



Hayward Area Recreation and Park District

1099 "E" Street, Hayward, CA 94541

(510) 881-6700

MINUTES

April 26, 2010

MEETING

The Regular Meeting of the Board of Directors of the Hayward Area Recreation and Park District was called to order by President Paul W. Hodges, Jr. at 7:00 p.m. on Monday, April 26, 2010 in the Board Room of the Administration Building at 1099 'E' Street, Hayward, California.

BOARD OF DIRECTORS' CLOSED SESSION

President Hodges announced that the Board of Directors would adjourn the meeting to hold a Closed Session scheduled at 6:30 p.m. to meet with designated Staff representatives to discuss a two-acre property located at 18651 Via Toledo, San Lorenzo.

RECONVENE TO REGULAR SESSION

The Board Meeting reconvened at 7:00 p.m. and was followed by the Pledge of Allegiance and Roll Call.

PLEDGE TO FLAG

The Pledge of Allegiance was followed by Roll Call.

PRESENT

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

Staff: Shue, Gouveia, Lepore, Ely, Maharaj

B.O.D. BUDGET WORK SESSION

The Board of Directors met in a Budget Work Session at 5:30 p.m. to discuss the Hayward Area Recreation and Park District's Proposed Budget for fiscal year 2010/2011.

CLOSED SESSION ANNOUNCEMENT

President Hodges reported that there was no announcement to make from the Closed Session held at 6:30 p.m. on this date.

MONTHLY VOLUNTEER RECOGNITION AWARD

Ms. Delina Cheung -
Volunteer of the
Month – March 2010
Senior Adult Program

President Hodges congratulated and presented the Monthly Volunteer Recognition Award for March 2010 to Ms. Delina Cheung, a volunteer in the Income Tax Assistance Program at the Hayward and the Kenneth C. Aitken Senior Center. On behalf of the Board of Directors and Staff, President Hodges thanked Ms. Cheung for her dedication and hard work in the Income Tax Program since 2002.

Volunteer Income
Assistance Program
(VITA)

Staff reported that Ms. Cheung started volunteering her services over seven years ago at the Kenneth C. Aitken Senior Center, where she received training from the Volunteer Income Tax Assistance Program (VITA) to help low to moderate income seniors prepare their tax returns. The volunteer position is not only very demanding, but

**MONTHLY VOLUNTEER
RECOGNITION AWARD**
(Continued)

Volunteer Participates
In Training and Must
Pass the Test to
Prepare for the
Tax Season

comes with a great deal of responsibility and attention to detail, including learning new tax laws, all of which can be daunting and stressful. To prepare herself for the tax season, Delina participates in a week-long training in January and must pass a test to be able to volunteer. For the 2009/2010 tax season, Staff reported that Delina Cheung went above and beyond her regular duties. In addition to filing income tax returns, she became the Income Tax Site Coordinator at the Hayward Senior Center, which involved transmitting the returns electronically to the IRS and the State, trouble-shooting a tax return if it has been rejected and learning and mentoring other tax volunteers.

Ms. Cheung -
Volunteer Tax
Coordinator at
Hayward Senior
Center

Hundreds of seniors once again were able to take advantage of having their taxes done for free because of volunteers like Delina, who is very dependable and truly dedicated to the seniors. She is a great asset in the Senior Program and the Senior Center staff was thrilled to recognize her for her volunteer services at both the Hayward and the Kenneth Aitken Senior Center. Her experience, accurate tax knowledge and kind and gentle demeanor attracts many seniors who specifically request her tax services.

Comments -
Ms. Cheung

Upon acceptance of her recognition award, Ms. Cheung thanked the Board of Directors and Staff. She said that it is a pleasure to be of service to the seniors during the tax season as she enjoys preparing tax returns, which provides her with an opportunity to learn and receive updates on tax laws.

Comments –
Ms. Daniela Keiffer,
Recreation Supervisor,
Reflected on Success
Of the 2009/2010 Tax
Season

Ms. Daniela Keiffer, Recreation Supervisor, extended her gratitude to Ms. Cheung and recognized her humbleness and true spirit of volunteerism, and thanked her for making the tax season at the Hayward Senior Center relaxed and successful, with over 600 Income Tax Returns filed, with a 5% error rate.

Ms. Mila Mishina,
Recreation Coord. -
Ms. Cheung Very
Deserving of the Award

Ms. Mila Mishina, Recreation Coordinator, also extended her sincere thanks and recognized Ms. Cheung for being the volunteer Tax Site Coordinator at the Hayward Senior Center, which was an enjoyable and successful season. She concluded that Ms. Cheung is very deserving of the Monthly Volunteer Recognition Award.

Eligible for
VOY Award
For 2010

Ms. Cheung's picture will be displayed in the District Administration Office and on the District's website as the Monthly Volunteer Recognition Awardee for March 2010. In addition, she will be eligible for the Volunteer of the Year Award for 2010.

PUBLIC COMMENTS

Mr. Eric Mills,
Action for Animals

Mr. Eric Mills, Action for Animals, P.O. Box 20184, Oakland, referred to a State Park Initiative that may be on the November 2010 Ballot that would establish an \$18 Annual Vehicle License Surcharge to help fund State Parks and protect wildlife, co-sponsored by the Audubon

PUBLIC COMMENTS

(Continued)

Society. He was also pleased to refer to the California State Fish and Game Commission's vote for non-issuance of Permits for import of live turtles and frogs, which he said is good news for the threatened and endangered species, and native animals, and help resolve problems with diseases and health issues.

CONSENT CALENDAR

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, April 12, 2010 at 7:00 p.m.

Finance

Acceptance of the Finance Report for March 2010.

**ROWELL RANCH
RODEO ASSOCIATION**

90TH Annual
Professional Rowell
Ranch Rodeo -
May 15th and
May 16, 2010

Staff reported that the 90th Annual Professional Rodeo will kick off with a parade on Saturday, May 8, 2010 at 10:00 a.m. on Castro Valley Boulevard. Rodeo festivities will continue throughout the week with the Annual Barbecue and Team Penning on Wednesday, May 12, 2010, slack events on Friday, May 14, 2010 and the main Rodeo on Saturday and Sunday, May 15th and May 16, 2010.

Mr. Russ Fields of
Rowell Ranch
Rodeo Association

Staff introduced Mr. Russ Fields, Board Member of the Rowell Ranch Rodeo Association who was in attendance at the meeting to make a presentation to the Board of Directors. Mr. Fields presented complimentary tickets to the Rodeo and outlined the various events during the week of the Rowell Ranch Rodeo, beginning with a Chili Cook Off on Friday, May 7th at 5:30 p.m., the Rodeo Parade on Saturday, May 8th, along with other festivities preceding the Rowell Ranch Rodeo on Saturday, May 16th and Sunday, May 17th. He extended an invitation to the Board of Directors and Staff to the rodeo, and to the *Rockin' Bull Bash*, a new addition to the 2010 Rowell Ranch Pro Rodeo scheduled on Friday, May 14th at 7:00 p.m.

Annual
Presentation to the
Board of Directors

Mr. Eric Mills,
Coordinator,
Action for Animals -
Addresses B.O.D.
About the Annual
Rowell Ranch
Rodeo

Mr. Eric Mills, Coordinator, Action for Animals, P.O. Box 20184, Oakland, acknowledged the Hayward Area Recreation and Park District's Rodeo Policy, which he said is one of the best rodeo policies in the country. Mr. Mills appeared before the Board of Directors to express some of his concerns about the Rowell Ranch Rodeo; more specifically, problems he personally encountered with taking pictures at the 2009 event, the welfare of animals in general; Cotton Rosser's Flying U Rodeo Company remaining the perennial stock contractor for the rodeo despite their direct violation of the Rodeo Policy at the 2008 Rodeo. Mr. Mills briefly referred to his concerns with other California rodeos, including the Salinas Rodeo, where animal injuries continue to occur, but are not documented.

**ROWELL RANCH
RODEO ASSOCIATION**
(Continued)

Presence of
Vet During the
Rodeo Per
H.A.R.D. Rodeo
Policy

With reference to the H.A.R.D. Rodeo Policy Procedure, Mr. Mills stated that a veterinarian is required to be present at the Rowell Ranch Rodeo on Friday, Saturday and Sunday to take care of the animals before, during and after the Rodeo; that the H.A.R.D. Rodeo Policy, including the wild cow milking be re-considered at the conclusion of the 2010 Rodeo, and that H.A.R.D. Staff meet with the Animal Rights after the 2010 Rodeo. In conclusion, Mr. Mills encouraged the Board to go to the Rodeo to see what takes place and encouraged everyone involved to do the right thing.

Members of the
Audience Addressed
B.O.D. – H.A.R.D.
Rodeo Policy;
Presence of a
Veterinarian,
Rules & Regulations,
Humane Treatment
Of All Animals/
Livestock

The following individuals addressed the Board of Directors to express their support of the Hayward Area Recreation and Park District's Rodeo Policy, which they stated should be enforced at all rodeos, requiring a veterinarian to be present at all the rodeos and that all injuries to animals should be reported in a timely manner, including animals that are euthanized. The speakers also pointed out the importance of observing all rules and regulations during the rodeo; expressed concerns about various events that transpire during the Rowell Ranch Rodeo that result in inhumane treatment of animals/livestock who also can feel their pain and suffering that should be banned and eliminated from all future rodeos, for example mutton busting, use of electric prods, wild cow roping to name only a few:

Pat Maginnes, 1428 – 19th Avenue, Oakland
Jeanne Gocker, 24982 Second Street, Hayward, and a member
of the Hayward Friends of Animals
Margaret Wehinger, 6965 Chambers Drive, Oakland
Linda Olvera, Board Member, PawPac, San Francisco
Virginia Handley, Animal Switchboard, Hayward

Staff Comments -
Guidelines and
Criteria at Rowell
Ranch Stipulated in
H.A.R.D. Policy

For information of the Board, Staff reported that the guidelines and criteria for rodeos and rodeo related activities at the Rowell Ranch Rodeo are stipulated in the District's Policy Governing Rodeo Animals/Livestock and also in the contract for rental of the Rowell Ranch Rodeo Park.

**HAYWARD ZUCCHINI
FESTIVAL**

2010 Festival
Scheduled on
August 21st &
August 22nd

The Hayward Area Recreation and Park District has been involved in the Zucchini Festival since the inception of the annual event in 1983. Staff introduced Mr. Richard Essi, General Manager of the Hayward Zucchini Festival, who was in attendance to request use of Kennedy Park for the 2010 Festival scheduled on August 21 and August 22, 2010.

Mr. Rich Essi -
Presentation on
2010 Zucchini Festival

Mr. Essi reflected on the 2009 Hayward Zucchini Festival, which he indicated was a good year financially in comparison to the more recent Zucchini Festivals, which would allow the Zucchini Festival to make payment to the Hayward Area Recreation and Park District

HAYWARD ZUCCHINI FESTIVAL (Continued)

Payment Owed
To H.A.R.D. -
\$10,000

Highlights of the
2010 Zucchini
Festival and
B.A.R.T's
Sponsorship

Reduction of
H.A.R.D's Expenses

Board and
Staff Comments -
Impact to Kennedy
Park Concession
Revenue During
The Zucchini
Festival

Financial Report
To H.A.R.D.
Annually

Motion Carried to
Authorize Use of
Kennedy Park for the
2010 Zucchini Festival

in the amount of \$10,000 for the 2009 Festival, which they hope to make by the 2010 Festival and, thereafter, pay the District for this year's Festival. Mr. Essi shared information on the 2010 Zucchini Festival and reported that B.A.R.T. will be a major sponsor, which would certainly help with publicity as pamphlets and flyers will be made available at the Bay Area B.A.R.T. stations. Mr. Essi stated that although the previous years' Festivals were not so successful due to the economy in general, he said that the 2010 Zucchini Festival looks more promising. On the subject of expenses incurred and changes that could be implemented to reduce the Hayward Area Recreation and Park District's annual costs, Mr. Essi stated that he met with District Staff in that regard and every effort will be made to reduce those costs. For information of the Board, Mr. Essi outlined the Festival's major sources of revenue, which are from booth rental, entrance fees and beverages. He reported that the Zucchini Festival hopes to generate additional revenue from VIP parking, which will be implemented in 2010.

Discussion ensued and Staff reported that during the duration of the two-day Zucchini Festival at Kennedy Park, with the exception of the pony ride and the train, the District's snack bar, petting zoo and carousel are in operation. Director Andrade pointed out that the District is unaware of the overall benefit to the public from the Hayward Zucchini Festival, including the Festival's various revenue sources. Director Andrade stated that the District's revenue at Kennedy Park continues to be greatly impacted from the two-day Festival, in addition to the wear and tear to the park. Moreover, Director Andrade requested that it would be beneficial for H.A.R.D. to also receive a financial report from the Zucchini Festival following their annual event at Kennedy Park.

Following comments, Director Waespi moved, second by Director Jameson, and unanimously carried to authorize use of Kennedy Park for the 2010 Hayward Zucchini Festival scheduled on August 21st and August 22, 2010.

ASHLAND COMMUNITY CENTER

ADA Upgrades to
The Restrooms
And Kitchen

Change Order No. 1
\$15,461.51
Approved on
April 12, 2010

On November 23, 2009 the Board of Directors awarded the contract for the ADA upgrades to the restrooms and kitchen at Ashland Community Center to JUV, Inc. of Oakland in the amount of \$124,000. Staff reported that Change Order No. 2 in the amount of \$1,633.92 was for additional work for painting two rooms and the installation of stainless steel and granite back splash, new brackets for the folding table, sanitary napkin dispensers, under cabinet light fixture, kick plates and ceramic tile under the kitchen sink and the drinking fountain. Change Order No. 1 in the amount of \$15,461.51 was approved by the Board of Directors on April 12, 2010. Change Order No. 2 in the amount of \$1,633.92 would bring the new contract amount for the Ashland Community Center ADA upgrades to

ASHLAND COMMUNITY CENTER (Continued)

Change Order No. 2 - \$1,633.92

\$141,095.43. Funds are available from the Alameda County Community Development Block Grant and the District's Capital Outlay Fund for fiscal year 2009/2010. Staff requested approval of Change Order No. 2 in the amount of \$1,633.92 for the additional costs incurred for the ADA upgrades to the restrooms and kitchen at the Ashland Community Center.

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

R-0910-63
Change Order
No. 2

Resolution No. R-0910-63, approving Change Order No. 2 in the amount of \$1,633.92 for the upgrades to the restrooms and kitchen at the Ashland Community Center.

ADA Upgrades to
The Restrooms and
Kitchen -

Following approval of Change Order No. 2, Staff recommended acceptance of completion of the contract for the ADA upgrades to the restrooms and kitchen at the Ashland Community Center, awarded by the Board of Directors on November 23, 2009 to JUV, Inc., Oakland, in the amount of \$124,000. Staff reported that the architect's estimate for the project was \$230,000. Funds are available from an Alameda County Community Development Block Grant and the District's Capital Outlay Fund for fiscal year 2009/2010.

Architect's Estimate
And Funding

Two (2) Change
Orders and New
Contract Amount -
\$141,095.43

Staff referred to the two (2) Additive Change Orders in the amount of \$17,095.43, approved by the Board of Directors, bringing the new contract amount to \$141,095.43. The renovation included automatic doors to the restrooms and the main entrance, as well as upgrades to the kitchenettes in the classrooms. Energy efficient light and low water flow fixtures were also installed.

Inspection
Completed

Following an inspection of the project and finding the work completed in accordance with the plans and specifications, Staff recommended acceptance of the contract for the ADA upgrades to the restrooms and kitchen at the Ashland Community Center.

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

R-0910-64
Acceptance
Of Completion
Of Contract

Resolution No. R-0910-64, accepting completion of the contract for the ADA upgrades to the restrooms and kitchen at the Ashland Community Center in accordance with the plans and specifications and terms of the contract.

WEEKES COMMUNITY CENTER

ADA Upgrades
To the Restrooms
And Construction
Of the Pathway

Change Order No. 2 -
\$1,053.44

Change Order No. 1
In the Amount of
\$4,438.37 Approved
On April 12, 2010

On January 11, 2010 the Board of Directors awarded the contract for the ADA upgrades to the restrooms and construction of the pathway at Weekes Community Center to JMA, Inc. of San Francisco in the amount of \$181,000. Staff requested approval of Change Order No. 2 in the amount of \$1,053.44 for additional costs incurred for the ADA upgrades to restrooms and construction of the pathway at Weekes Community Center. Staff reported that Change Order No. 2 was for the additional work to furr out the ceiling in the wall, between the restrooms and lobby, and installation of three sanitary napkin dispensers. Funds for the project are available from a City of Hayward Community Development Block Grant (\$100,000) and the District's Park In-Lieu Fees.

Staff further reported that following the approval of Change Order No. 1 in the amount of \$4,438.37 by the Board of Directors on April 12, 2010, Change Order No. 2 in the amount of \$1,053.44 would bring the new contract amount for the Weekes Community Center ADA upgrades to \$186,491.81.

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

R-0910-65
Approval of
Change Order
No. 2 - \$1,053.44

Resolution No. R-0910-65, approving
Change Order No. 2 in the amount of
\$1,053.44 for the ADA upgrades to the
restrooms and construction of the
pathway at Weekes Community Center.

Change Orders
For Conditions
Unknown and
Unanticipated

Director Andrade for the record, said that the Change Orders, two each, for the Ashland Community Center and the Weekes Community Center, were for conditions unknown and unanticipated, that surfaced during the course of the renovations.

CASTRO VALLEY COMMUNITY CENTER

Parking Lot
Renovation -
Historical Background
Of Project in
Conjunction with
Gymnasium Addition -
2001

Staff reported that the lower parking lot at the Castro Valley Community Center is in need of renovation. In 2001, plans and specifications were developed by Gutierrez and Associates, Architects of Oakland, as part of the proposed gymnasium addition project. The design also included some improvements to the school ground. Staff reported that they have been working with the Castro Valley Unified School District (CVUSD) to seek joint funding for the parking lot improvements; however, the School District currently has no funds available to assist with the project. In view of the poor condition and the safety issues that exist in the parking lot, which do not conform to the requirements of the Americans with Disabilities Act (ADA), Staff reported that the renovation project has been identified as a priority in the District's fiscal year 2010/2011 Capital Outlay Budget.

**CASTRO VALLEY
COMMUNITY CENTER**
(Continued)

Funding for
Architectural Services -
Gutierrez & Associates

Gutierrez and Associates, who developed the previous plans and specifications, submitted a proposal for architectural services in the amount of \$17,544. Funds are available in the District's Capital Outlay Fund for fiscal year 2009/2010. Staff requested authorization to enter into an agreement with Gutierrez and Associates to develop plans and specifications for renovation of the parking lot at the Castro Valley Community Center.

Scope of
Parking Lot
Renovation
Project

For information of the Board, Staff reported that the parking lot renovation not only includes repairs, but modifications to the entrance and the exit, ADA access and parking, and a pathway to the Castro Valley Community Center, all of which involve different designs. Staff said that funds in the amount of \$250,000 have been allocated in the fiscal year 2010/2011 Capital Outlay Fund for the renovation of the parking lot at the Castro Valley Community Park.

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

R-0910-66
Entry into
Architectural
Services
Agreement

Resolution No. R-0910-66, authorizing the General Manager to enter into an Architectural Services Agreement with Gutierrez/Associates of Oakland, for renovation of the parking lot at the Castro Valley Community Center/Park for an amount not to exceed \$17,544.

**JACK HOLLAND SR.
PARK**

Geotechnical and
Testing Services
Prior to Development
Of Park

Staff reported that during the underground phase of construction, several areas of former underground tank locations were encountered, which require geotechnical and testing services in conjunction with the development of the new Jack Holland Sr. Park to insure that those areas are properly re-compacted to support future improvements. The District has been working with Ninyo and Moore, Geotechnical and Environmental Services Consultants of Oakland, during the cleanup of the site and, as they are familiar with the property, Staff recommended retaining their services and entering into a Professional Services Agreement with Ninyo and Moore for an amount not to exceed \$41,800. Funds are available from the State Recreation and Park Department Grant.

Ninyo & Moore,
Geotechnical &
Environmental
Consultants

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

R-0910-67
Entry Into
Professional
Services
Agreement

Resolution No. R-0910-67, authorizing the General Manager to enter into a Professional Services Agreement with Ninyo & Moore of Oakland, for geotechnical observation and material testing at the Jack

**JACK HOLLAND SR.
PARK (Continued)**

Holland Sr. Park for an amount not to exceed \$41,800.

GOLF DEPARTMENT

Authorization to Dispose of Surplus Equipment - Toro 5-Plex Mower and Cushman Utility Truck

Staff reported that the Golf Department has a Cushman Utility Truck and Toro 5-Plex Mower that have been deemed surplus and no longer usable or serviceable. Staff requested that the Cushman Utility Truck, Inventory No. A-5210 purchased in 1987, acquisition cost \$7,543.50 and the Toro 5-Plex Mower, Inventory No. A-6252, purchased in 2001, acquisition cost \$67,680.36, be declared surplus to the District's needs and that Staff be directed to dispose of the equipment in accordance with the District Bylaws.

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

R-0910-69
Equipment
Declared
Surplus

Resolution No. R-0910-68, declaring the Cushman Utility Truck, Inventory No. A-5210, and the Toro 5-Plex Mower, Inventory No. A-6252, 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.

**HAYWARD AREA
SHORELINE PLANNING
AGENCY (HASPA)**

Historical Background of H.A.S.P.A. Formed In 1970

Staff reported that in 1970, recognizing the need to preserve, enhance, and educate the citizens and decision makers alike on the complex issues that revolved around the development versus the preservation issues on the Shoreline, the Hayward Area Shoreline Planning Agency (HASPA) was formed and has provided a forum for the 30 years where Federal (Fish and Game), County (Flood Control and planners), City, and the Park District's personnel could meet with property owners, developers, concerned citizens etc. to discuss how the Shoreline should be best developed for the Hayward area.

Establishment of Joint Exercise of Powers (JPA) Agreement in 1975 on Shoreline Issues

Staff further reported that in 1975, a Joint Exercise of Powers Agreement (JPA) was established between the East Bay Regional Park District, the Hayward Area Recreation and Park District, the City of Hayward, the Hayward Unified School District and the San Lorenzo Unified School District to allow member agencies to meet and be advised on Shoreline issues, and to act as a forum for receiving comments from the Citizen Advisory Committee and the Technical Advisory Committee to better inform the HASPA Trustees. Furthermore, every five years it is necessary to renew the Joint Powers of Exercise Agreement with the State of California. In order to do this, each member agency is required to adopt a resolution in favor of the action to determine if they wish to remain part of the Joint Powers of Exercise Agreement, which expires in 2010.

Renewal of JPA Every Five (5) Years And Adoption of Resolution

**HAYWARD AREA
SHORELINE PLANNING
AGENCY (HASPA)**
(Continued)

H.A.R.D. Responsible
For H.A.S.P.A. Staffing
The Next (5) Years

The last five years, the Hayward Area Shoreline Planning Agency (HASPA) has been staffed by the East Bay Regional Park District. Staff noted that the responsibility would now be coming to the Hayward Area Recreation and Park District, should the District choose to be part of the Joint Powers of Exercise Agreement. Staff recommended that the Hayward Area Recreation and Park District renew the Joint Powers of Exercise Agreement so that the Hayward Area Shoreline Planning Agency may continue to advise the member agency's on enhancement and development opportunities on the Shoreline.

Staff Report -
Information on
H.A.R.D.'s Staff
Support to
H.A.S.P.A.

For information of the Board, Staff reported that this is the second time around that Staff of the Hayward Area Recreation and Park District would be providing Staff support and would absorb the minimal administrative costs that would be involved. With reference to expertise and guidance on HASPA, Staff reported that the East Bay Regional Park District would continue to provide support in that regard and added that Mr. Zabel, the District's Operations and Development Supervisor, will serve as H.A.R.D.'s liaison on H.A.S.P.A.

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

R-0910-69
Renewal of
H.A.S.P.A.
JPA to 2015

Resolution No. R-0910-69, authorizing renewal of the Hayward Area Shoreline Planning Agency (HASPA) Joint Exercise of Powers Agreement (JPA) for an additional five (5) years to 2015.

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Appointment of
Three (3) New
Members to H.A.R.D.
Citizens Advisory
Committee (C.A.C.)

President's Report: It was moved by Director Pereira, second by Director Jameson, and unanimously carried to appoint Ms. Delcea Willis, Hayward; Ms. Deborah McHenry, Hayward and Mr. Arthur Wydler of San Lorenzo to the Hayward Area Recreation and Park District's Citizens Advisory Committee for a two-year term beginning June 1, 2010 to June 1, 2012, bringing the total membership of the Committee to eleven (11) in accordance with the Bylaws of the Hayward Area Recreation and Park District's Citizens Advisory Committee.

Russell City Energy
Center

Presentation of
Staff Report -
B.O.D. Ad Hoc
Committee Formed
On April 12, 2010

Staff reported that at the April 12, 2010 Board Meeting, President Hodges appointed Director Jameson and Director Pereira to a Board of Directors' Ad Hoc Committee to discuss the Hayward Area Recreation and Park District Board of Directors' action taken in their meeting on Monday, August 24, 2009 on the Russell City Energy Center power plant. The Ad Hoc Committee met on Friday, April 23rd to review and discuss the Board of Directors' position in their meeting on Monday, August 24, 2009 on the subject. *The Ad Hoc Committee recommended that the Board of Directors send a letter to*

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

Recommendation
Of Ad Hoc
Committee at
April 23, 2010
Meeting

the California Energy Commission and the Environmental Protection Agency to address the concerns and issues about potential impact of the Russell City Energy Center on the programs and facilities of the Hayward Area Recreation and Park District at the Hayward Shoreline, and request that a full biological study be done. In addition, the Ad Hoc Committee recommended that the Shoreline Use Survey conducted at the Hayward Shoreline Interpretive Center be included in the letter to indicate the public's response should the Russell City Energy Center be constructed, and that the Hayward Area Recreation and Park District continue to collaborate with those concerned with the same concerns and issues as H.A.R.D.

Following Staff report, President Hodges, invited the following members of the audience to make their comments on the subject:

Mr. Andy Wilson,
Hayward -
Requested B.O.D.
To Send Letter to
Environmental
Appeals Board

Mr. Andy Wilson, 31438 Greenbrier Lane, Hayward, encouraged the Board of Directors to write a letter to the Environmental Appeals Board on what is now an extremely complex and controversial issue before the Environmental Protection Agency. Mr. Wilson referred to the plumes from the power plant that would be visible most of the time and would be a major detraction from the Hayward Shoreline, a focal point, and will not be a good thing for the Hayward Shoreline. He referred to \$10 million forthcoming to the City of Hayward from Calpine and pointed out that other agencies such as H.A.R.D. and the E.B.R.P.D. should also be included for the benefit of their respective communities.

Mr. Rob Simpson,
Hayward -
Supported Decision
To Continue to
Participate in the
Power Plant
Proceedings

Mr. Rob Simpson, 27126 Grandview Avenue, Hayward, stated that he supported the decision to continue to participate in the Russell City Energy Center Power Plant proceedings and to continue to press issues and work with other agencies on an Environmental Impact Report to clearly outline the impacts. He pointed out that the power plant will have a severe impact on the resources of H.A.R.D. that would be far greater than a \$10 million Hayward library. He said that a disparity of benefits to H.A.R.D. from the power plant clearly exists, with the value of the impact on H.A.R.D.'s resources yet to be assessed, and that the Energy Commission continue to do their job.

Mr. Ernest Pacheco,
Hayward -
H.A.R.D. Continue
To Defend Itself;
Hayward Shoreline
Use Survey; Financial
Impact – Letter to
Environ. Appeals Board

Mr. Ernest Pacheco, 22650 Main Street, Hayward, said that H.A.R.D. should continue to defend itself from the power plant. He referred to the District's Hayward Shoreline Use Survey, which reflects that 90% of participants will stop using H.A.R.D.'s resources at the Shoreline, which he pointed out is significant, along with the severe financial impact to H.A.R.D. that may include possible closure of the Shoreline Interpretive Center. He requested the Board to continue their focus on this aspect and said that it is imperative to send a letter to the Environmental Appeals Board by May 3, 2010, to insure that H.A.R.D. is heard and their concerns are elucidated for proper mitigation.

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

Comments -
Director Jameson

Letter from H.A.R.D.
Imperative as
Power Plant Will
Seriously Impact
H.A.R.D’S
Shoreline Resources
And the Environment

Reflected on
Change in Usage;
Documentation that
Power Plant Is
Unhealthy and Unclean;
Protect H.A.R.D and
Pursue Mitigation

Encouraged B.O.D.
To Pursue the Next
Step – Letter to the
Environ. Appeals
Board

Comments -
Director Pereira
H.A.R.D. Seek
Compensation for
Damages

Comments -
Director Andrade
Referred to H.A.R.D.
B.O.D. Action on
August 24, 2009 and
Ad Hoc Committee’s
Recommendation

Following comments from the audience, Director Jameson, thanked the speakers for their offer to help, which she said is needed. She reported on their meeting with Staff, at which it was made clear that money is an issue and that H.A.R.D. cannot get involved in anything too costly, but would write a letter to the proper agencies. She said that the Russell City Energy Center will impact H.A.R.D. that is at risk of major changes to the environment at the Hayward Shoreline and will experience a change in usage. She pointed out that the power plant is not only a big deal, but is also unhealthy and unclean, and there are facts to document this. She stated that plumes from the power plant will be visible and land on the Shoreline, and will impact H.A.R.D’s Shoreline and, likewise, the participants and users at that location. Director Jameson said that it is really about how the Russell City Energy Center will affect H.A.R.D’s Shoreline and to make our position really clear. Therefore, she said the District ought to focus on this and have the regulatory agencies work with H.A.R.D. to investigate this further and make recommendations, and to request the Environmental Appeals Board to look at how this project will impact H.A.R.D., implicate mitigations as H.A.R.D. needs to be protected, and get more money from Calpine that needs to do a lot more for the Hayward Area Recreation and Park District through mitigation and/or donation.

Director Jameson referred to new information now available that should impel the District to pursue the course of action necessary and go to the next step with all the facts, including the Shoreline Use Survey. Director Jameson referred to the May 3, 2010 due date of the letter to the Environmental Appeals Board that Staff will prepare for the Board’s review and direction; she reiterated that time is of the essence. She said that she personally felt, and hoped that the Board understood, that there are serious problems with the power plant.

Director Pereira stated that the survey is a general point and, while she is not happy with the power plant and the potential serious impact of the project on H.A.R.D’s facilities and programs, she said that it is imperative that the District seek what it can get from Calpine in the way of compensation for damages that H.A.R.D. would endure.

Director Andrade referred to the Board of Directors’ action in their meeting on August 24, 2009, to not support the Russell City Energy Center power plant. He stated that the Board of Directors’ decision and position on the project is clear. He said that it is now important to reiterate that in H.A.R.D’s letter to the Environmental Appeals Board per the Board of Directors Russell City Energy Center Ad Hoc Committee’s recommendations and within the parameters agreed on, and refer to the Shoreline Use Survey, but not state more than originally said and not change the Board’s position in the matter, nor

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

Staff and Ad Hoc
Committee to Prepare
Letter

bring in new information. He reiterated that the Board of Directors’ proceed with the letter to the appropriate agencies per the Committee’s recommendations. He concluded that the Board of Directors’ Ad Hoc Committee and Staff get together and compose a great letter to publicize the Hayward Area Recreation and Park District’s position and mitigate the impact, which H.A.R.D. rightfully deserves, and much more.

Comments -
Director Waespi
H.A.R.D. to Proceed
With Letter

Following his comments, Director Andrade so moved, second by Director Waespi who said that Staff proceed with the letter in a timely manner and include the Shoreline Use Survey. He pointed out that the City of Hayward will receive \$10 million from Calpine for a new Hayward library, while the Hayward Area Recreation and Park District will receive signs and benches from the Russell City Energy Center power plant that will release plumes, be very visible from the Hayward Shoreline and negatively impact the Shoreline and the resources therein. He referred to the Shoreline Use Survey conducted by District Staff that clearly states that the impact of the power plant on H.A.R.D’s constituents, and recreational and educational programs is going to be significant. He said that all the concerns as they relate to the significant negative impact to H.A.R.D. and its shoreline resources should be addressed. Director Waespi said that the Hayward Area Recreation and Park District’s letter to the Environmental Appeals Board to oppose the power plant be specific and that H.A.R.D. continue to be pro-active. Director Waespi said that he would like to see what CalPine’s proposal is, and how they would like to work with H.A.R.D.

Power Plant Will
Negatively Impact
H.A.R.D’s Shoreline,
And Likewise Impact
Constituents, and
Recreational and
Educational Programs

H.A.R.D. Letter to be
Reviewed by B.O.D.

Director Pereira said that H.A.R.D’s letter to the Environmental Appeals Board should be reviewed by all the members of the Board before it goes out.

Motion Carried to
Prepare, Review and
Send Letter to
Environmental
Appeals Board from
H.A.R.D. by the
May 3, 2010 Due Date

The motion originally made by Director Andrade, second by Director Waespi, was carried unanimously, directing Staff to work with the Board of Directors’ Russell City Energy Center Ad Hoc Committee to prepare a letter to the Environmental Appeals Board, due by May 3, 2010, as per the Ad Hoc Committee’s recommendation, and include the Hayward Shoreline Use Survey. President Hodges directed Staff to work with the Board of Directors’ Ad Hoc Committee to prepare the letter to the Environmental Appeals Board due on May 3, 2010.

Staff Comments -
All H.A.R.D’s
Issues and Impacts
Will be Outlined

Staff said that they would be happy to prepare the letter to reiterate the Hayward Area Recreation and Park District’s position on the Russell City Energy Center for the Board’s review and to pursue better mitigation. With reference to impact of the power plant on H.A.R.D., the Hayward Shoreline and the educational and recreational programs therein, Staff said they would be happy to outline them in the letter to the Environmental Appeals Board so that

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

all those issues are addressed, along with the Board's comments, and a copy of the Shoreline Use Survey.

**REPORT ON BOARD
MEMBER ACTIVITIES**

H.A.H.S. History
Awards – 4/23/10

Director Pereira reported that her fellow Board Members and Staff were in attendance at the Hayward Area Historical Society's 11th Annual History Awards on Friday, April 23rd, which she said was an enjoyable evening.

San Lorenzo Village
Homes Assn. Mtg. -
4/15/10

Director Andrade reported that he was joined by Director Jameson and Staff to the San Lorenzo Village Homes Association meeting held on Thursday, April 15th, during which they heard concerns and issues about maintenance of existing facilities and long range goals for maintenance and upgrades in the San Lorenzo Area.

Community
Meeting on the
T-Mobile Cell Site in
Castro Valley -
4/12/10

Director Jameson reported that she was joined by Director Waespi and Staff to a community meeting held on Wednesday, April 12th, at the Castro Valley Community Center to receive input on the proposed T-Mobile cell site in Castro Valley, which Staff would now present to Alameda County for their review.

Eden Area Livability
Initiative Meeting -
4/22/10

Director Hodges reported that he attended the Eden Area Livability Initiative's Joint Leadership and Community Educational Forum on Thursday, April 22nd at the new Castro Valley Library. He reported that the Agenda included a presentation on Measure B3.

ADJOURNMENT

In Honor and in
Memory of the Late
Jerrell Cooper

There being no further business to conduct, President Hodges adjourned the Board Meeting at 8:46 p.m. in honor and in memory of the late Jerrell Cooper of Hayward who passed away on April 22, 2010, husband of former Mayor of the City of Hayward, Roberta Cooper.

DENNIS WAESPI, Secretary
Board of Directors