



# Hayward Area Recreation and Park District

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

## MINUTES

January 11, 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 6:00 p.m. on Monday, January 11, 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 6:00 p.m. to meet with designated Staff representatives and hold a conference with Legal Counsel on an anticipated litigation.

### **PRESENT**

Directors: Andrade, Hodges, Jameson, Pereira, Waespi

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

### **PLEDGE TO FLAG**

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

### **ANNOUNCEMENT B.O.D. CLOSED**

One Potential  
Case of an  
Anticipated  
Litigation -  
Unanimous Vote  
Of B.O.D. and  
Direction to Staff

President Hodges reported that the Board of Directors met with designated Staff representatives and held a conference with Legal Counsel Pursuant to subdivision (c) of Government Code Section 54956.9: One Potential Case of an anticipated litigation. He further reported that the Board of Directors voted unanimously to approve and gave direction to initiate an action. Once the action has formally commenced, the action, the defendants, and the other particulars shall be disclosed to any person upon inquiry, unless to do so would jeopardize the Hayward Area Recreation and Park District's ability to effectuate service of process on one or more un-served parties, or would jeopardize its ability to conclude existing settlement negotiations to its advantage.

### **MONTHLY VOLUNTEER RECOGNITION AWARD**

Staff said that the Monthly Volunteer Recognition Awardee was delayed and be recognized upon his arrival to the meeting.

### **PUBLIC COMMENTS**

Mr. Richard Hancocks -  
Interim Ordinance/  
Eden Area General  
Plan

Mr. Richard Hancocks, 2066 Manchester Road, San Leandro, addressed the Board of Directors about a proposed Interim Ordinance of Alameda County as it relates to the Eden Area General Plan. He said that the Interim Ordinance would forestall the development of multi-family housing, which would impact the Cherryland and Ashland neighborhood of Unincorporated Alameda

**PUBLIC COMMENTS**

(Continued)

In-Lieu Fees Primary Source of Revenue Of H.A.R.D.

Encouraged B.O.D. And Staff To Become Involved

Mr. Howard Beckman - Alameda County Governance and Use of Redevelopment Funds

B.O.D. to Not Participate in the Use of Redevelopment Funds and to Oppose Parallel Planning

where the greatest need continues to exist for parks and open space. Mr. Hancocks pointed out that fees paid by developers is one of the Hayward Area Recreation and Park District's primary source of revenue and, therefore, to delay any new housing development would impact capital projects, maintenance and renovations in the District. He said that Alameda County taking a lead role to plan neighborhood parks is somewhat philosophical as they lack expertise and said that the development and maintenance of parks fall under the jurisdiction of the Hayward Area Recreation and Park District. He encouraged the Board of Directors, individually and collectively, through their Staff, to be a leader and become aggressive on issues that are involved in the matter.

Mr. Howard Beckman, 1261 Via Dolorosa, San Lorenzo, addressed the Board of Directors about governance of Alameda County, more specifically the executive authority of individual members of the Board of Supervisors and use of Redevelopment Funds. He said that District by District planning for parks and facilities in Unincorporated Alameda County is of great concern, coupled with the County's inexperience to plan and develop neighborhood parks. Mr. Beckman said that while he is aware of the impact of the ERAF shift on the Hayward Area Recreation and Park District, he hoped that the Board of Directors would not participate in the use of Redevelopment Funds to develop new parks. He requested members of the Board to talk to their Staff and become involved with the Alameda County Board of Supervisors, and to oppose parallel planning.

**CONSENT CALENDAR**

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

Minutes

The Minutes of the Regular Meeting of the Board of Directors on Monday, December 28, 2009 at 7:00 p.m. (Ayes: Hodges, Jameson, Waespi; Abstain: Andrade and Pereira).

Finance

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

R-0910-41 Personnel

Adoption of Resolution No. R-0910-41, authorizing appointments and the separation of Hourly Employees.

**JACK HOLLAND SR. PARK AND EDENDALE PARK**

Development

Staff requested that the award of contract for the development of Jack Holland Sr. Park and additions to Edendale Park, bids for which were received and opened by Staff at 1:30 p.m. on Friday, January 8, 2010, be placed on the January 25, 2010 Board of Directors' Agenda for acceptance of the low qualified bid and award of contract.

**JACK HOLLAND SR.  
PARK AND EDENDALE  
PARK**

(Continued)

Additional  
Architectural  
Services Incurred  
In the Amount of  
\$55,200

Presentation  
Of Staff Report

H.A.R.D. to be  
Reimbursed by  
Alameda County and  
The S.L.Z.U.S.D.

Staff reported that since approval of AEDIS Architecture's original contract to complete the final bid documents for the development of Jack Holland Sr. Park and additions to Edendale Park, additional architectural costs were incurred by the District. The costs were associated with 1) Removal of soil that resulted in changes to the topography of the site in the amount of \$3,410; 2) An additional topography survey was required by Alameda County to determine the exact location of the storm drain, which is on Ashland Boulevard in the amount of \$2,200; 3) \$6,700 for the concrete masonry unit (CMU) wall design along the north property and 4) \$23,633 for development of CalTrans submittal, storm water discharge plans and coordination of the Master Plan with Alameda County and the San Lorenzo Unified School District, bringing the total for the additional architectural services to \$55,132. Staff said that the Architect will document and reflect all related costs in their invoice to insure that the Hayward Area Recreation and Park District is reimbursed accordingly by Alameda County and the San Lorenzo Unified School District for their costs.

Staff requested authorization to expend funds in the amount of \$55,200 for the additional architectural services provided by AEDIS Architecture for the Jack Holland Sr. Park outlined above.

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

Authorization  
To Expend  
Funds -  
\$55,200

Authorization to expend funds not to exceed \$55,200 for the additional architectural services of AEDIS Architecture for Jack Holland Sr. Park and additions to Edendale Park, in accordance with Article V, Section 13 of the District's Bylaws.

Purchase of  
Play Equipment  
Through the  
California  
Multiple  
Award Schedule  
(CMAS) -  
\$75,000

As part of the development of Jack Holland Sr. Park, Staff requested authorization to purchase the specified play equipment directly from the manufacturer on the State of California Multiple Award Schedule (CMAS). Staff reported that the District previously utilized the CMAS contract and realized a 10% discount in comparison to the 20% or higher markup of the contractor. The base bid purchase price of the play equipment, which will be installed and certified by the contractor at Jack Holland Sr. Park was \$71,730.14. Funds are available from the State Park and Recreation Urban Parks Act Grant, Alameda County Community Development Block Grant and the Hayward Area Recreation and Park District's Park Dedication In-Lieu Fees. In the event that the Additive Alternate is selected, the cost of the play equipment will be an additional \$2,626.84.

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

Staff requested authorization to expend funds not to exceed \$75,000 for purchase of the play equipment for Jack Holland Sr. Park utilizing the CMAS contract.

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

Authorization  
To Expend  
Funds -  
\$75,000

Authorization to expend funds not to exceed \$75,000 for purchase of the play equipment for Jack Holland Sr. Park through the California Multiple Award Schedule and in accordance with the District's Bylaws.

Purchase of Granite,  
Seating, Columns,  
Monoliths and a  
Dedication Boulder -  
\$86,000

Staff reported that the design of Jack Holland Sr. Park includes granite seating, columns, monoliths and a dedication boulder and recommended that the granite be purchased through D. Laurence Gates, Ltd., a sole source supplier, and installed by the contractor. For information of the Board Staff said that the same cost-saving measure was implemented by Staff at Cannery Park, and would not deter the quality and design of the granite that would be hand-picked from a Fresno quarry at the direction of the Architect.

Staff requested authorization to expend funds not to exceed \$86,000 for the purchase of granite seating for Jack Holland Sr. Park from D. Laurence Gates, Ltd., a sole source supplier.

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

Authorization  
To Expend  
Funds - \$86,000

Authorization to expend funds not to exceed \$86,000 for the purchase of granite for Jack Holland Sr. Park through D. Laurence Gates, Ltd., a sole source supplier, and in accordance with the District's Bylaws.

Ms. Angela Higgins,  
Ashland Little League  
Representative  
Addressed B.O.D.

Ms. Angela Higgins, 25720 Mahland Drive, Hayward, and a member of the Ashland Little League, stated that the League will be celebrating its' 50<sup>th</sup> Anniversary on March 13, 2010. She expressed the League's desire to work with the Hayward Area Recreation and Park District Staff to coordinate the March 13<sup>th</sup> celebration and the beginning of the Little League Season prior to commencement of development of the Jack Holland Sr. Park. She said that their specific concern was for parking in general, including parking for the disabled and the older adult spectators. Ms. Higgins said that the Ashland Little League representatives would like to keep their line of communication open and maintain the excellent working relationship

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

that they have enjoyed with the District for 50 years. She extended an invitation to the Board of Directors and Staff to Ashland Little League's 50<sup>th</sup> Anniversary.

Director Andrade -  
Work with  
H.A.R.D. Staff  
To Resolve Concerns

Director Andrade on behalf of the Board extended sincere congratulations to the Ashland Little League on their 50<sup>th</sup> anniversary this year. He thanked Ms. Higgins for her attendance at the Board Meeting and directed her to communicate and work with District Staff on the matter.

**WEEKES COMMUNITY  
CENTER**

ADA Upgrades  
To the Restrooms  
And Construction of  
Pathway

Staff reported that twenty (20) bids were received and opened at 1:30 p.m. on Thursday, January 7, 2010 for the ADA upgrades to the restrooms, and construction of the walking pathway at Weekes Community Center. Bids ranged from a low of \$149,950 to a high of \$309,775. The low bid, which was submitted by Custom Remodel of Concord, was \$60,050 below Staff estimate of \$210,000, but did not include the required specified items, including a valid bid bond. Staff recommended rejection of the low bid submitted by Custom Remodel and recommended acceptance of the next low bid in the amount of \$181,000, submitted by JMA Construction of San Francisco, which was \$29,000 below Staff estimate and award of contract contingent upon receiving Performance and Payment Bonds, if the necessary documents are in order. Staff was pleased to add that JMA Construction was awarded the contract and satisfactorily completed the ADA upgrades at the Hayward Senior Center recently.

Twenty (20) Bids  
Received On  
1/7/10

Presentation  
Of Staff Report

Staff reported that the Weekes Community Center restrooms were originally constructed in 1963 and are in need of renovations and upgrades to comply with the Americans with Disabilities Act (ADA) standards. The renovation will also include the installation of energy efficient lights, low water flow fixtures and addition of a new pathway from the community center building to the library. Funds in the amount of \$100,000 are available from a City of Hayward Community Development Block Grant, with remaining funds from the Hayward Area Recreation and Park District's Park In-Lieu Fees.

Funding for ADA  
Upgrade Project

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

R-0910-42  
Award of  
Contract

Resolution No. R-0910-42, awarding the contract for the ADA upgrades to the restrooms and construction of the walking pathway at Weekes Community Center to JMA Construction, 33 Dorman Avenue, San Francisco, in accordance with the terms of the bid submitted by said contractor.

**MONTHLY VOLUNTEER  
RECOGNITION AWARD**

Mr. Billy Goodwin -  
Youth Sports  
Program

Staff was pleased to announce the arrival of Mr. Billy Goodwin, recipient of the Monthly Volunteer Recognition Award for December 2009, to the Board Meeting at 7:30 p.m. Staff reported that Mr. Goodwin has volunteered as a coach for the boy's basketball teams at Bret Harte Middle School for the past seven years and donated a total of 120 volunteer hours during 2009.

Basketball Coach  
At Bret Harte  
School Since 2009

Staff said that Billy Goodwin is a mentor to the youth in his position as a basketball coach and the time that he invests on behalf of the youth at Bret Harte has definitely made an impact on the school and the students that regard him as their role model. Billy Goodwin's service to the community should not be measured by the number of hours that he volunteers, but by the quality time that he spends with the youth who look up to him as a positive and caring adult. Staff commended Mr. Goodwin for his dedication to youth and the impact he makes on each student-athlete that he coaches. Staff concluded that the Hayward Area Recreation and Park District, Bret Harte School and the Hayward community are very grateful for his dedication and commitment.

Staff Highlights  
Volunteer's  
Dedication and  
Commitment to  
Youth

Board President  
Presented Recognition  
Award and Extended  
B.O.D. Gratitude to  
Mr. Billy Goodwin

President Hodges welcomed Mr. Goodwin to the meeting and congratulated and presented the Monthly Volunteer Recognition Award to him. Director Hodges on behalf of the Board of Directors thanked Mr. Goodwin for his services not only during 2009, but over the past seven years.

Comments of  
Monthly Volunteer  
Recognition Award  
Recipient

Upon acceptance of his recognition award, Mr. Goodwin apologized to the Board of Directors and Staff for being late to the Board Meeting on a day that he said was the hardest for him personally as it was his mother's burial day. He dedicated the award to his mother, who he said would continue to shine on his future.

Comments -  
Mr. Noel Munivez,  
Recreation  
Supervisor of  
Youth Sports Program

Mr. Noel Munivez, Recreation Supervisor of the Youth Sports Program, extended his condolences to Mr. Goodwin. He thanked the Board of Directors for honoring an individual like Mr. Goodwin, who is not only a role model to the youth, but also a valuable asset in the Program, and a pleasure to work with. Mr. Munivez stated that Staff of the Sports Office was very happy to nominate Billy Goodwin for the Recognition Award. Mr. Munivez said that the amount of work that Billy Goodwin does at Bret Harte School as a basketball coach cannot be measured by the number of hours he contributes. He commended Billy Goodwin for his valuable contribution to youth development, in collaboration with the Youth Sports Office.

Eligible  
For VOY  
Award

Mr. Goodwin's picture will be displayed in the District Administration Office and on the District's web site as the Monthly Volunteer Recognition Awardee for December 2009. In addition, he will be eligible for the Volunteer of the Year Award for 2009.

**BOARD OF DIRECTORS'  
COMMITTEE REPORTS**

Fees and Charges  
For Fiscal Year  
2010/2011

Survey Conducted  
Of Surrounding  
Cities and Special  
Districts in Alameda  
And Contra Costa  
Counties

Modifications  
To the Facility  
Rental program  
To Remain Consistent  
With Surrounding  
Cities and  
Requirements

B.O.D. Committee  
And Staff  
Recommendations  
For Fees and Charges  
To be Effective  
5/1/10

Survey of Fees and  
Charges of the  
Golf Department -  
Survey of 18-Hole,  
9-Hole and Driving  
Range Facilities  
In the Bay Area

Finance: In order to maintain an acceptable level of quality recreation programs, services and facilities, the Board of Director's Finance and Program, Policy and Public Relations Chairpersons, along with Staff, reviewed the District's fees and charges levied for programs, services and facilities. A survey was also conducted of surrounding Cities and Special Districts in Alameda and Contra Costa Counties and a comparison of those fees and charges found the District to be competitive with the agencies that were surveyed. Staff said that the District continues to be aware of the current economic environment and the need to keep fees and charges within an affordable range for District residents and recommended that the fees be increased for a few recreation classes and programs as outlined in the Fiscal Year 2010/2011 Fees and Charges Report.

Staff recommended modifications to the Hayward Area Recreation and Park District's facility rental program as outlined in the Staff Report, primarily focused on providing services requested by District residents and consistent with similar agencies in the surrounding cities. Changes include allowing beer to be served, and inclusion of language that stipulates that special event insurance is required by the Hayward Area Recreation and Park District at rentals serving alcohol, and at rentals with an attendance greater than sixty (60) where alcohol would be served.

The Board of Directors Finance and Program, Public Policy and Public Relations Committee Chairpersons, and Staff submitted their recommendations for fees and charges for recreation programs, facilities and services, and the Facility Rental Policies and Fees, for Board of Directors' consideration, and further recommended that the fees be effective May 1, 2010, concurrent with commencement of the summer programs, and be advertised in the summer brochure.

President Hodges requested Staff to proceed with the presentation of the fees and charges report for the Golf Department.

Staff reported that the Golf Department Staff completed a review of the current fees and charges at Skywest Golf Course, Mission Hills of Hayward Golf Course and Mission Hills of Hayward Driving Range. A major portion of the review involved conducting a competitive analysis survey of thirteen (13) 18-hole golf courses, eight (8) 9-hole golf courses and six (6) driving range facilities located in the Bay Area, which was forwarded to the Board for their review. Staff recommended that the fees at the three Golf facilities not be increased, primarily due to the current economic climate, along with the District's current rates being competitive with other Bay Area golf courses. Staff added that they would continue the current practice of offering daily golf specials throughout the year at the three golf facilities.

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

B.O.D. Committees  
And Staff  
Recommended No  
Changes to Golf  
Fees and Charges

The Board of Directors’ Finance, Program, Policy and Public Relations and Golf Operations Committee Chairpersons have reviewed the fees and charges of the Golf Department and recommended no changes at Skywest Golf Course, Mission Hills of Hayward Golf Course and Mission Hills of Hayward Driving Range.

Following Staff presentation and with no further discussion, it was moved by Director Andrade, second by Director Jameson, and unanimously carried to adopt the following:

Motion Carried  
To Adopt Fees  
And Charges for  
Recreation Programs,  
Facility Rental  
Policies, and Golf  
Course and Driving  
Range Fees  
And Charges

Motion carried to adopt the Hayward Area Recreation and Park District fees and charges for Recreation programs, facilities and services, facility rental policies and fees, and fees at Skywest Golf Course, Mission Hills of Hayward Golf Course and Mission Hills of Hayward Driving Range, to be effective May 1, 2010, concurrent with commencement of the summer programs.

Personnel: It was moved by Director Pereira, with regret, second by Director Jameson, with regret, to adopt the following:

R-0910-43  
Acceptance  
Of Retirement  
Of Golf Operations  
Manager

Resolution No. R-0910-43, accepting with regret, the retirement of Mr. Rick Silva, Manager of Golf Operations, Item No. 1150, \$10,126 monthly; \$121,512 annually, effective March 26, 2010.

Staff Highlighted  
Mr. Rick Silva’s  
Career with  
H.A.R.D. -  
September 1987  
To Date as  
Recreation Supervisor,  
Golf Course Supervisor,  
Acting Manager of Golf  
Operations and  
Golf Operations  
Manager

Mr. Rick Silva began his career with the Hayward Area Recreation and Park District in September 1987, when he was appointed Recreation Supervisor, responsible for the Cultural Arts Program, Playground Program/ Youth Enrichment Program, Special Interest Classes, Tot Time and Gymnastics. From September 1993 to May 1998, Rick was reassigned to the Golf Department and worked as Golf Course Supervisor, overseeing the operation of Skywest Golf Course. From October 2002 until July 2003, Rick was the Acting Manager of Golf Operations, once again administering and supervising the 18-hole Skywest Golf Course and the 9-hole Mission Hills of Hayward Golf Course under the general direction of the General Manager, while also supervising the Recreation Programs assigned to him. On July 15, 2003 he was promoted to his current position of Manager of Golf Operations.

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

22.5 Years of  
Service with  
H.A.R.D.

Staff reported that Mr. Silva has been employed by the District for 22.5 years and during his tenure with the District as a Recreation Supervisor, Golf Course Supervisor, Acting Manager of Golf Operations and Manager of Golf Operations since July 15, 2003, Rick has served the Hayward Area Recreation and Park District in an exceptional manner and was eminently suited for the many supervisory and administrative positions he has held in the District since 1987.

Board of Directors  
Extended  
Congratulations and  
Best Wishes to  
Mr. Rick Silva

The Board of Directors thanked Mr. Silva for his diligence and extended their sincere congratulations to him on his retirement and said that he will be missed. The Board of Directors and Staff extended their best wishes to Mr. Rick Silva for a very happy, healthy and active retirement.

Brief Comments -  
Mr. Silva

Mr. Silva said that it was a pleasure and a privilege serving the District and thanked everyone for their help, support, encouragement and for their confidence.

Appointment of  
Board of Directors  
Standing and Ad Hoc  
Committees for  
Calendar Year 2010

President’s Report: On December 14, 2009, the Board of Directors reorganized itself by electing Directors to the offices of President, Vice-President and Secretary. President Hodges recommended the following Standing Committees for calendar year 2010: Finance Committee – Director Andrade; Capital Outlay Committee – Director Jameson; Personnel Committee – Director Waespi, Program, Policy and Public Relations Committee – Director Pereira and Golf Committee – Director Waespi.

Minor Changes to  
2010 Ad Hoc  
Committees

President Hodges also recommended changes to the Board of Directors Ad Hoc Committees that reflected the elimination of Committees that were no longer needed, and the formation of new Ad Hoc Committees. The Board of Directors Standing and Ad Hoc Committees were to be effective immediately.

Presentation of  
Gift to Outgoing  
Board President

President Hodges on behalf of his fellow Board Members and Staff thanked Director Pereira and presented her with a gift in appreciation of her service as Board President during calendar year 2009.

**REPORT ON BOARD  
MEMBER ACTIVITIES**

Director Andrade -  
B.O.D. Closed Session

Director Andrade requested that directions be given to the General Manager to meet with the Alameda County Redevelopment Agency to pursue information on the Via Toledo property, and a Board of Directors’ Closed Session be scheduled in the future to discuss the aforementioned property and the feasibility of a park at that location.

Director Pereira -  
Attendance at the  
EDAB Legislative  
Reception – 1/8/10

Director Pereira reported that she was joined by fellow Board Members and Staff to the East Bay Economic Development Alliance Legislative Reception and East Bay Vision Awards on Friday, January 8<sup>th</sup> at the California State University East Bay. She said that the

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

reception and awards were well-attended and included a pre-reception presentation by Joe Tuman, KPIX Legislative Analyst on the projection of the State of California economy.

Annual B.O.D. Awards Luncheon – 1/15/10  
And Annual Volunteer Recognition Ceremony - 1/23/10

Staff reminded the Board of Directors that the Annual Board of Directors' Awards Luncheon was scheduled on Friday, January 15<sup>th</sup>, at 12:00 Noon at the Mt. Eden Mansion, and the District's Annual Volunteer Recognition Ceremony will be held on Saturday, January 23, 2010 at the Hayward Senior Center at 10:00 a.m.

Next B.O.D. Mtg. - 1/25/10; 7:00 p.m.

President Hodges announced the next regular meeting of the Board of Directors will be held on Monday, January 25, 2010 at 7:00 p.m. at the District Administration Office.

**ADJOURNMENT**

In Memory of  
Donald James  
O'Laughlin

There being no further business to discuss, President Hodges, adjourned the Board of Directors' meeting at 7:50 p.m. in memory of the late Donald James O'Laughlin, who passed away on December 25, 2009. He was the son of Mr. Dennis O'Laughlin, Board Member of the Greater Hayward Area Recreation and Park Foundation, and Susan O'Laughlin.

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DENNIS WAESPI, Secretary  
Board of Directors