & Staff
Comments

In response to Board questions, Staff said that they would email the Board once the walk-through has been scheduled. Brief discussion was held on the location of the creek, the original location of Ward Creek Day Camps. Staff said they would also inform the Board of the current location of the camp.

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**

Park Department –
Resignation of
Caretaker

Personnel: Staff reported that the Hayward Area Recreation and Park District received a request from Mr. Shawndell King to resign from his position as Park Caretaker. Mr. King was hired by the District on July 1, 2006. Staff recommended acceptance of the resignation of Mr. Shawndell King, Park Caretaker, effective July 28, 2009.

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

R-0910-10
Resignation of
Caretaker

Resolution No. R-0910-10, accepting the resignation of Mr. Shawndell King, Park Caretaker, Item No. 1136, Compensation \$4,406/month, \$52,872 annually, effective July 28, 2009.

**BOARD OF DIRECTORS’
COMMITTEE REPORTS**

Side Letters of
Agreement With
The Hayward Area
Recreation and Park
District Employee
Bargaining Units

Staff reported that the District has Memorandums of Understanding with various bargaining units that represent our employees. Agreements with the General Manager, Management Unit, Park Ranger Unit, SEIU Full-time Unit, Seniors Unit and Supervisors Unit are in effect through November 30, 2010. The agreement with the SEIU Recreation Leaders, Instructors and Seasonal Unit is in effect through May 15, 2012. Due to the current economic crisis, specifically the housing market, Staff is projecting a decline in property tax revenue beginning this fiscal year with a continued decline in subsequent years as well. Staff said that since property tax revenues are the District’s main source of income, a sustained decline could eventually lead to further reduction and elimination of programs and services, with corresponding reductions in the workforce. In order to help prepare for this eventuality District staff has been working on all cost saving measures it can effectively implement. To that end, Staff said that they have been meeting with various bargaining units in the District to discuss Side Letters of Agreement. The Side Letters would 1) delete or at least defer cost of living adjustments due September 1, 2009 and May 1, 2010; 2) add a co-pay to employee golf privileges; 3) limit vacation reimbursement to one time during the fiscal year (the General Manager and Management Unit have agreed to zero reimbursements); and 4) explore the possibility of an alternative to Social Security for non full-time employees. In exchange, the District will agree not to implement furloughs or layoffs in those units for the 2009/10 fiscal year.

Agreements With
General Mgr., Mgmt.
& Seniors Units

Further, Staff said that so far agreements have been achieved with the General Manager, Management Unit, Seniors Unit and Supervisors Unit. Staff has a meeting scheduled with the Park Ranger Unit and hopes to

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

Side Letters
Agreement
Rejected By
SEIU

have an agreement with that group soon. Staff said that as reported in the Board of Directors’ Closed Session on this date, SEIU members voted to reject the proposed Side Letter of Agreement and will be making a counterproposal to the District. Staff said that this was not at all unexpected, as the SEIU negotiating team had advised Staff that they would be recommending a no vote. Staff said that they are still confident that SEIU will join the other bargaining units and accept a Side Letter, and that there is only some additional language they seek, but must be prepared in the event that an agreement cannot be reached. The other SEIU unit is not due a cost of living adjustment at this time and Staff plans to meet with that unit soon to discuss the remaining terms that apply.

Staff recommended that the Board of Directors approve the Side Letters of Agreement with the various bargaining units, whose members have agreed to them, and directed Staff to continue negotiating with the remaining units. A sample side letter was distributed to the Board for their review.

BOD & Staff
Comments

For the Board’s clarification, Staff explained that the other SEIU unit, which includes seasonal employees, has a 5-year agreement that included a re-opener clause effective April 2009. To date, SEIU has not requested a re-opener.

Motion to Accept
Side Ltr. of
Agreements &
Appreciation to
Units Involved

Following discussion, Director Jameson moved to accept the Side Letters of Agreement with the Hayward Area Recreation and Park District’s Employee Bargaining Units (the General Manager, Management Unit, Seniors Unit and Supervisors Unit), and extended appreciation to those units who accepted the side letters and for working with the District, as well as understanding HARD’s current circumstances. Director Jameson’s motion was second by Director Hodges, and unanimously carried. (Absent: Director Andrade).

President Pereira –
Chorus Concert,
Douglas Morrisson
Theatre

President’s Report: President Pereira was pleased to report that she attended the Chorus Concert held at the Douglas Morrisson Theatre. She said that it was an excellent and entertaining concert and the conductor was very energized. Staff added that the next Chorus Concert would be held during the holiday season.

President Pereira
Vacation Schedule -
9/14/09

For the Board’s and Staff’s information, President Pereira announced that she would be unable to attend the September 14th Board meeting, as she will be on vacation. Vice President Hodges will preside in her absence.

**REPORT ON BOARD
MEMBERS’ ACTIVITIES**

Director Jameson –
Visits to Parks

Director Jameson was pleased to report that she visited East Avenue Park, which she said is very nice and quiet, pointing out that there was a massive amount of dirt near the parking lot. Staff responded that the dirt has since been leveled.

**REPORT ON BOARD
MEMBERS' ACTIVITIES**
(Continued)

	Director Jameson was also pleased to report on the improvements made at Centennial Park; however, she said that the height of cedar tree canopy is unsafe and suggested that the canopy be raised.
Mobile Recreation Launch – 8/7/09	Additionally, Director Jameson reported that she attended the launching of Mobile Recreation unit at Sunset Park on Friday, August 7 th , along with Director Hodges, and said that it was nice to see that the event was very well attended by almost 300 children. Staff commented that the food provided by the Deputy Sheriff's Office was a one-time donation in honor of the grand opening celebration.
Project Updates – Meek Estate West Terrace Project	In response to Board concerns, Staff stated that they have been meeting with the Meek Estate West Terrace Project Ad Hoc Committee and must meet with the Board prior to holding a public hearing to address citizen concerns. Director Jameson commented that the mulberry tree at the park is very nice and expressed her amazement with the age of the tree that still produces fruit. Director Hodges concurred.
Castro Valley Library Creek Park	At the Board's request, Staff reported that they have met with the County of Alameda regarding the Castro Valley Library Creek Park. The drawings for the installation of a concrete pathway are nearing completion, and it is anticipated to have the pathway installed by late October, prior to the grand opening celebration of the Castro Valley Library. Staff added that concerns were raised about the lack of parking spaces at the park.
Castro Valley Water Park	For the Board's clarification, Staff explained that the equipment building at the Castro Valley Water park was delivered and should be installed by the end of the week. Staff will inform the Board of the park opening date via the weekly General Manager's Report.
Director Waespi Attends Junior Rodeo & East Avenue Camp	Director Waespi was pleased to report that he attended the Junior Rodeo held at Rowell Ranch Rodeo Park on July 2 nd , and also visited East Avenue Camp over the past week.
Hot Summer Nights At Hayward Sr. Ctr.	Director Hodges commented on the Hot Summer Nights program at the Hayward Senior Center, which he said is another impressive program.
SLZ Ad Hoc Committee Mtg. – Request for BOD & Staff Representation	Director Pereira announced that the Alameda County Redevelopment Agency is seeking interested Board members and staff to serve on the San Lorenzo Ad Hoc Committee to pursue potential sites in the San Lorenzo area that may be of mutual interest. Director Waespi agreed to serve on that Committee. Director Hodges agreed to serve as an alternate.
Next BOD Meeting – 8/24/09	President Pereira announced that the next Board of Directors' Meeting will be held on Monday, August 24, 2009 at 7:00 p.m. at the District Administration Office, 1099 'E' Street, Hayward.

ADJOURNMENT

There being no further business to conduct, President Pereira declared the meeting adjourned at 7:55 p.m.

Minane Jameson, Secretary
Board of Directors