



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541
(510) 881-6700

MINUTES

October 12, 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 7:00 p.m. on Monday, October 12, 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, Hodges, Jameson, Pereira, Waespi

Staff: Silva, Gouveia, Lepore, Maharaj

CONSENT CALENDAR

It was moved by Director Andrade, second by Director Jameson, 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, September 28, 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-0910-21
Personnel

Adoption of Resolution No. R-0910-21, authorizing appointments and the separation of Hourly Employees.

CASTRO VALLEY COMMUNITY PARK

Water Recycling
System Installation

Staff reported that on March 9, 2009, the Board of Directors awarded a contract for the water recycling system at Castro Valley Community Park to M.A.K. Associates, Inc. of Sunnyvale in the amount of \$231,120. The project included installation of a water recycling system, similar to the system installed at Cannery Park. The recycling system would recycle 100% of the water and continually treat the water chemically, in addition to the ultraviolet light system. Staff estimate for the project was \$215,000 and funds were available in the Capital Outlay Account for fiscal year 2008/2009.

Staff Estimate
And Funding

Additive Change
Order - \$3,234.95

During the course of construction, there was one Additive Change Order in the amount of \$3,234.95 to raise two (2) drain inlets, underground pipe repair and construction of the building roof to allow for the addition of a restroom in the future, and one Deductive

**CASTRO VALLEY
COMMUNITY PARK**
(Continued)

Deductive Change
Order - \$2,400

Change Order in the amount of \$2,400 for asphalt patching, bringing the new contract amount for the water recycling system at Castro Valley Community Park to \$231,954.95. Staff also hired Alecka Paving to replace asphalt in the amount of \$8,800, and hired Bay Area Fence Company to install an enclosure around the chemical tanks in the amount of \$3,920.

Inspection
Completed

Following an inspection of the project and finding the work completed in accordance with the plans and specifications, Staff recommended acceptance of completion of the contract for the water recycling system at Castro Valley Community Park.

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

R-0910-22
Acceptance
Of Contract

Resolution No. R-0910-22, accepting completion of the contract for installation of the water recycling system at Castro Valley Community Park in accordance with the plans and specifications and terms of said contract.

Board of Directors
And Staff Comments

Brief discussion ensued and for the Board's information Staff outlined the location of the filtration system and referred to the temporary cyclone fence that would eventually be removed and plans to install a more attractive permanent fence to not only enhance the water park, but to also provide safety, durability, and deter vandalism. Staff was pleased to report that the water park has successfully been in operation since the re-opening. The Board of Directors pointed out the proximity of the sand play area to the water park and possible damage to the pump system over time from sand that would accumulate in the drains. Board Members and Staff discussed various ideas, such as posting a conspicuous sign, installing a fence to serve as a barrier between the sand play area and the water play area, in addition to providing a water faucet for users to wash off the sand before entering the water play area.

Comments -
Proximity of the
Sand Play Area
To the Water Play
Area

Closure of the
Two Water Parks
Temporarily

For information of the Board, Staff reported that the Castro Valley and the Cannery Park water parks have temporarily been shut off, with plans to re-open them, should it be necessary. Staff said that during closure of the water parks for the winter, the Aquatics staff will be responsible for maintenance and removal of the chemicals.

HOLLAND PARK

Remedial Excavation
And Grading

On March 9, 2009, the Board of Directors awarded a contract for the remedial excavation and grading at Holland Park to O.C. Jones & Sons, Inc. of Berkeley in the amount of \$121,000. Staff reported that since purchase of the Holland Property in May 2008, Staff has been working with the Alameda County Environmental Health

HOLLAND PARK

(Continued)

Requirements of the
Corrective Action
Plan (CAP)

Department on the Corrective Action Plan (CAP) that identifies what soil needs to be removed from the property and how the site will be cleaned up. The project included removal of the required soil per the requirements of the Plan.

Presentation of
Staff Report -
Change Order and
Add Alternate Costs
Incurred for Removal
And Disposal

Staff reported that there was one Change Order in the amount of \$3,325 for the cost of additional equipment and for removal of debris from the site. The District also used Add Alternate No. 1 for costs incurred for off-site disposal of soil in excess of 2,249 yards, at \$64.50 per cubic yard. The total cost of the additional off-haul was \$65,874.62, bringing the new contract amount for the remedial excavation and grading at Holland Park to \$190,199.62. The estimate for this project was \$500,000. Funds were available from Grants received from the California State Department of Parks and Recreation, Alameda County Redevelopment Agency and the State Water Board.

Environmental
Testing and
Inspection
Geotechnical
Evaluation by
Ninyo & Moore,
Consultants -
\$39,100

In addition to the above, Staff hired Ninyo & Moore, Consultants, to conduct environmental testing and inspection that became necessary during the excavation in the amount of \$19,800. Ninyo & Moore was hired once again to complete the geotechnical evaluation in the amount of \$19,300, as required in the design of a new facility.

Staff Comments -
Costs Incurred for
Removal and
Disposal of
Contaminated
Soil

For information of the Board, Staff further elaborated on the costs incurred by the District to remove and dispose of contaminated soil discovered and tested during the excavation and grading on the Hayward Area Recreation and Park District's property, including removal of soil from Alameda County Redevelopment Agency's two cells that the District would be reimbursed for. Staff reiterated that \$19,800 was for environmental testing and excavation and \$19,300 was incurred for geotechnical evaluation, both of which were completed by Ninyo & Moore, Consultants, prior to commencement of development of Holland Park, and the soil report for construction of the Youth Center. Staff pointed out that the soil report is needed for the foundation and footings that are required to correspond to the soil condition.

Inspection
Completed

Following an inspection of the project and finding the work completed in accordance with the plans and specifications, Staff recommended acceptance of completion of the contract for the remedial excavation, grading, and off-site disposal of the contaminated soil from the Holland Property in accordance with the requirements of the Corrective Action Plan (CAP).

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

HOLLAND PARK
(Continued)

R-0910-23
Acceptance of
Contract

Resolution No. R-0910-23, accepting completion of the contract for the remedial excavation and grading on the Holland property in accordance with the plans and specifications and terms of said contract, and in compliance with Alameda County Environmental Health Department's Corrective Action Plan.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Presentation of
Staff Report

Personnel: Staff reported that over the past several weeks Side Letters of Agreement have been reached with the various Bargaining Units of H.A.R.D. which deferred some cost of living adjustments (COLA) that were due and brought about by the current economy and the anticipated reduction in the Hayward Area Recreation and Park District's property tax revenue.

Side Letters of
Agreement with
H.A.R.D.'s
Bargaining Units

Staff further reported that on September 23, 2009, a tentative agreement on a Side Letter of Understanding was reached with the Park Ranger Unit, pending ratification by the Unit and approval by the Board of Directors. The cost of living adjustment (COLA) due September 16, 2009 and May 16, 2010 will be deferred to July 16, 2010. In exchange, the District would agree to maintain normal shifts for the Park Ranger Unit for the duration of the fiscal year.

Tentative Agreement
With Park Ranger Unit
Reached on 9/23/09

Agreement Ratified
By Park Ranger
Unit

Staff was pleased to report that the Park Ranger Unit ratified the Side Letter of Agreement and has agreed to the new adjusted employee golf privileges. 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 the Park Ranger Unit.

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

R-0910-24
Side Letter of
Agreement with
H.A.R.D. Park
Ranger Unit

Resolution No. R-0910-24, accepting the Side Letter of Agreement between the Hayward Area Recreation and Park District and the Hourly Park Ranger Unit of the District, attached hereto and made a part of the Resolution.

Lights On Afterschool
Event in Hayward on
10/22/09

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

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

R-0910-25
Lights on Afterschool
Proclamation

Resolution No. R-0910-25, endorsing and proclaiming the *Lights on Afterschool* event in Hayward on Thursday, October 22, 2009 in conjunction with the national celebration of afterschool programs to help promote the importance of quality afterschool programs and activities that would insure that *lights stay on* and the doors remain open afterschool.

Staff Comments -
H.A.R.D. Joining
Community Youth
Serving Agencies to
Endorse and Adopt
A Proclamation

Staff stated that the Hayward Area Recreation and Park District is joining other community youth-serving agencies to endorse and adopt a Proclamation to declare October 22, 2009 as the *Lights on Afterschool Day* in Hayward, with a goal to heighten awareness that every child needs a safe and accessible place to learn and grow afterschool.

10/22/09 Celebration
At 4:00 p.m. at
Lorin Eden Elem.
School, Hayward

For the information of the Board, Staff reported that the event on October 22, 2009 will be held at Lorin Eden Elementary School in Hayward at 4:00 p.m. and the program for the afternoon will include folkdance, children’s theatre, poetry and singing, in addition to a formal recognition and tribute to Roxanna Salinas, Recreation Coordinator of the Hayward Area Recreation and Park District who was dedicated to the afterschool program.

H.A.R.D. Citizens
Advisory
Committee (C.A.C.) -
Facility and Park
Inspection Findings

President’s Report: President Pereira reported that she was in attendance at the H.A.R.D. Citizens Advisory Committee on Monday, October 5th at 6:30 p.m., joined by Director Jameson. She referred to the Committee member’s observations and findings following their visit to the Hayward Area Recreation and Park District parks and facilities that would be compiled in a report and presented to the Board of Directors.

C.A.C. Vacancies
And Reappointments

On the subject of the Citizens Advisory Committee, Staff reported that there will be reappointments and vacancies to fill on the District-wide Committee that Staff would be working on with the Board. Staff said that they hope to present the Committee’s findings report to the Board in November 2009.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Waespi -
Off-Leash Dog Area
Public Hearing -
10/3/09

Director Waespi reported on the off-leash dog area Public Hearing held on Saturday, October 3, 2009 at 11:00 a.m. on the PG&E corridor, west of Soto Road, Hayward, the proposed site. He referred to a number of interesting comments from the community who were generally opposed to a dog park in their immediate neighborhood and the disturbance it would create. Director Waespi reported that Board Members and staff proceeded to informally visit Eden Greenway, #8, on Cypress and Huntwood Avenue, Hayward, which appears to be more remote that has potential for an off-leash

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

dog area in the future. Director Waespi concluded that the hearing on October 3rd was productive and interesting.

Staff responded that they would be happy to prepare preliminary sketches of a dog park for the Board's review.

Director Jameson -
*The Art of
Remembrance: Days
Of the Dead 2009*
H.A.H.S. Exhibit at the
Meek Mansion -
10/10/09-11/8/09

Director Jameson reported that she enjoyed her visit to the Hayward Area Historical Society's *The Art of Remembrance: Days of the Dead 2009*, curated by artist Fernando Hernandez, that opened at the Meek Mansion on Saturday, October 10th and will run until November 8th. She added that the event was well attended and the exhibits featuring the work of Bay Area artists were unique and well done. She encouraged her fellow Board Members to see the exhibit.

C.V. Swim Center -
Volunteer Hayward
Community Project

Director Andrade complimented the Castro Valley Swim Center complex that was recently repainted. Staff said that the project was selected as a community project of Volunteer Hayward, and the paint color coordinated to match the Castro Valley High School and the Performing Arts building.

Director Andrade -
Proposed Cell Site
At the Castro Valley
Community Park by
T-Mobile

Director Andrade referred to the *Letters to the Editor* published in the Castro Valley Forum recently in opposition to installation of the proposed cell site at the Castro Valley Community Park by T-Mobile. Staff said that the matter would be heard by the Alameda County Board of Supervisors on Tuesday, November 11, 2009. Director Jameson said that it would be beneficial for the Board to receive information on not only the proposed cell site plan and elevations, but projected revenue to the Hayward Area Recreation and Park District from the cell site over an extended period that would be used for the upkeep and maintenance of park and recreation facilities in Castro Valley.

Director Hodges -
City of Hayward
Charrette – South
Hayward BART
Area Design and
Planning

Director Hodges reported that he was in attendance at the City of Hayward's Charrette, held September 30th to Sunday, October 4th, to receive input on the design and planning for the South Hayward BART area and requested Staff to forward the recap and summary, along with recommendations generated from the multiple sessions to the Board for their review when they are received from the City of Hayward.

Director Hodges -
Sun Gallery
Fundraiser on
10/2/09

Director Hodges reported that he was in attendance at the Sun Gallery's fundraising event on Friday, October 2, 2009 in the Rotunda of City Hall. He commended the Sun Gallery board members and volunteers for their persistent effort and hard work to raise money for the Sun Gallery.

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

Director Andrade -
Hayward Local
Agencies Committee
Meeting – 10/1/09

Director Andrade reported that he was joined by Director Hodges and Staff to the monthly Hayward Local Agencies Committee meeting on Thursday, October 1, 2009 at the Hayward Unified School District. He referred to a presentation by the Hayward Public Library staff on a wide variety of programs to help expand children's services, that included a wide range of youth and tutoring programs, and discussion on how the City of Hayward, H.A.R.D. and the Hayward Unified School District can partner to help further expand those services, which he said should be explored.

Next B.O.D. Mtg. -
10/26/09; 7:00 p.m.

President Pereira announced that the next regular meeting of the Board of Directors will be held on Monday, October 26, 2009 at 7:00 p.m. at the District Administration Office, 1099 'E' Street, Hayward.

ADJOURNMENT

In Memory of
Hon. Dallas Sargent
Edgar and
Ms. Diane Kothe

There being no further business to conduct, President Pereira adjourned the Board of Directors' meeting at 7:43 p.m. in memory of Honorable Dallas Sargent Edgar, who served as a Board Member of the Hayward Area Recreation and Park District from November 1964 until his resignation in January 1970. Honorable Edgar passed away on Sunday, October 4, 2009. And in memory of Ms. Diane Kothe, retired Recreation Supervisor of the Hayward Area Recreation and Park District, responsible for the Art Programs at the Adobe Art Center, who passed away on September 15, 2009.

MINANE JAMESON, Secretary
Board of Directors