



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

September 14, 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 6:00 p.m. on Monday, September 14, 2009 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

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 SEIU Local 1021 bargaining unit of the Hayward Area Recreation and Park District and a Pending Litigation.

Closed Session
Announcement

The Board of Directors reconvened their Regular Meeting at 7:00 p.m. President Pereira announced that the Board of Directors met in a Closed Session under Government Code Sections 54947.6 and 54956.9 (a) and reviewed a proposed Side Letter of Agreement with SEIU Local 1021 and, by Board action of 5-0, approved a settlement in the matter of Frank Mele, Respondent, before the Office of Administrative Hearings, Case Number 2009061105.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

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

CONSENT CALENDAR

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, August 24, 2009 at 7:00 p.m.

Finance

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

R-0910-16
Personnel

Adoption of Resolution No. R-0910-16, authorizing appointments and the separation of Hourly Employees.

**CASTRO VALLEY
ROTARY CLUB**

1st Annual Valley
Blues Festival -
Saturday, 9/19/09
at Rowell Ranch
Rodeo Park

Mr. Cliff Sherwood,
Addressed B.O.D. on
Behalf of the Castro
Valley Rotary Club

Proceeds from the
2009 Blues Festival
For Community
Projects in Castro
Valley, and H.A.R.D.

2009 Festival
Would Introduce
Public to Rodeo Park

Thanked Staff for
Help and Extended
Invitation to BOD
And Staff

Comments -
Director Waespi
Recognized the
C.V. Rotary Club's
Ongoing
Contribution to
The Community

Staff reported that the Castro Valley Rotary Club reserved the Rowell Ranch Rodeo Park for their 1st Annual Valley Blues Festival on Saturday, September 19, 2009. The fundraising event will include blues music, barbeque, and brew. The Castro Valley Rotary Club sponsors the chili cook-off in conjunction with the Rowell Ranch Rodeo, which is very successful every year. Staff further stated that the Castro Valley Rotary Club has committed that proceeds from the Valley Blues Festival will be used for community projects, including possible improvements and additions at Rowell Ranch and programs of the Hayward Area Recreation and Park District. Staff introduced Mr. Cliff Sherwood of the Rotary Club of Castro Valley who was in attendance to provide more information on their First Annual Valley Blues Festival.

Mr. Sherwood briefly outlined improvements completed by the Rotary Club of Castro Valley at the Earl Warren dog park in Castro Valley that included paving and cleaning. He reported that it is the intent of the Club to utilize proceeds from the 2009 Festival to fund projects of the Recreation and Park District, projects for the community, the Castro Valley Unified School District, the Performing Arts Center and the Castro Valley Sports Foundation. He reported that if sufficient funds are raised they hope to purchase an owl camera for Sulphur Creek Nature Center and meet their other community obligations. Mr. Sherwood reported that their Club's chilli cook-off over the past 20+ years has been successful and they hope to double those attendance numbers at the Blues Festival. Mr. Sherwood reported that the Rotary Club of Castro Valley would provide security for crowd control, with help from the Sheriff's Department reserves.

Mr. Sherwood spoke about their experience and familiarity with Rowell Ranch Rodeo Park, which he said is a great venue and provides an opportunity to introduce the public to the Rowell Ranch Rodeo arena. He extended his thanks to the Park Department Staff for their cooperation, support and timely response throughout the reservation process and extended an invitation to the Board of Directors and Staff to the Blues Festival on September 19, 2009.

Director Waespi on behalf of the Board thanked Mr. Sherwood and the Rotary Club of Castro Valley. He said that members of the Club have contributed a great deal and have been very generous with their time and resources, and continue to do an incredible job in the community. He said that he had no doubt that the Valley Blues Festival will be just as successful and enjoyable as the Rotary Club of Castro Valley's chilli-cook off.

He extended his best wishes for the success of the Valley Blues Festival fundraiser, which he would be unable to attend due to a prior engagement.

**EAST BAY MUNICIPAL
UTILITY DISTRICT
(EBMUD)**

Water Supply
Management
Program 2040

Mr. Frank Mellon,
Director, Ward 7

EBMUD's
Long-Term Planning
Document to
Address Need for
Reliable Water
Supply Through
2040

Components of
Water Supply
Management
Program

End to the Drought
Emergency 7/1/09
Voluntary
10% Conservation

Partnership Project
With Neighboring
Utilities for Disaster
Preparedness

Comments -
Director Andrade
H.A.R.D.'s Irrigation
Costs - Pursue
Cost-Saving
Measures

EBMUD Website
For General
Information and
Updates

The East Bay Municipal Utility District (EBMUD) provides water services to various District facilities outside the City of Hayward. Staff introduced Mr. Frank Mellon, Director of Ward No. 7 (EBMUD), who was in attendance at the Board Meeting to provide a water update, information on future issues and EBMUD's Water Supply Management Program 2040.

Mr. Mellon said that EBMUD's Water Supply Management Program 2040, is a long-term document that would help guide EBMUD to provide a reliable water supply through 2040, taking into account the water needs, forecast of water demands, and review of available water supply options, taking into account population trends and growth that need to be addressed and dealt with too.

EBMUD conducted a study of water demand, held meetings to identify projections for the future that revealed that the demand for water would continue to rise over the next thirty (30) years. The components of the Water Supply Management Program through 2040 include pushing conservation; increasing the use of recycled water to meet more local irrigation and industrial needs; developing supplemental supply options for reliability that could include additional surface storage, groundwater storage and water transfers and keeping rationing during droughts at a 10% level. He outlined the impact of climate change and an end to the drought emergency effective July 1, 2009 due to customer conservation, adequate spring precipitation, availability of additional water supplies from the Sacramento River in 2010 and the Mokelumne River watershed that received the most precipitation. However, EBMUD is asking customers to voluntarily conserve by 10% compared to normal years.

He referred to EBMUD partnership project with neighboring utilities (Sacramento County Water Agency, San Francisco Public Utility Commission and the Contra Costa Water District) that link EBMUD to receive water following a major disaster.

Following Mr. Mellon's presentation, Director Andrade said that irrigation continues to be one of the biggest expenses of the Hayward Area Recreation and Park District. He said that H.A.R.D. would like to work with EBMUD to study alternatives to help reduce costs, and help identify measures and resources available to H.A.R.D. to help conserve and keep costs down.

Mr. Mellon said that EBMUD would like to partner with HARD and work with other public agencies and referred Staff to EBMUD's General Manager and the Water Conservation Department to discuss this further. He also referred Staff to the EBMUD website for more information on the Water Supply Management Program 2040, and water conservation and rebate programs.

**EAST BAY MUNICIPAL
UTILITY DISTRICT**
(Continued)

President Pereira on behalf of the Board of Directors thanked Mr. Mellon for taking time out to attend the Board Meeting and for his presentation and facts on EBMUD's Water Supply Management Program 2040 that was helpful to the Board and Staff.

**MISSION HILLS OF
HAYWARD DRIVING
RANGE**

Original Tower
Lease Agreement
Executed in 2006

In 2006, the Hayward Area Recreation and Park District entered into a Lease Agreement with GTE Mobilnet of California Limited Partnership, dba Verizon, to lease space for an equipment cabinet, a roadway easement and to allow Verizon to place a communication antenna on one of the Mission Hills of Hayward Driving Range net poles. At that time, Verizon had the option to utilize a second net pole for a cell tower. Verizon would now like to exercise that option for an additional \$600 per month, for a total rental in the amount of \$2,615.71 per month. The rent will increase 3% each year.

Option for
Additional Cell
Site Installation at
Mission Hills of
Hayward Driving
Range

Staff requested authorization to enter into an agreement with Verizon to exercise the option to install a second cell tower at Mission Hills of Hayward Driving Range in accordance with the Tower Lease Agreement.

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

R-0910-17
Entry into
Agreement with
GTE Mobilnet of
California, dba
Verizon

Resolution No. R-0910-17, authorizing the General Manager to enter into an Agreement with GTE Mobilnet of California, dba Verizon, to exercise the option to install a second cell tower at Mission Hills of Hayward Driving Range for an additional \$600 per month.

Park Department
Staff Recognized
For Successful
Negotiation

Staff extended their thanks to Mr. Karl Zabel of the District's Park Department for negotiating and finalizing the agreement and the maximum monthly rental. For information of the Board, Staff reported that they continue to work with other communication companies on a similar installation at Greenridge Park, Kenneth C. Aitken Senior and Community Center and the Castro Valley Community Park.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Side Letter of
Understanding with
H.A.R.D's Employee
Bargaining Unit -
SEIU Local 1021

Personnel: On August 26, 2009 a tentative agreement was reached on a Side Letter of Agreement with SEIU Local 1021, pending ratification by the SEIU membership and approval by the Board of Directors. Staff stated that the Side Letter was very similar to the Side Letters previously agreed to by the other bargaining units within the Hayward Area Recreation and Park District except that the cost of living adjustments (COLA), due September 1, 2009 and May 1, 2010, be deferred to July 1, 2010 and not deleted altogether, and two, that language be added that the vacation buyback benefit

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

COLA Adjustments
And Vacation
Buyback Benefits

Re-Assess H.A.R.D’s
Fiscal Situation with
Fiscal Year 2010/2011
Budget Preparation
Process

return to the existing plan after June 30, 2010 and, in exchange, the District would agree not to implement layoffs or furloughs for the duration of the 2009/2010 fiscal year. Staff felt that this was a good compromise and would allow the District to get through the current fiscal year and give the opportunity to re-assess the fiscal situation beginning with the budget preparation process for 2010/2011. Staff further reported that on August 27, 2009 the SEIU membership voted to ratify the tentative Side Letter of Agreement. Staff recommended that the Board of Directors adopt a resolution accepting the Side Letter of Agreement between the Hayward Area Recreation and Park District and SEIU Local 1021.

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

R-0910-18
Acceptance
Of Side Letter
Of Agreement
Between H.A.R.D.
And SEIU Local
1021 Membership

Resolution No. R-0910-18, accepting the Side Letter of Agreement between the Hayward Area Recreation and Park District and SEIU Local 1021, ratified by the SEIU membership on August 27, 2009, attached hereto and made a part of the Resolution.

Amendments to
Side Letter of
Agreement with the
General Manager,
Management Unit,
Seniors Unit and
Supervisors Unit
Approved by the
B.O.D. on
8/10/09

Staff reported that agreement on a Side Letter of Agreement was achieved with the General Manager, Management Unit, Seniors Unit and Supervisors Unit, and approved by the Board on August 10, 2009. Staff pointed out that the language in those letters was different from that agreed to with SEIU and, therefore, in the interest of fairness, and recognizing that those Units stepped up and reached an agreement almost immediately, Staff recommended that the Board of Directors approve an amendment to the Side Letter of Agreement with the General Manager; Management, Seniors and Supervisors Units, to include the same language as agreed to with SEIU with respect to the cost of living adjustments (COLA) and vacation buyback.

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

Motion Carried
To Amend Side
Letters of
Understanding

Motion carried to amend the Side Letters of Understanding with the Hayward Area Recreation and Park District’s General Manager, Management Unit, Seniors Unit and Supervisors Unit, to reflect the COLA and vacation buyback.

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

Director Andrade thanked Staff for their time and effort to meet with the various Bargaining Units of the District and commended them for resolving the Side Letter of Understanding with the last remaining Bargaining Unit, SEIU 1021.

Habitat Conservation
Fund of California -
Grant Application for
Five-Year Outreach
Program at the
Hayward Shoreline
Interpretive Center
In the Amount of
\$200,802.40 (49%)

Program, Policy and Public Relations: Staff reported that the State of California Department of Parks is accepting grant applications from the Habitat Conservation Fund of California and was pleased to report that the District will be submitting a Grant request in the amount of \$200,802.40 to fund a five-year outreach program for new participants at the Hayward Shoreline Interpretive Center.

Five-Year Cost
Of the Program -
\$411,962.78 or
\$92,292.56 Annually

Staff said that the five-year cost of the program is \$411,962.78, or \$92,292.56 annually. The Grant request is 49% of the total cost, for an amount of \$200,802.40, with the 51% required match, in the amount of \$211,160.38, coming from the partner agencies and the Hayward Area Recreation and Park District through in-kind services and administrative oversight. The overall goal of the five-year outreach program is to promote use of, interaction with, and the on-going appreciation of the Hayward Shoreline.

\$211,160.38 (51%)
Required Match
From H.A.R.D. and
Partner Agencies

Ms. Jennifer Koney, Recreation Supervisor, said that the new Grant request is based on the successfully funded pilot project "Explore Your Shore and Mentorship Program" in 2009/2010 and would expand access to first-time urban visitors from diverse backgrounds to the Hayward Shoreline. She said that the program will fund 240 participants annually for eight hours of hands-on environmental education facilitated by trained naturalists, with the help of interns recruited from Cal State University-East Bay, California Conservation Corps and Merritt College. Participants will be recruited from the Matt Jimenez Community Center, the Hayward Senior Center, the Sorensdale Recreation Center, Girl Scouts Save the Bay, and the Alameda County Deputy Sheriff's Athletic League. She said that in addition to the program providing orientation for families, interpretation and transportation would be provided. Furthermore, families would be invited back at the conclusion of the session to participate in a celebration and learn about the experiences of the first-time users of the outreach program. With reference to matching funds required over a five-year program (\$211,160.38 or 51%), Staff reported that as part of the required match, all program supplies will be provided by H.A.R.D. (\$1,500 annually for a total match of \$7,500), while the transportation match includes partner groups who will provide their own transportation (\$22,400 annually for a total match of \$112,000).

Comments -
Ms. Jennifer Koney,
Recreation Supervisor -
Grant Request Based
On Successfully
Funded Pilot Project
In 2009/2010

Components of
"Explore Your Shore"

Hands-On
Environment
Education by Trained
Naturalists and
Interns

Staff recommended adoption of a Resolution authorizing the General Manager to apply for the Grant Funds from the California Department of Parks Habitat Conservation Fund in the amount of \$200,802.40

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

and to execute and submit all documents required for the Grant Application.

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

R-0910-19
Approval of
H.A.R.D’s Application
For Grant Funds
From the CA
Dept. of Parks
Habitat
Conservation
Fund (HCF)
Program

Resolution No. R-0910-19, approving the Hayward Area Recreation and Park District’s Application for Grant Funds from the California Department of Parks Habitat Conservation Fund (HCF) Program in the amount of \$200,802.40, and authorizing the General Manager to execute and submit all documents, which may be necessary for the Hayward Area Recreation and Park District’s Grant Fund Application.

Comments -
Director Hodges
Benefits of
Outreach
Program

Director Hodges was pleased to add that it is the intent of the outreach program that the first-time users will become regular users and help expand the unique programs of the Hayward Shoreline, as well as provide an opportunity for internships and to become Junior Counselors.

Staff said that the application due date is September 25, 2009 and Staff is hopeful for a response from the State Department of Parks and Recreation by August 2010 and commencement of the “Explore Your Shore: Expanding Horizons 2010-2015,” outreach program shortly thereafter, if funding is approved.

PUBLIC COMMENTS

President Pereira re-opened Public Comments at 7:50 p.m. to allow the following member of the public to address the Board of Directors:

Mr. Patrick Hassett
Addressed B.O.D.
About Water Polo
At Castro Valley
Swim Center

Mr. Patrick Hassett, 4704 Proctor Road, Castro Valley, stated that he has been involved with water polo as a coach for four years and would like to pursue the water polo sport at the Castro Valley Swim Center on behalf of kids who enjoy and want to learn the sport. He expressed his desire to work with H.A.R.D. and the Castro Valley School District to explore this further. Mr. Hassett referred to a quotation of \$8,000 per month by H.A.R.D. Staff for use of the Castro Valley Swim Center during September and October for water polo, which he said is excessive and would like to review those costs further.

Staff to Meet
With Mr. Hassett
First

Director Andrade requested Staff to meet with Mr. Hassett to discuss his comments prior to referring the item to the Board of Directors’ Aquatics Ad Hoc Committee.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Andrade -
Park Visits and
Observations

Director Andrade reported that following his visit to District parks, he has contacted Staff about his observations and maintenance items, and continues to follow up with Staff. Director Andrade said that the water features and other amenities at Cannery Park, and the new Adobe Park, continue to be popular spots with the younger children, not to forget the Castro Valley Water Park that re-opened recently. Staff said that they look forward to working with Gates and Associates once again on the development of Holland Park and the Castro Valley Creek Park.

Director Jameson -
Visit to Meek Estate
Park and Cherryland
Park

Director Jameson reported that she and Director Hodges visited the Meek Estate and Cherryland Park and were pleased to see that everything looked nice at those facilities. Director Hodges added that he was very happy with the improvements and upgrades completed at Cherryland Park, which he said is not only a complete turnaround, but a real success story. Staff was happy to report that the improvements at Cherryland Park were completed in conjunction with KABOOM, a national non-profit organization.

Director Hodges -
Compliments
Cherryland Park
Improvements

Director Jameson -
On-Line Auction

Director Jameson requested Staff to review costs, and to find out if it would be possible for the District to implement on-line auction, which she said would be very convenient for people who cannot attend a fund raising event. She referred to Sulphur Creek Nature Center's Flight to Freedom as a good example of an event where the public could take advantage of the on-line auction, if it was made available.

San Francisco Bay
Conservation and
Development
Commission Workshop -
9/17/09

Director Jameson reported that on Thursday, September 17th, the San Francisco Bay Conservation and Development Commission (BCDC) would hold a Public Workshop in San Francisco to gather input on the proposed changes to the San Francisco Bay Plan. Staff responded that District Staff will be in attendance at the workshop.

Director Waespi -
Annual 5k and 10k
Run on 8/29/09
At the HSIC

Director Waespi reported that he continues to tremendously enjoy events and activities of the Hayward Area Recreation and Park District – the most recent event was the Annual 5k and 10k Run on the Bay on August 29th. He said that he and Director Hodges were very honored to start the races that began at the Hayward Shoreline Interpretive Center that morning. Likewise, he reported that he thoroughly enjoyed Sulphur Creek Nature Center's Flight to Freedom celebration on Saturday evening, August 29th, which he said was a well organized and successful fundraising event that offered a variety for everyone to enjoy.

Sulphur Creek N.C.
Annual Flight to
Freedom Celebration -
8/29/09

Press Conference with
EPA at Future Holland
Park on 9/3/09

Director Waespi reported that he was happy to attend the Press Conference with the Environmental Protection Agency on Thursday, September 3rd at Holland Park. He said that the future Holland Park development is a great example of a community partnership project and public agencies working together.

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

Director Waespi was happy to report that completion and re-opening of the water park has attracted everyone back to enjoy the water features at the Castro Valley Community Park.

Next B.O.D.
Mtg., 9/28/09;
7:00 p.m.

President Pereira announced that the next regular meeting of the Board of Directors will be held on Monday, September 28, 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 adjourned the meeting at 8:00 p.m.

MINANE JAMESON, Secretary
Board of Directors