



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

August 24, 2009

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by Vice President Paul W. Hodges at 7:05 p.m. on Monday, August 24, 2009 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

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

Staff: Gouveia, Lepore, Ely, Maharaj

VP Presides
Over BOD Mtg.

In the absence of President Pereira who was out of town, Vice-President Hodges presided over the Board Meeting.

MONTHLY VOLUNTEER RECOGNITION AWARD

Ms. Yolanda
Torres-Kirkpatrick -
July 2009; Hayward
Shoreline
Interpretive Center

Vice-President Hodges extended congratulations and presented the Monthly Volunteer Recognition Award for July 2009 to Ms. Yolanda Torres-Kirkpatrick for her exceptional support to the programs and activities at the Hayward Shoreline Interpretive Center during the past five months. Ms. Torres-Kirkpatrick extended her thanks to the Board of Directors for the award.

VM Pursuing
Environmental
Science Degree
At San Jose State
University

Yolanda, a student at San Jose State University, aspires to receive a degree in Environmental Studies. Staff stated that with her educational background and experience, Yolanda brings wide-ranging wisdom and knowledge to environmental education at the Shoreline Interpretive Center. She has been trained by the Interpretive Center staff to be an assistant Naturalist and helps lead field trips, interpretive programs, and birthday parties three to four times a month for ten to fifteen students at a time. Her calm and gentle demeanor puts children at ease, especially the younger children who may be afraid to touch a shark or examine an owl pellet. Yolanda also maintains the Shoreline's aquaria, supports store sales, provides administrative support and helps prepare for art exhibits at the Center. She is a diligent and conscientious volunteer who enjoys working with the general public and is a tremendous ambassador of the District and the nature programs. Staff concluded that the Hayward Shoreline Interpretive Center is very lucky to have her, and looks forward to her continued service.

Staff Outlines
Duties Performed
By Volunteer as an
Assistant Naturalist

**MONTHLY VOLUNTEER
RECOGNITION AWARD**
(Continued)

Ms. Jennifer Koney, Recreation Supervisor, thanked Yolanda and, as reported by Staff, said that she is a tremendous asset to the Hayward Shoreline and the Naturalist Staff is lucky to have a volunteer with Yolanda's background and expertise.

Eligible for
VOY Award

Ms. Yolanda Torres-Kirkpatrick's picture will be displayed in the District Administration Office as the Monthly Volunteer Recognition Awardee for July 2009. In addition, she will be eligible for the Volunteer-of-the-Year Award for 2009.

CONSENT CALENDAR

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, August 10, 2009 at 7:00 p.m.

Finance Report

Acceptance of the Finance Report for July 2009.

**CALPINE
CORPORATION**

Russell City
Energy Center -
Informational
Presentation

Staff reported that the Russell City Energy Center project is currently going through the permitting process. During Public Comments at the H.A.R.D. Board Meetings, representatives of Citizens Against Pollution (CAP) made presentations to the Board on the subject. In addition, Board Members have been involved in discussions regarding the project at the Hayward Area Shoreline Planning Agency (HASPA) meetings and have requested additional information. Some of the issues discussed have been the environmental impact of the project on the Hayward Shoreline and the District's programs, visual impact to the Shoreline, emission levels, lighting impacts and the permitting process.

Request for
Additional
Information

Mr. Rick Thomas,
V.P. of Project
Development, Calpine
Corporation

Staff introduced Mr. Rick Thomas, Vice President of Project Development, Calpine Corporation, who was in attendance at the Board Meeting to make a presentation to the Board on the Russell City Energy Center, and answer questions from the Board.

Calpine's Presence
In California and the
United States
As Energy Provider
In Sixteen (16) States
And 37 Power Plants in
California

Mr. Rick Thomas extended his thanks to the Board of Directors for allowing him to present aspects of the Russell City Energy Center project. Mr. Thomas presented an overview and outlined Calpine's presence in the State of California, provided statistics on their presence in the United States as the single-largest producer of power from renewable sources, delivering 24,600 megawatts of clean, cost effective, reliable and fuel-efficient electricity to customers and communities in sixteen States in the United States, and Canada. He reported that founded in 1984, Calpine is a major U.S. power company, that operates 37 power plants in the State, capable of generating more than 5,200 megawatts of fuel-efficient electricity, which is almost 10% of the State's peak power demand, and enough

**CALPINE
CORPORATION**
(Continued)

electricity to power more than 5 million homes, and supplying 20% of green power in California.

600-Megawatt
Natural Gas
Power Plant to be
Located at
3862 Depot Road,
Hayward - Details
Of Russell City
Energy Center

Mr. Thomas said that he looked forward to the addition of the new gas-powered fleet, the proposed Russell City Energy Center, a 600-megawatt natural gas fired combined-cycle power plant to be located at 3862 Depot Road in Hayward. He provided details of the power plant that would include two 145-ft. gas turbines, two heat recovery steam generators, a single steam turbine, a cooling tower and a diesel fire pump engine, and would use the best available control technology to minimize emissions, and also use 100% recycled water for cooling. For background information of the Board, Mr. Thomas briefly outlined the status of the Government approval process, which first began in 2001 and the extensive reviews being conducted by the Bay Area Air Quality Management District (BAAQMD), the California Energy Commission and the U.S. Environmental Protection Agency to insure that the Russell City Energy Center project meets all the environmental requirements. He reported that the BAAQMD proposed to issue a Prevention of Significant Deterioration (PSD) Permit for the Russell City Energy Center in December 2008, and held a public hearing in January 2009 and, based on comments received from the public, the BAAQMD revised the proposed permit to include more conditions – that the power plant will use the most energy-efficient technology to generate power from fossil fuels and limit emission of greenhouse gas. He reported that the BAAQMD will receive written comments on the proposed amended PSD permit until September 16, 2009, and hold a public hearing on Wednesday, September 2, 2009 at 6:30 p.m. at Hayward City Hall, before making a final decision on the proposed Prevention of Significant Deterioration (PSD) Permit for the Russell City Energy Center, which Mr. Thomas said has become a very involved project.

Background on
Government Approval
Process – BAAQMD,
California Energy
Commission and
U.S. Environmental
Protection Agency

BAAQMD Receiving
Written Comments
On the Amended PSD
Permit and Public
Hearing on 9/2/09 -
Hayward City Hall

Upgrades and
Changes As Part of
Modification Process
And to Respond to
Public Participation

Mr. Thomas addressed the significant upgrades and changes as part of the modification process, and to limit the emission of nitrogen oxides and carbon monoxide, and to respond to the public's participation. He presented the environmental benefits of the proposed power plant that is going to be 40% more fuel-efficient and 90% cleaner than comparable older technology plants and use 100% recycled water, a more environmentally responsible process. Mr. Thomas briefly reflected on the natural gas benefits, economic benefits and benefits to the Hayward community, some of which will be to help build a new public library in Hayward, sales tax revenue, new annual property tax revenue, construction jobs, and clean reliable low-cost power for the Bay Area.

Economic and
Community
Benefits

During discussion on the visual impact of the power plant from the Hayward Shoreline Interpretive Center, Mr. Thomas said that Calpine will work with the City of Hayward, HARD and the EBRPD to minimize

**CALPINE
CORPORATION**
(Continued)

Calpine's
Objective to
To Work With
All Stakeholders

impacts, as well as meet the requirements of the Federal Aviation Authority. Mr. Thomas stated that the BAAQMD would not allow construction of the Russell City Energy Center until all the issues and concerns are resolved. He added that Calpine has aggressively pursued and continues to make revisions to conform to the environmental standards of the Bay Area Air Quality Management District as the power plant project goes through the comprehensive permitting process by the Air District.

Comments
Director Jameson -
Pittsburg Power
Plant; Hayward's
Image Problem;
Negative Visual
Impact into Hayward;
Closeness to Shoreline
And Claims of
Fuel-Efficiency

Following the presentation from Calpine, Director Jameson referred to her visit to the Pittsburg Power Plant and said that she was intimidated with what she saw there. She referred to Hayward's image problem, where schools are suffering, crime is high, property values are low and everyone working very hard to change that. She pointed out that one of her many problems with power plants was that they stand the wrong way. With reference to the negative visual impact, Director Jameson said that the Russell City Energy Center would visually stand out from one of the biggest entryways into Hayward and will be very visible to traffic. She added that the power plant project is also too close to the Hayward Shoreline, all of which are major issues for her, putting aside the economic and community benefits, which she said are very flattering. Moreover, she reiterated what the power plant will do to the image of Hayward and duplicate graphics that are so prevalent in Pittsburg, such as problems with graffiti and gangs. She also questioned claims that the natural gas-fired plant will be 40% more fuel-efficient

Comments
Mr. Rick Thomas -
Natural Gas Power
Plant with Most
Responsible
Technology

Mr. Thomas responded that the Russell City Energy Center will be powered by cleaner burning natural gas and will use the most responsible technology, both of which will lower emissions while increasing fuel efficiency up to 40% and providing up to 90% cleaner energy, making it the most efficient and the cleanest natural gas fired power plant in California and the nation.

Comments -
Director Jameson -
Focus to Generate
Green Energy, Protect
Hayward Assets, and
Pollutants from Power
Plant Will Adversely
Impact Environment

Director Jameson responded that state-of-the-art power plants will continue to be designed and constructed, and a better one will emerge every year. She said that the focus should be to discover ways to build and generate green energy, and not to build power plants. She went on to say that it is her duty to see that the assets in Hayward are protected. She referred to the many unanswered questions that remain and the unknowns of the Russell City Energy Center, which would adversely impact the environment with pollutants released from the power plant.

Comments
Director Jameson -
Impact on Park and
Recreation Business

In conclusion, Director Jameson thanked Mr. Thomas for the education on the Russell City Energy Center. However, she stated that many unknowns exist on how the project will impact the park and recreation business of H.A.R.D. She noted that the power plant

**CALPINE
CORPORATION**
(Continued)

will negatively impact employees, children and visitors to parks and facilities of H.A.R.D, including jobs, and reiterated the many crucial concerns that need to be satisfactorily resolved and answered.

Comments -
Opened at
7:40 p.m.

Following comments, Vice-President Hodges opened public comments at 7:40 p.m. and requested speakers to keep their comments to a maximum of three minutes only.

Speakers Outlined
Devastating Impact
Of Russell City Energy
Center on the Hayward
Shoreline, Residential
Neighborhoods,
Hayward Executive
Airport, Visual Impact,
Impact on H.A.R.D.
Facilities, Health,
Wellness, Sustainability
Misinformation/False
Data, Massive Air
Pollutant Emissions
Harmful to Environment;
Absence of Biological
Opinion, Etc.

The following residents of Hayward spoke against the Russell City Energy Center. They cited the adverse impact of the project on the Hayward Shoreline, the wetlands, marshes, habitat and the wildlife therein that should be preserved in their natural state; impact on the residential neighborhood and decrease of property values; impact on the Hayward Executive Airport and potential danger on aircraft operations, including interference from smoke plumes, power lines, cables and lighting; visual impact; impact on Skywest Golf Course, Oliver Sports Park and the Hayward Shoreline Interpretive Center; Russell City Energy Center's inconsistency with HARD's mission to improve the quality of life of all residents; misinformation and false data provided by Calpine with regard to new cleaner energy, massive air pollutant emissions (direct, indirect and destructive); research that the power plant will seriously harm the environment and the public; absence of a formal biological opinion; Russell City Energy Center will become the fifth highest polluter in the Bay Area, emitting thousands of pounds of particulate matter, chemical compounds and toxins, in addition to generating high sound levels; impact of the power plant on health and wellness programs, including sustainability, and the City of Hayward does not need the Russell City Energy Center for a new library.

Speakers
Request
H.A.R.D. Board
Of Directors to
Vote Against the
Russell City
Energy Center

They referred to efforts of numerous organizations to stop the power plant construction that continues and will be made known at the Bay Area Air Quality Management District's public hearing on the proposed Prevention of Significant Deterioration (PSD) Permit on Wednesday, September 2, 2009 at Hayward City Hall. They requested that the Board of Directors vote against construction of the Russell City Energy Center on the Hayward Shoreline for all the reasons, data and the facts presented.

Jo Anne Gross, 2533 'D' Street, Hayward
Stephania Widger, 12217 Romey Lane, Hayward
Ernest Pacheco, 22650 Main Street, Hayward
Rob Simpson, 27126 Grandview Avenue, Hayward
Ms. Audrey LePell, 299 Ocie Way, Hayward
Juanita Gutierrez, 2236 Occidental Road, Hayward
Andy Wilson, 31438 Greenbrier Lane, Hayward
Ms. Lynn Young, 28232 Armour Street, Hayward,

**CALPINE
CORPORATION**
(Continued)

Comments -
Bill Quirk
Addressed Board
In Support of the
Russell City Energy
Center

Bill Quirk, Councilmember, Hayward City Council, spoke in favor of the proposed Russell City Energy Center. He referred to numbers and percentages with regard to toxins, chemicals and health risks addressed by the speakers. Quite to the contrary, he said the power plant would preserve air quality, limit greenhouse gas emission, be more fuel-efficient and clean, and would not impact or change the Hayward Shoreline. He stated that the project would provide great benefits and economic stimulus for Hayward (sales tax and new property tax revenue), and a new Hayward Public Library, all of which are important. Mr. Quirk concluded that the Russell City Energy Center is a good transition and the right thing environmentally.

Jon Moohey -
Focus on Working
Together to
Keep Trails and the
Shoreline Clean

Jon Moohey, 24646 Traynor Court, Hayward, spoke as a member of the community. He said that he does not have an opinion on the Russell City Energy Center project, but uses the Bay Trail on a regular basis, along with many other users, and that everyone should focus on working together to keep the trails and the Shoreline clean, and not be so concerned about the power plant.

Public Comments
Closed at 8:30 p.m.

Following comments from the audience, Vice-President Hodges, closed comments on the Russell City Energy Center at 8:30 pm.

Director Jameson -
Responds to
Comments and
Concerns of
Speakers

Director Jameson referred to comments from the speakers and made reference to chemicals and pollutants that would be released from the power plant and spread over a huge area, which she pointed out is the truth and the percentages accurate. Director Jameson stated that the bottom line is that everything that the power plant will release in the air will create pollution that, unquestionably, would be non-existent if the Russell City Energy Center were not constructed.

Calpine
Corporation's
Response to
Comments on
Air Quality and
Health Risks

Ms. Barbara McBride of Calpine Corporation, responded that Calpine has undertaken a comprehensive analysis of the impact to air quality and public health, including a health risk assessment in conjunction with the Federal PSD Permit regulations that requires the Bay Area Air Quality Management District to ensure that emissions from the Russell City Energy Center would not be in violation, and found that there would be no significant impact to the area and to the public.

Calpine Corporation
Continues to
Collaborate and
Consult with Various
Agencies and BAAQMD
For Public Input and
Participation

Mr. Rick Thomas said that Calpine is working collaboratively, and they continue to consult the various organizations as the Bay Area Air Quality Management District seeks public input and participation on their proposal to issue an Amended Federal PSD Permit for the Russell City Energy Center. The next public hearing scheduled on Wednesday, September 2, 2009 at 6:30 p.m. in the Hayward City Council Chambers.

**CALPINE
CORPORATION**
(Continued)

Comments -
Director Waespi
Hayward Shoreline
A Valuable Resource
Developed for the
Public to Enjoy;
Should Not Be
Impacted by the
Power Plant

Following comments, Director Waespi said that he appreciated everyone's attendance at the Board meeting and thanked them for their comments on the Russell City Energy Center. He went on to say that while he does not have the scientific background, as a Board Member of H.A.R.D. and as a resident of the area, he is equally concerned about the public's health and the impact of the Russell City Energy Center on the Hayward Shoreline, an invaluable resource and, therefore, as a Park and Recreation District, it is sufficient to oppose this 145-foot tall power plant on the Hayward Shoreline that has been developed for people to enjoy. Director Waespi said that he utilizes the Shoreline for recreation and enjoys the beautiful view that it offers. He concluded that he would not want to participate in going backwards, but would like to move forward, and would support any motion to oppose the Russell City Energy Center.

Director Jameson -
Bay Area, Entryway
Into Hayward and the
Hayward Shoreline
Should Not Be
Blemished by the
Power Plant

Director Jameson said that the Hayward Shoreline is a precious and quiet place, which she appreciates and enjoys also. She went on to add that the Bay Area is the greatest place to live and referred to the many park and recreation facilities that exist. She stated that to blemish the Bay Area with something as frightening as a power plant, intimidated her very much. She stated that the Russell City Energy Center would significantly and negatively impact Hayward's entryway, and the Hayward Shoreline, which she would not like to see. Director Jameson moved that the Hayward Area Recreation and Park District not support the Russell City Energy Center's 600-megawatt power plant for all the reasons that have been presented and heard by the Board, and to move on from here. The motion was second by Director Waespi.

Motion To Not
Support the Russell
City Energy Center

Vice President Hodges
Thanked Speakers
For Comments;
Pointed Out the
Importance Of A Full
Biological Opinion And
Would Not Like the
Power Plant Project
To Take Place

In the absence of Board President Pereira and as the moderator, Vice-President Hodges extended his thanks to the audience for their comments and for being polite. He said that he would like to see a full Biological Opinion to insure protection of the sensitive species and their habitats. He concluded that as a H.A.R.D. Board Member, also serving on the Hayward Area Shoreline Planning Agency, all he could say at this point was that he would not like to see the Russell City Energy Center project take place.

Closing Remarks -
Director Jameson

Director Jameson thanked everyone in the audience for their attendance, comments, e-mails and support, in addition to the education provided to her personally on the Russell City Energy Center. In conclusion she said that while she appreciated that representatives of Calpine Corporation have a job to do, it is the Board of Directors' job to protect the essence of the Hayward Area Recreation and Park District.

Ayes: Hodges, Jameson, Waespi. Absent: Andrade, Pereira.

CALPINE CORP.
(Continued)

Comments on the Russell City Energy Center concluded at 8:54 p.m. and was followed by a short recess.

Board Meeting
Reconvenes After
Brief Recess

The Board of Directors' meeting reconvened at 9:00 p.m.

Presentation of
Agenda Adjusted

Staff adjusted the presentation of the Agenda to accommodate members of the audience interested in the BMX Track, Item No. VI on the Agenda.

**BMX TRACK/SAN
LORENZO UNIFIED
SCHOOL DISTRICT**

Staff reported that at the November 24, 2008 Board Meeting, the Board of Directors approved the design of the BMX track at the San Lorenzo Adult School. Since then, the San Lorenzo Unified School District approved the design and, on August 4, 2009, the School Board approved the Agreement for joint use of a portion of the San Lorenzo Adult School property for BMX track purposes, a copy of which was forwarded to the Board for their review prior to the meeting.

BMX Practice Track
At San Lorenzo Adult
School

Agreement Between
The San Lorenzo
Unified School District
And H.A.R.D.

Staff recommended that the Board of Directors approve the Agreement between the San Lorenzo Unified School District and Hayward Area Recreation and Park District for joint use of a portion of the San Lorenzo Adult School for a BMX Track.

Staff Presented
Background Information
On Construction and
Operation of BMX
Practice Track

Brief discussion ensued on construction of the track. Staff reported that the East Bay BMX is the local BMX organization that would be responsible for operation of the track in accordance with the stipulated conditions, safety standards, in addition to providing the required liability insurance coverage. Staff further reported that the East Bay BMX representatives are working with the National Bicycle League on construction of the practice track that was designed in November 2008 and will follow the rules, standards and the specifications of the National Bicycle League. Staff noted that while the construction cost would be borne by the National Bicycle League, the Hayward Area Recreation and Park District would provide assistance with extension of the water line from Bohannon field to the BMX track. Staff also pointed out that one of the conditions negotiated with the Skywest Town Homes Association is that the height of the starting gate would not exceed six feet, which is lower than a competitive BMX track.

Involvement of the
National Bicycle
League in the BMX
Practice Track at
San Lorenzo Adult
School and Height of
Starting Gate

Following Staff comments, it was moved by Director Waespi, second by Director Jameson, to adopt the following:

R-0910-12
Entry into
Agreement

Resolution No. R-0910-12, authorizing the Hayward Area Recreation and Park District to enter into an Agreement with the San Lorenzo Unified School District for

**BMX TRACK/SAN
LORENZO UNIFIED
SCHOOL DISTRICT**
(Continued)

joint use of a portion of the San Lorenzo Adult School property for BMX track purposes. (Absent: Directors Andrade and Pereira.)

Comments -
Vice President Hodges

Following adoption of the Agreement, Vice President Hodges thanked Staff for their report and said that the BMX track at the San Lorenzo Adult School is a win-win for everyone.

Comments
Director Jameson -
Extends Thanks to
BMX East Bay and
Recognized Individuals
And Agencies Involved
To Resolve Issues

Director Jameson thanked representatives of the BMX East Bay for pursuing the project and for their stamina to find the most suitable location for the BMX track. She recognized everyone for working with all the public agencies that were involved in the process and for satisfactorily resolving the many issues to construct the BMX track on the San Lorenzo Adult School property. Director Waespi concurred.

Mr. Shawn Wilson,
Office of Alameda
County Supervisor
Alice Lai-Bitker

Mr. Shawn Wilson, representing Supervisor Alice Lai-Bitker, Alameda County, 1221 Oak Street, Oakland, thanked the Board of Directors, H.A.R.D. Staff, and the BMX East Bay for their work and for exhausting their efforts to find the most suitable site for the BMX track, and for working with Supervisor Alice Lai-Bitker and her Staff. He thanked everyone for their support to move this project forward.

Mr. Manny Hernandez,
BMX Rider and
Supporter

Mr. Manny Hernandez, 3989 Mabel Avenue, Castro Valley, thanked the Board of Directors for their patience and for understanding the need for a BMX track but, most of all, for helping the BMX enthusiasts to have a practice facility that will be close to their home and one that he is going to be involved with. He said that the project is very exciting and thanked everyone involved in the project.

Mr. Jon Mooney -
Involvement with
BMX East Bay to
Provide Support

Mr. Jon Mooney, 24646 Traynor Court, Hayward, stated that he has closely followed the BMX practice track and recently became involved with the BMX East Bay to provide support for the project, which he said would be good for the community and close to home now.

Ms. Mary Clements,
Skywest Townhomes
Association

Ms. Mary Clements, 1028 Incline Court, Hayward, on behalf of the Skywest Townhomes Association thanked the Board of Directors and Staff for listening to their concerns at the public hearings and meetings held on the BMX track, and making changes to the conditions placed on the operation of the BMX track at the San Lorenzo Adult School. She concluded that the residents look forward to completion of a nice track, along with a nice screening for the homes.

MEMORIAL TRAIL

Construction of
Retaining Wall

Staff reported that no bids were submitted for construction of the retaining wall in the Memorial Trail system, which is a segment of the District's Greenbelt Hiking and Riding Trail. Staff reported that as a result of the storms experienced in Spring 2006, the Memorial Trail

MEMORIAL TRAIL

(Continued)

Presentation
Of Staff Report -
Extent of Damage
Sustained from
Spring 2006 Storm

segment sustained damage 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 10 feet to about 4 feet, making the trail impassable by vehicles.

Geotechnical
Investigation and
Plans and Specs.
For Repair of Trail
Authorized in
October 2007

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

FEMA Estimate -
\$150,000

Job Walk Held
On 8/18/09 -
Concerns
Expressed

Staff reported that a total of seven (7) contractors joined Staff on the job walk on August 18, 2009. One of the major concerns pointed out was access of equipment and excavators to the site and difficulties that would be encountered to reach the slopes, all of which would increase the cost substantially.

Staff Requested
Authorization to Work
With FEMA on Alt.
Design Options

Staff said that no Board action was necessary and requested authorization to work with FEMA on alternate design options that would be viable to proceed with construction of the retaining wall in the Memorial Trail.

Director Hodges
Joined Staff and
Contractors on the
Job Walk

Director Hodges reported that he took advantage of the opportunity and joined Staff and the contractors on the job walk. He said that he heard a lot of comments about the project in general, primarily inaccessibility to the site by heavy equipment as reported by Staff.

WARD CREEK TRAIL

Construction of
Retaining Wall -
Reject High Bid
Submitted on
8/21/09

Staff recommended rejection of the only bid received and opened on Friday, August 21, 2009 at 1:45 p.m. for construction of the retaining wall at Ward Creek Trail in the amount of \$198,200, submitted by Jim Freethy Excavating, Inc. of Danville, which was \$153,220 over Staff estimate of \$45,000.

Presentation of
Staff Report

As reported for the Memorial Trail construction project, Staff reiterated comments on the damage sustained in the Ward Creek Trail segment from the Spring 2006 storms, the geotechnical investigation conducted by Terrasearch, Inc. in October 2007, preparation of plans and specifications, along with a visit to the site by FEMA that approved funding in the amount of \$45,000 for

WARD CREEK TRAIL
(Continued)

construction of a retaining wall structure, 40 feet long and about 12 feet high. Funds for the project are available from FEMA and the State Office of Emergency Services.

Staff Requested
Authorization to Work
With FEMA On
Alternate Design
Options

Staff noted that although the Ward Creek Trail is more accessible, the bid submitted was excessively high and requested authorization to work with FEMA on alternate design options to pursue retaining wall structures that would be more viable in the Ward Creek Trail.

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

R-0910-11
Rejection of
Bid

Resolution No. R-0910-11, rejecting the bid submitted for construction of the retaining wall at Ward Creek Trail as the bid exceeded Staff estimate. (Absent: Directors Andrade and Pereira).

BUSINESS DEPT.

Staff reported that the District Office Server (Gaea) has been deemed surplus and parts of the Server, which has provided nine (9) years of service will be recycled. Staff, requested that the Gaea Server, Inventory No. A6192-1, purchased in 2000, acquisition cost \$5,533.74, be declared surplus to the District's needs and that Staff be directed to dispose of the Server in accordance with the District Bylaws.

Authorization to
Dispose of Surplus
Equipment -
2000 Gaea Server

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

R-0910-13
Surplus
Equipment

Resolution No. R-0910-13, declaring the 2000 Gaea Server, Inventory No. A6192-1, as surplus, and to dispose of said equipment in accordance with Article V, Section 14 of the District Bylaws; further, authorizing the removal of the equipment from the District's property records. (Absent: Directors Andrade and Pereira.)

HOLLAND PARK

Corrective Action
Work Plan (CAP)
For Environmental
Clean Up of Soil

Staff reported that the Corrective Action Work Plan (CAP) for the environmental clean up of the soil at Holland Park requires monitoring and testing. Staff recommended that Ninyo and Moore, Environmental Consultants of Oakland, be retained to provide the service at an estimated cost of \$25,400. Staff said that the Hayward Area Recreation and Park District has worked with Ninyo and Moore

HOLLAND PARK

(Continued)

Estimated Cost
Of Ninyo & Moore,
Environment
Consultants of
Oakland -
\$25,400

who performed the testing and completed the required quarterly reports for the Holland Park project and are most knowledgeable of the conditions that exist at Holland Park. Funds are available from a Grant received from the California State Parks and Recreation Department.

Staff requested authorization to enter into an agreement with Ninyo and Moore for implementation and coordination of the Corrective Action Work Plan (CAP) for Holland Park.

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

R-0910-14
Entry into
Agreement for
Corrective
Action Work
Plan (CAP)

Resolution No. R-0910-14, authorizing the General Manager to enter into an Agreement with Ninyo and Moore, Oakland, for implementation and Coordination of the Corrective Action Work Plan (CAP) for environmental clean up of the Holland Park property. (Absent: Directors Andrade and Pereira.)

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

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

R-0910-15
Appointment of
Golf Course
Supervisor

Resolution No. R-0910-15, appointing Mr. Gerritt Fernandez to the position of Golf Course Supervisor, Item No. 1148, Compensation \$5,956/month; \$71,472 annually, effective September 1, 2009. (Absent: Directors Andrade and Pereira.)

Promotional
Golf Course
Supervisor
Recruitment

Mr. Gerritt
Fernandez Only
Candidate
Interviewed on
8/5/09

Employment
History - 5/1/78
To Date

Mr. Gerritt Fernandez, the only candidate for the promotional Golf Course Supervisor position, was interviewed by Staff on August 5, 2009. Mr. Fernandez was first hired by the Hayward Area Recreation and Park District on May 1, 1978 as a Golf Course Caretaker and was promoted to the Senior Golf Course Caretaker position on August 1, 2005. Following the retirement of the Golf Course Supervisor, Mr. Fernandez assumed the responsibilities of Golf Course Supervisor, which he has effectively and efficiently performed since May 2009. Staff was happy to report that Mr. Fernandez has done an excellent job supervising the maintenance of Skywest Golf Course, Mission Hills of Hayward Golf Course and Mission Hills of Hayward Driving Range. His background and expertise will continue to be a tremendous asset to the Golf Department and the Hayward Area Recreation and Park District.

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

Director Hodges -
Bocce Ball Tournament
Adobe Park – 8/22/09

President's Report: Vice-President Hodges reported that he participated in the bocce ball competition at the new Adobe Park on Saturday, August 22nd, which he said was a festive and enjoyable event. He said that he would like to see H.A.R.D. employees organize a bocce ball tournament of their own.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Waespi reported that he attended the Hayward Zucchini Festival held on Saturday, August 15th and Sunday, August 16th at Kennedy Park.

Director Waespi
Reported on Zucchini
Festival and
Bocce Ball
Tournament

He briefly reflected on the bocce ball tournament at the Adobe Park as reported by Director Hodges, and a request from the bocce ball players to place a fence around the bocce ball courts to keep bicyclists and skateboarders away from the oyster shell surface that has sustained continuous damage and has required costly repairs to maintain the surface required for play. Director Hodges concurred.

Fencing to Prevent
Damage to Bocce
Ball Courts

Staff briefly outlined the drainage and the composition of the oyster shell surface installed in the bocce ball courts so that the sport can continue to be enjoyed during the winter.

Next B.O.D. Mtg.;
9/14/09 – 7:00 p.m.

The next regular meeting of the Board of Directors will be held on Monday, September 14, 2009 at 7:00 p.m. at the District Administration Office.

ADJOURNMENT

There being no further business to conduct, Vice-President Hodges adjourned the meeting at 9:20 p.m.

MINANE JAMESON, Secretary
Board of Directors