



Hayward Area Recreation and Park District

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

MINUTES

July 12, 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 Hodges, Jr. at 7:00 p.m. on Monday, July 12, 2010 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 (7:10 p.m.), Hodges, Jameson (Absent), Pereira, Waespi

Staff: Shue, Gouveia, Lepore, Ely, Maharaj

CONSENT CALENDAR

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, June 22, 2007 at 7:00 p.m.

Finance

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

R-1011-1
Personnel

Adoption of Resolution No. R-1011-1, authorizing appointments and the separation of Hourly Employees.

JACK HOLLAND SR. PARK

Memorandum of Understanding with San Lorenzo Unified School District - Item Tabled

Staff requested that the item be tabled as the San Lorenzo Unified School District would like to make changes to the Memorandum of Understanding for reimbursement of construction costs incurred by H.A.R.D. for improvements at Edendale Middle School from the \$3.0 million State Park and Recreation Department Grant received by the Hayward Area Recreation and Park District in 2004. Staff said that they intend to place the item back on the July 26, 2010 Agenda for the Board's review and approval.

KENNETH C. AITKEN SENIOR & COMM. CENTER

Cell Tower Site

Staff reported that T-Mobile West Corporation, a Delaware Corporation, has proposed installation of communications equipment on a flag pole and installation of maintenance cabinets at the Kenneth C. Aitken Senior and Community Center. In exchange for an easement to use and access the site, T-Mobile has agreed to pay the Hayward Area Recreation and Park District a \$2,500

**KENNETH C. AITKEN
SENIOR & COMM.
CENTER** (Continued)

Staff Outlined
Terms and
Conditions of Option
And Lease Agreement
With T-Mobile
For Installation,
Operation and
Maintenance of
Communications
Facility

5-Year Lease
Effective
July 13, 2010

Staff
Comments

Project to be
Reviewed by
Castro Valley M.A.C.
And Alameda County
Board of Adjustments

non-refundable fee for a one-year option contract payment, and an additional non-refundable payment in the amount of \$2,500 the second year, if required, to complete the permit process. Staff further reported that when T-Mobile exercises the option and leases the premises under the terms and conditions of the attached Option and Lease Agreement, the District will start to receive the monthly rental payment of \$2,400, with annual increases of 3.5% over the rent payment paid during the previous year, for a five-year initial term and, thereafter, the Agreement will automatically be renewed for four (4) additional terms at the same annual percent increase.

Staff recommended that the Board of Directors adopt a resolution authorizing the General Manager to enter into an Option and Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, effective July 13, 2010, in accordance with the terms and conditions of the Option and Lease Agreement for the purpose of installing, operating and maintaining a communications facility and other improvements at the Kenneth C. Aitken Senior and Community Center, Castro Valley.

Brief discussion ensued and Staff described the specific location of the maintenance cabinet that would be installed to the north side of the building front, with a trench running through the asphalt parking lot to the maintenance cabinets. The communications equipment would be concealed within a new flag pole that would be provided by T-Mobile. Staff also advised that the T-Mobile's proposal has yet to be reviewed by the Castro Valley Municipal Advisory Council and the Alameda County Board of Adjustments. On the subject of the monthly lease payment to H.A.R.D., Staff said that monthly rental payment of \$2,400 is in line with the District's most recently negotiated amount, and higher.

With no further comments, it was moved by Director Waespi, second by Director Pereira, and carried to adopt the following:

R-1011-2
Entry into
Option and
Lease
Agreement

Resolution No. R-1011-2, authorizing the General Manager to enter into an Option and Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, for installation, operation and maintenance of a communications facility at the Kenneth C. Aitken Senior and Community Center in accordance with the terms and conditions of the Option and Lease Agreement, attached hereto. (Absent: Director Andrade; Director Jameson).

GREENRIDGE PARK

Cell Tower Site

Staff Outlined Terms and Conditions of Option and Lease Agreement with T-Mobile for Installation, Operation and Maintenance of Communications Facility

Staff reported that T-Mobile West Corporation, a Delaware Corporation, has proposed installation of communication equipment on a Mono Pine, and installation of maintenance cabinets at Greenridge Park in Castro Valley. In exchange for an easement to use and access this site, T-Mobile has agreed to pay the Hayward Area Recreation and Park District a \$2,500 non-refundable fee for a one-year option contract payment, and an additional non-refundable payment in the amount of \$2,500 the second year, if required, to complete the permit process. Staff reported that when T-Mobile exercises the option and leases the premises under the terms and conditions of the attached Option and Lease Agreement, the District will start to receive the monthly rental payment of \$2,400, with annual increases of 3.5% over the rent payment paid during the previous year, for a five-year initial term and, thereafter, the Agreement will automatically be renewed for four additional terms at the same annual percent increase.

Five-Year Lease Effective July 13, 2010

Staff recommended that the Board of Directors adopt a resolution authorizing the General Manager to enter into an Option and Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, effective July 13, 2010, in accordance with the terms and conditions of the Option and Lease Agreement for the purpose of installing, operating and maintaining a communications facility and other improvements at Greenridge Park, Castro Valley.

Staff Provided Background on T-Mobile's Cell Tower Project And Installation Of Communications Equipment

For the information of the Board, Staff reported that T-Mobile started their cell tower project approximately three years ago and the project was reviewed and approved by the Castro Valley Municipal Advisory Council and the Alameda County Board of Adjustments. Staff stated that the aforementioned project would not impact EBMUD's utility service to the area. Staff said that T-Mobile's communications equipment will be installed on an artificial mono pine and would be surrounded by five 24-inch box live pine trees, which is one of the conditions of the Castro Valley Municipal Advisory Council.

With no further comments, it was moved by Director Waespi, second by Director Pereira, and carried to adopt the following:

R-1011-3
Entry Into
Option and
Lease
Agreement

Resolution Nol. R-1011-3, authorizing the General Manager to enter into an Option And Lease Agreement with T-Mobile West Corporation, a Delaware Corporation, for installation, operation and maintenance of a communications facility at Greenridge Park, Castro Valley, in accordance with the terms and conditions of the Option and Lease Agreement, attached hereto. (Absent: Director Jameson).

**BOARD OF DIRECTORS'
COMMITTEE REPORTS**

Park Ranger Unit
Item Tabled

Personnel: Staff requested that the Side Letter of Understanding with the Park Ranger Unit be tabled as Staff was waiting to hear from the representative of the Unit. Staff said that the delay in approval of the Side Letter of Understanding would not impact anything and hope to place the item on the July 26th Agenda.

Alameda County
Chapter CSDA Mtg.
And H.A.R.D.
Foundation's Annual
Golf Tournament -
July 14, 2010

President's Report: President Hodges reminded Board Members about the Alameda County Special Districts Association meeting scheduled on Wednesday, July 14, 2010 at 8:00 a.m., hosted by the East Bay Regional Park District, and the Greater Hayward Area Recreation and Park Foundation's 25th Annual Golf Tournament at Skywest Golf Course, also on Wednesday, July 14th.

**REPORT ON BOARD
MEMBER ACTIVITIES**

Director Hodges reported that he was in attendance at Ms. Nancy Engle's retirement coffee on Wednesday, June 30th, which he said was attended by Board Members and District personnel and enjoyable. He stated that Ms. Engle, Recreation Supervisor responsible for the Theatre Arts Program, will be sorely missed.

Director Hodges
Reported on
Attendance at
Recent Events -
Retirement Coffee
For Ms.Nancy Engle;
H.A.R.D. Foundation
Fundraisers and
Eden Medical Center's
5k/10k Run to the
Lake 2010

Director Hodges reported that he was in attendance and enjoyed two recent fundraisers of the Greater Hayward Area Recreation and Park Foundation -- *A Day at the Races* on Thursday, July 1st at the Alameda County Fair, and the Foundation's *Step Up To The Plate For Recreation Oakland A's Game* on Friday, July 9th and he hoped that the attendance at both events would improve next year.

Director Hodges said that the 5K/10K *Run to the Lake 2010* on Sunday, July 11th, sponsored by the Eden Medical Center was enjoyable, with many participants stopping at the H.A.R.D. booth for general information and handouts.

Director Waespi
Reported on
Attendance at
Events Outlined
Above and the
EBMUD Breakfast
Briefing on June 29th
And the Hayward
Historical Society and
Cherryland Comm.
Association's July 4th
Picnic at Meek Park

Director Waespi reported that he too enjoyed Ms. Engle's retirement coffee, and the Greater Hayward Area Recreation and Park Foundation's fundraisers as reported by Director Hodges. He went on to report that he was in attendance with his fellow H.A.R.D. Board Members and staff at an EBMUD breakfast briefing on Tuesday, June 29th, during which Mr. Frank Mellon, EBMUD Director, provided an update on their water-related programs and issues facing the community, and their conservation and water recycling efforts, which were enlightening.

Director Waespi reported that he was in attendance at the Hayward Area Historical Society and the Cherryland Community Association's 4th of July picnic at the Meek Estate Park on Sunday, July 4th, which was well attended and enjoyable, and the surroundings beautiful. Director Hodges concurred.

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

Completion of the
Castro Valley Creek
Park

Director Andrade requested Staff to provide an update on the development of the Castro Valley Creek Park, which is nearing completion. Staff responded that a final walk-through with the contractor and the architect will be conducted on Thursday, July 15, 2010, and Staff hopes to place acceptance of that contract on the July 26th Agenda, to be followed by a dedication of the new park in August 2010.

Next B.O.D. Mtg.;
July 26th; 7:00 p.m.

President Hodges announced that the next meeting of the Board of Directors will be held on Monday, July 26, 2010 at 7:00 p.m.

ADJOURNMENT

There being no further business to conduct, President Hodges adjourned the Board of Directors' meeting at 7:20 p.m.

DENNIS WAESPI, Secretary
Board of Directors