

**AUBURN AREA RECREATION AND PARK DISTRICT  
MEETING OF THE ACQUISITION AND DEVELOPMENT COMMITTEE AGENDA  
WEDNESDAY, OCTOBER 17, 2018, 1:00 PM  
CANYON VIEW COMMUNITY CENTER, 471 MAIDU DRIVE  
AUBURN, CA 95603**

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection in the District's Office at 471 Maidu Drive, Auburn, CA 95603 during normal business hours. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (530) 537-2187. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

**1.0 CALL TO ORDER**

Gray \_\_\_\_ Lynch \_\_\_\_

**2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL**

**3.0 PUBLIC COMMENT – This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.**

**4.0 BUSINESS**

**4.1 Approval of Minutes from the September 20, 2018 Acquisition & Development Meeting**

**Recommendation:** Review and approve minutes.

**4.2 Review and Acceptance of Railhead A and B Renovations, Beggs Field Renovation, Regional Park Pathway Repairs, Meadow Vista ADA Restroom Renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structures**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors give final acceptance to the recently completed Railhead A and B renovations, Beggs Field renovation, Regional Park Pathway Repairs Project, Meadow Vista ADA Restroom renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structure?

**Discussion item:**

1. Three-year plan for 24 acres at Regional Park.
2. Divestment from the Shockley Property.
3. Vegetation Management Plan – a copy of the Vegetation Management Plan will be available at the Acquisition & Development Committee meeting.

4. 2018 – 2019 Project Activity Report.

5.0 **ITEMS TO BE CONSIDERED AT FUTURE ACQUISITION & DEVELOPMENT MEETINGS**

6.0 **PENDING ITEMS REQUIRING MORE DETAILED RESEARCH ADJOURNMENT**

AUBURN AREA RECREATION AND PARK DISTRICT

This agenda is hereby certified to have been posted as follows:

10-12-18  
Date

1:30 pm  
Time

R. Larson  
Secretary to the Board

**Auburn Area Recreation and Park District**  
**Minutes of the Acquisition & Development Committee Meeting**  
Thursday, September 20, 2018, 11:00 AM  
Canyon View Community Center, Board Room  
471 Maidu Drive, Auburn, CA 95603

**1.0 CALL TO ORDER**

The meeting of the Acquisition & Development Committee was called to order at 11:00 a.m.

**ROLL CALL**

Directors Gray and Lynch were present.

**2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL**

The agenda was approved by the Committee.

- 3.0 PUBLIC COMMENT-** This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee. After you are recognized by the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.

**4.0 BUSINESS**

**4.1 Approval of Minutes from the August 22, 2018 Acquisition & Development Meeting**

The minutes from the August 22, 2018 Acquisition & Development Meeting were reviewed and approved by Directors Gray and Lynch.

**4.2 Support Letter for Grant Request to the Sierra Nevada Conservancy: Auburn Shaded Fuel Break**

Kevin Hanley from Greater Auburn Area Fire Safe Council attended the Acquisition & Development Committee meeting and informed the committee of the grant request.

Directors Gray and Lynch reviewed the information provided and forwarded it to the Board of Directors for review and approval.

**4.3 Amending 2018/2019 Project List**

Directors Gray and Lynch reviewed and approved the amended 2018/2019 Project List and forwarded it to the Board of Directors for review and approval.

**Discussion Items:**

1. Information on what ARD has spent on contingency costs for projects within the last fiscal year – the information was reviewed by the Committee.
2. Divestment from the Shockley Property – this item was discussed by the Committee and will be further discussed at the October, 2018 Acquisition & Development Committee meeting.
3. 2017-2018 Project Activity Report – this item was reviewed with the Committee by Mike Scheele.

**5.0 ITEMS TO BE CONSIDERED AT FUTURE ACQUISITION & DEVELOPMENT MEETINGS**

Discussion of three-year plan for 24 acres at Regional Park at the October, 2018 Acquisition & Development meeting.

**6.0 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH**

None.

**ADJOURNED**

As there was no further business, the meeting was adjourned at 12:03 p.m.

\_\_\_\_\_  
Board Secretary

\_\_\_\_\_  
Date

**Item 4.2 Cover Sheet – Review and acceptance of Railhead A and B renovations, Beggs Field renovation, Regional Pathway Repairs, Meadow Vista ADA Restroom Renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structure**

Auburn Area Recreation and Park District Acquisition and Development Committee October, 2018.

**The Issue**

Shall the Auburn Area Recreation and Park District (ARD) Board of Directors give final acceptance to the recently completed Railhead A and B renovations, Beggs Field renovation, Regional Pathway Repairs Project, Meadow Vista ADA Restroom renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structure?

**Background**

The ARD Board Procedures and Responsibilities manual states the following:

**Section II – Responsibilities and Duties of the Board**

**Board Responsibilities**

7. Review, evaluate and approve the following:

K. Inspect Capital Improvement Facilities over \$25,000 prior to final acceptance.

The Railhead A and B renovations, Beggs Field renovation, Regional Pathway Repairs, Meadow Vista ADA Restroom Renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structure have all been completed.

**Recommendation for the Acquisition and Development Committee:**

Review and inspect the Railhead A and B renovations, Beggs Field renovation, Regional Pathway Repairs, Meadow Vista ADA Restroom Renovation and Marsha-Skinner Sierra Pool Bleacher Shade Structure. Forward to the Consent Calendar on October 25, 2018 Board of Directors meeting agenda with a positive recommendation.

**Fiscal Impact**

The total cost of the Railhead A renovations was \$62,435. The total cost of the Railhead B renovations was \$35,580. The total cost of the Beggs Field renovation was \$31,247. The total cost of the Regional Pathway Repairs was \$54,441. The total cost of the Meadow Vista ADA Restroom Renovation and Path of Travel was \$125,955. The total cost of Marsha-Skinner Sierra Pool Bleacher Shade Structure was \$61,902.

**Attachments**

None

# **Discussion Item #1. Cover sheet – Options to Fund Development of the 24 Acre Property**

**Acquisition and Development Committee October, 2018**

## **The Issue**

A discussion of the ways to fund development of the 24 acre property and the projects that would need to be postponed/eliminated to make these improvements. The A&D Committee requested that this item be considered.

## **Background**

The Auburn Area Recreation and Park District (ARD) purchased 24 acres of land adjacent to Regional Park in September of 2004. The property was purchased from the Placer Union High School District.

In 2010 and again in 2011, ARD applied for a grant from the Statewide Park Program, also known as the Prop 84 grant. This was a competitive grant, with grant funds being awarded to agencies that had the greatest economic and physical needs. ARD's application requested \$2.9 million to develop the 24 acres at Regional Park. Ultimately, ARD was not chosen as a recipient for either of the two grants.

In late 2016/2017, ARD worked with Foothill Associates and the community to come up with a preferred conceptual development plan and a cost estimate based on this plan. The cost estimate for that plan totaled \$2,425,383. A copy of that plan and the cost estimate are attached.

Per direction from the A&D Committee, staff has gone through the existing 5 year Capital Improvement Project List to see what projects would need to be eliminated or postponed to make Phase I of this development happen. As the 2018/2019 Project List has already been approved by the ARD Board, staff began with FY 19/20 and went forward from there.

Phase I was determined to be all of the infrastructure work, plus the ¾ mile DG walking pathway. The attached cost estimate **highlights** the items that could be considered for Phase II.

The attached Project Lists show the items postponed in **red text**. The amount of money postponed can be seen in the last column. The following assumptions are made:

- 1) That ARD will only receive \$200,000 in grant funding for the project. That \$200,000 is in the form of the Per Capita portion of the most recent Park Bond. The Per Capita money is guaranteed to each agency.
- 2) That the James Field renovation project will have to rely solely on ARD funds.

At this point in this review, there is still a \$341,000 deficit in FY 20/21 that would need to be covered with further project postponements or through finding other sources of funding. These potential sources of funding may include:

- Grant Funding
- Donations from nearby landowners

- Increase in County Mitigation Fees received

**Recommendation for A&D Committee**

Review, discuss and provide direction.

**Attachments**

24 Acre Preferred Concept Plan

Cost Estimate based on 24 Acre Preferred Concept Plan (proposed Phase II items highlighted)

Project Lists (FY19/20 – FY22/23)



PREFERRED CONCEPT PLAN



- PROPOSED PARK AMENITIES:**
- 1 ACCESS DRIVE
  - 2 HIGH VISIBILITY CROSSWALK
  - 3 PARALLEL PARKING (22 SPACES)
  - 4 PARKING LOT INSECURITY LIGHTING & PERMEABLE PAVING (60 SPACES)
  - 5 MULTIGENER RESTROOM
  - 6 PLAY AREA (TOT & YOUTH)
  - 7 EXERCISE STATIONS
  - 8 SHADE SHELTER (24' x 24')
  - 9 OPEN TURF AREA (0.75 ACRES)
  - 10 DOG PARK (124 ACRES)
  - 11 ADA ACCESSIBLE LOOP PATH (0.507)
  - 12 PRIVACY FENCE
  - 13 DECOMPOSED GRANITE WALKING PATH (2.6407)
  - 14 GENERAL EASEMENT FENCE
  - 15 DITCH FENCE
  - 16 BOCCIE COURTS
  - 17 INTERPRETIVE SIGN AND BENCH
  - 18 PROPOSED ACCESS AND UTILITY EASEMENT EXPANSION
  - 19 PIPE GATE
  - 20 PICNIC TABLE (QTY. 5)
  - 21 BENCH (QTY. 10)
  - 22 SECURITY CAMERAS AT SELECT LOCATIONS

- DOG PARK AMENITIES:**
- 23 FERTILIZER FENCING AND GATE
  - 24 DRINKING FOUNTAIN WITH WATERING BOWL
  - 25 WASTE COLLECTION STATION
  - 26 DOG EXERCISE/ABILITY STATIONS
  - 27 BENCHES AND TRASH RECEPTACLES

- EXISTING FEATURES:**
- 28 RESTAURANT MALL
  - 29 METLAND
  - 30 INTERMITTENT DRAINAGE
  - 31 NO DITCH
  - 32 BALL FIELD

- KEY:**
- HERITAGE TREE
  - LANDSCAPE TREE
  - ✗ HERITAGE TREE TO BE REMOVED
  - 1" CONTOUR
  - APPROXIMATE OUTLINE OF TREE CANOPY





# ARD Regional Park 24 Acre – Preliminary Cost Estimate

Items highlighted in yellow are considered 2<sup>nd</sup> Phase

## FOOTHILL ASSOCIATES PRELIMINARY ESTIMATE

I. NO.	DESCRIPTION	UNIT	APPR QUANT	UNIT PRICE	AMOUNT
<b>CONSTRUCTION</b>					
1	Mobilization & General Conditions	LS	1.0	\$100,000.00	\$100,000
2	Layout, Const. Fencing	LS	1.0	\$30,000.00	\$30,000
3	Erosion Control	LS	1.0	\$25,000.00	\$25,000
4	Sewer Flushing Branch and Cleanout	EA	1	\$995.00	\$995
5	Sewer MH, 48"	EA	1	\$4,850.00	\$4,850
6	Sewer Pipe 6"	LF	1,000	\$38.00	\$38,000
7	Storm Drain 6"	LF	500	\$35.00	\$17,500
8	Storm Drain 8"	LF	1,000	\$40.00	\$40,000
9	G1 Drain Inlets w/ grate	EA	2	\$2,450.00	\$4,900
10	Storm Drain System Connection	EA	1	\$2,500.00	\$2,500
11	2" SCH 40 PVC Water Pipe (domestic, irrigation)	LF	1,000	\$20.00	\$20,000
12	1" SCH 40 PVC Water Pipe (domestic, potable)	LF	1,000	\$25.00	\$25,000
13	1" Gate Valve (domestic)	EA	2	\$1,500.00	\$3,000
14	Drinking Fountain	EA	2	\$5,000.00	\$10,000.00
15	Electrical conduit, trenching and backfill	LF	800	\$25.00	\$20,000
16	Light Fixture (entry drive & parking lot)	EA	23	\$4,000.00	\$91,333.33
17	Curb Cuts and Type A Conc. Driveway	LF	25	\$155.00	\$3,875
18	Asphalt Paving, 3" (parking lot)	TON	386	\$96.00	\$37,056
19	Aggregate Base, 2" (parking lot)	TON	257	\$45.00	\$11,565
20	Type 2 Vertical Curb & Gutter	LF	2,593	\$50.00	\$129,650
21	Striping - High Visibility Crosswalk	LS	1	\$3,500.00	\$3,500
22	Striping - Parking Lot	LS	1	\$2,500.00	\$2,500
23	Parking Lot Access Gate (pipe style)	EA	1	\$4,500.00	\$4,500
24	Parking Lot Signage	LS	1	\$1,000.00	\$1,000
25	Concrete Sidewalk - 6'	SF	4,980	\$10.00	\$49,800.00
26	Accessible Ramp w/o Domes (6' @ 5% grade)	SF	408	\$30.00	\$12,240.00
27	Concrete Play Area Curb	LF	257	\$35.00	\$8,995.00
28	Concrete Play Area Ramp	EA	1	\$2,100.00	\$2,100.00
29	Handrail	LF	16	\$130.00	\$2,080.00
30	Stairs to Turf (7 steps)	SF	51	\$75.00	\$3,825.00
31	Picnic Tables	EA	5	\$2,000.00	\$10,000.00
32	24' X 24' Shade Shelter	EA	2	\$37,700.00	\$75,400.00
33	Bocce Court	EA	2	\$15,200.00	\$30,400.00
34	6' Sewerline Easement Fence	LF	1,729	\$20.00	\$34,580.00
35	6' Privacy Fence (Opaque)	LF	916	\$23.00	\$21,068.00
36	4' Ditch Fence (Black Coated)	LF	229	\$15.00	\$3,435.00
37	Restroom (18'x24')	EA	1	\$135,000.00	\$135,000.00
38	Children (5-12) Playground	EA	1	\$76,200.00	\$76,200.00
39	Poured in Place Surfacing, including subgrade	SF	4,777	\$14.50	\$69,266.50
40	Dog Park Exercise / Agility 5 Stations	EA	1	\$5,700.00	\$5,700.00
41	Dog Park Perimeter 4' Fence	LF	993	\$15.00	\$14,895.00
42	Dog Park 4' High x 4' Wide Chain Link Gate	EA	1	\$500.00	\$500.00
43	Dog Park Waste Collection Station	EA	1	\$0.00	\$0.00
44	Park Bench w/ Concrete Pad	EA	13	\$1,500.00	\$19,500.00
45	Dog Park Trash Receptacles	EA	2	\$1,500.00	\$3,000.00
46	Interpretive Stand	EA	5	\$800.00	\$4,000.00
47	Interpretive Sign	EA	5	\$1,000.00	\$5,000.00
48	BBQ Grill, Group	EA	2	\$1,500.00	\$3,000.00
49	Culverts	EA	6	\$3,500.00	\$21,000.00
50	Fitness Equipment	EA	5	\$3,000.00	\$15,000.00

**ARD Regional Park 24 Acre – Preliminary Cost Estimate**

**FOOTHILL ASSOCIATES PRELIMINARY ESTIMATE**

<b>I. NO.</b>	<b>DESCRIPTION</b>	<b>UNIT</b>	<b>APPR QUANT</b>	<b>UNIT PRICE</b>	<b>AMOUNT</b>
51	Decomposed Granite Path	SF	15,840	\$3.00	\$47,520.00
52	Irrigation Rotor System Pop Up	SF	80,712	\$0.85	\$68,605.20
53	Irrigation Spray System Pop Up	SF	2,828	\$1.00	\$2,828.00
54	Soil Preparation and Amendments	SF	83,540	\$0.25	\$20,885.00
55	Turf Planting - Hydroseeding (open turf/dog area)	SF	80,712	\$0.25	\$20,178.00
56	15 Gallon Landscape Trees	EA	40	\$120.00	\$4,800.00
57	1 Gallon Shrubs/Ground Cover/Vines	EA	300	\$15.00	\$4,500.00
58	Bark w/ Weed Fabric (parking planters)	SF	2,828	\$1.00	\$2,828.00
59	Cobble swale	SF	100	\$8.00	\$800.00
60	Maintenance Period -- 90 Days	Ac	24.0	\$3,000.00	\$72,000.00
<b>CONSTRUCTION SUBTOTAL</b>					<b>\$1,497,653.03</b>

## ARD Regional Park 24 Acre – Preliminary Cost Estimate

### FOOTHILL ASSOCIATES PRELIMINARY ESTIMATE

I. NO.	DESCRIPTION	UNIT	APPR QUANT	UNIT PRICE	AMOUNT
<b>PLANNING AND PERMITTING</b>					
	2% Construction Surveys and Geotechnical				<b>\$30,000.00</b>
	Sewer Annexation Fee (1)				<b>\$32,000.00</b>
	Construction Document Preparation:				<b>\$100,000.00</b>
	60% Construction Documents			\$40,000	
	90% Construction Documents			\$40,000	
	Final Construction Documents			\$20,000	
	Biology & Permitting:				<b>\$294,000.00</b>
	Wetland delineation			\$7,000	
	USACE Nationwide Permit (2)			\$8,000	
	RWB Certification (2)			\$4,000	
	County Tree Ordinance (3)			\$275,000	
	CEQA:				<b>\$52,200.00</b>
	Air Quality Tech Study			\$2,700	
	Cultural Resources Tech Study			\$4,500	
	Enviro Site Assessment Phase 1			\$4,500	
	Noise			\$5,000	
	Traffic			\$3,500	
	Photometric Study			\$10,000	
	IS/MND			\$22,000	
	Construction Management/Monitoring:				<b>\$120,000.00</b>
	Construction Biological Monitoring			\$5,000	
	Construction Monitoring			\$100,000	
	Construction Review and Reporting			\$15,000	
	<b>PLANNING AND PERMITTING SUBTOTAL</b>				<b>\$628,200.00</b>
	20% Contingency				<b>\$299,530.61</b>
	<b>TOTAL ESTIMATED COST</b>				<b>\$2,425,383.64</b>
	<i>2/9/2017</i>				

**Assumptions:**

- (1) Based upon 5 EDUs, no conservation easement.
- (2) Project will result in impacts wetlands.
- (3) Impacts to 90 10" DBH trees @ \$300 per inch. Cost includes mitigation.

Auburn Recreation District Five Year Project List

Working document - how to pay for 24 acres

2019/2020

Estimated balance

PROJECT	Est. Cost	Spent from General Funds or Grants in Prior Year(s)	Gen. Fund	ADA	Reserve	Cnty. Mit.	City Mit.	Grants	In Kind	Equip. Res.
				25,032	747,118	489,738	425,326			792,679
Recreation Park										
James Field major renovation	250,000				250,000					
Regional Park										
POT tennis courts										
POT for South end Playground										
24 Acre Preliminary work										
Planning/CEQA	628,200				628,200					
Meadow Vista										
Parking lot reseal/restripe	10,000				10,000					
Tennis courts resurface	25,000				25,000					
Pickle ball resurface	25,000				25,000					
CVCC										
Maidu Dr. repair										
Overlook Park										
Restroom ADA upgrades										
Planning, Design and CEQA	110,000				70,000		40,000			
<b>TOTAL</b>	<b>1,048,200</b>	<b>0</b>	<b>0</b>	<b>25,032</b>	<b>1,008,200</b>	<b>0</b>	<b>40,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Estimated Balance Remaining					-261,082	489,738	385,326	0	0	792,679

Postponed

41,500  
40,000

50,000  
25,000

156,500

Note: Assumes \$50,000/year in County Mitigation Fees  
 Note: Assumes \$5000/year in ADA reserve funds  
 Note: Assumes \$10,000/year in city mitigation  
 Note: Assumes \$25,000 added to FCC per year  
 Note: Reserve amount includes Future Capital Const. Reserve + Cell Tower Reserve  
 Note: Assumes \$50,000/year in Equipment Reserve funds

# Auburn Recreation District Five Year Project List

## Working document - how to pay for 24 acres

2020/2021

PROJECT	Est. Cost	Spent from General Funds or Grants in Prior Year(s)	Gen. Fund	ADA	Reserve	Cnty. Mit.	City Mit.	Grants	Mt. Vernon proceeds	Equip. Res.	Per Capita	
											30,032	-236,082
Recreation Park												
Front playground												
Overlook Park												
Overlook area development	300,000					300,000						
24 Acre Property												
Phase I	1,104,241				35,758	540,000		200,000	400,000			
<b>TOTAL</b>	1,404,241	0	0	0	35,758	540,000	300,000	200,000	400,000			
<b>Estimated Balance Remaining</b>				30,032	-271,840	-262	95,326	0	0			842,679

- Note: Assumes \$50,000/year in County Mitigation Fees
- Note: Assumes \$5000/year in ADA reserve funds
- Note: Assumes \$10,000/year in city mitigation
- Note: Assumes \$25,000 added to FCC per year
- Note: Reserve amount includes Future Capital Const. Reserve + Cell Tower Reserve
- Note: Assumes \$50,000/year in Equipment Reserve funds

# Auburn Recreation District Five Year Project List

## Working document - how to pay for 24 acres

2021/2022

Estimated balance

PROJECT	Est. Cost	Spent from General Funds or Grants in Prior Year(s)	Gen. Fund	ADA	Reserve	Cnty. Mit.	City Mit.	Grants	In Kind	Equip. Res.
<i>Meadow Vista</i>										
Signage	1,200			1,200						
<i>Regional Park</i>										
Pond leak Repair	95,000				95,000					
<i>Regional Park</i>										
<b>Kiosks</b>										
24 acres phase II	425,000									
<b>TOTAL</b>	<b>521,200</b>	<b>0</b>	<b>0</b>	<b>1,200</b>	<b>95,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Estimated Balance Remaining</b>				<b>33,832</b>	<b>-341,840</b>	<b>49,738</b>	<b>105,326</b>	<b>0</b>	<b>0</b>	<b>892,679</b>

10,000

Note: Assumes \$50,000/year in County Mitigation Fees

Note: Assumes \$5000/year in ADA reserve funds

Note: Assumes \$10,000/year in city mitigation

Note: Assumes \$25,000 added to FCC per year

Note: Reserve amount includes Future Capital Const. Reserve + Cell Tower Reserve

Note: Assumes \$50,000/year in Equipment Reserve funds

# Auburn Recreation District Five Year Project List

## Working document - how to pay for 24 acres

2022/2023

Estimated balance

PROJECT	Est. Cost	Spent from General Funds or Grants in Prior Year(s)	Gen. Fund	ADA	Reserve	Cnty. Mil.	City Mit.	Grants	In Kind	Equip. Res.
<i>Regional Park</i>										
Tennis/pickleball courts surfaces										150,000
Pond mucking										75,000
Walking pathway extension, Dry Creek end										265,000
<i>Recreation Park</i>										
Spray park (replace splash pool)										300,000
<i>Meadow Vista Park</i>										
Pond Island renovation										100,000
<b>TOTAL</b>	0	0	0	38,832	-316,840	99,738	115,326	0	0	890,000
<b>Estimated Balance Remaining</b>				38,832	-316,840	99,738	115,326	0	0	942,679

Note: Assumes \$50,000/year in County Mitigation Fees

Note: Assumes \$5000/year in ADA reserve funds

Note: Assumes \$10,000/year in city mitigation

Note: Assumes \$25,000 added to FCC per year

Note: Reserve amount includes Future Capital Const. Reserve + Cell Tower Reserve

Note: Assumes \$50,000/year in Equipment Reserve funds

## Discussion Item #2 Cover sheet – Discussion: Divestment From the Shockley Property

ARD Acquisition and Development Committee September, 2018; October, 2018

### The Issue

A discussion about whether the Auburn Area Recreation and Park District should pursue moving away from/divesting itself of the Shockley Property. Director Holbrook requested that this item be discussed.

### Background

In May of 2007, ARD was notified of a donation of 28 acres +/- of land off of Shockley Rd. (nearest cross street is Auburn Ravine Rd.). This donation came from the William B. Shockley and Emmy L. Shockley trust. With this donation came \$50,000 to be used to establish and maintain the gifted real property, for use as a park to be named the “Nobel Laureate William B. Shockley and his wife Emmy L. Shockley Memorial Park”. The trust documents stated that the primary use of the property shall be for passive activities. The ARD Board of Directors accepted the property in March of 2009.

In September of 2009, the ARD Board of Directors, in response to news articles and concern from local, regional and national individuals and organizations, approved the following statement:

“As a point of clarification, the Auburn Area Recreation and Park District (ARD) currently has no intention, either now or in the near future, of erecting any kind of signage or other physical identification naming the recently acquired 28 acres on Shockley Avenue (Road). Also, the District currently has no intention of improving the property for public use in the near future. Questions regarding this subject should be directed to the District Administrator for ARD.”

In the past 5 years, ARD has spent the following at the Shockley Property:

	Wages	Maintenance
FY 13/14	\$1,899	\$2,343
FY 14/15	\$184	\$1,900
FY 15/16	\$668	\$0
FY 16/17	\$625	\$0
FY 17/18	\$549	\$322

The \$50,000 that was part of the original donation has been spent. This year, ARD is embarking on a fuel load reduction project on the property with CALFIRE. The estimated cost for this project is \$33,000. ARD has previously done fuel load reduction on the property at the end of 2012.

At the September, 2018 A&D Committee meeting, the committee asked to see a full copy of the trust documents. Those documents are attached. Per those documents, if ARD were to decline the property, there is a series of individuals and charities that the property would go to. The documents do not speak to what happens if we accept and later decide to sell.



Staff has also attached a copy of notes from a 2008 conversation with William Ussery, Trust Administrator for the Shockley Trust. Once again, this conversation focused more on the results of ARD not accepting the property.

The Committee also requested information on the definition of “passive”. Per the ARD District Policy Manual:

**XIX. Definition of Passive and Active Recreation**

Passive Recreation: Activities and facility use that does not significantly impact natural values and in general works cooperatively with the natural settings of facilities, parks and open spaces. Examples of passive recreation include walking, bird watching, picnicking, card playing and fly tying.

Active Recreation: Activities and facility use that may have a significant impact on natural values and generally requires a constructed facility and organized activity. Examples of active recreation include sports activities, field sports, public swimming, and playground use.

**Recommendation for the A&D Committee**

Review, discuss and provide direction.

**Fiscal Impact**

N/A at this point

**Attachments**

Shockley Property Trust documents (abbreviated set)  
Notes from conversation with William Ussery  
Shockley Property aerial and parcel maps

THIRD AMENDMENT TO AND RESTATEMENT OF THE  
EMMY L. SHOCKLEY TRUST

THIS TRUST AGREEMENT is a complete Restatement of the EMMY L. SHOCKLEY TRUST which was created by Trust Agreement dated August 18, 1995, by EMMY L. SHOCKLEY (hereafter "EMMY") as grantor and trustee of such trust.

The trust created by the original Trust Agreement was amendable and revocable by EMMY during her lifetime. The Trust Agreement was amended and restated (FIRST AMENDMENT AND RESTATEMENT) on November 27, 1995. A SECOND AMENDMENT AND RESTATEMENT was executed on April 10, 2002. The SECOND AMENDMENT AND RESTATEMENT was invalidated by Order of the Superior Court of California, Santa Clara County, filed December 12, 2002, in Case No. 1-02-PR-151598. The Order invalidating the SECOND AMENDMENT AND RESTATEMENT is presently on appeal (Court of Appeal of the State of California, Sixth Appellate District, Case No. H025925).

The Grantor chooses by this THIRD AMENDMENT AND RESTATEMENT to amend the trust in its entirety to read as set forth below. All persons shall be able to rely alone on this Restatement. The original Trust Agreement and any prior amendments are superseded in their entirety by this Restatement, regardless of the final outcome the matters currently on appeal, and have no future legal significance other than to provide the date of creation of the trust and to confirm prior transfer of assets to the trust. Hereinafter the term "the Trust Agreement" shall refer to the original EMMY L. SHOCKLEY TRUST AGREEMENT as restated in its entirety by this Restatement of Trust. This trust shall continue to be known as the "EMMY L. SHOCKLEY TRUST".

This THIRD AMENDMENT AND RESTATEMENT is executed by EMMY, conservatee, by professional fiduciary RUSSELL H. MARSHALL in his

capacity as conservator of the estate of EMMY, of Santa Clara County, California, as grantor, and GREATER BAY TRUST COMPANY, as the initial trustee. The THIRD AMENDMENT AND RESTATEMENT is established pursuant to the Order for Substituted Judgment to Amend and Restate a Revocable Living Trust and Execute a Pour-Over Will for the Conservatee granted by the Superior Court of California, County of Santa Clara, on July 19, 2004, in Case No. 1-02-PR-151598. A copy of said court order is attached hereto, marked as Exhibit "A" and incorporated herein by reference.

EMMY is a widow. EMMY was married to WILLIAM B. SHOCKLEY who died during their marriage.

EMMY has no children, either living or deceased.

This Restatement of Trust is intended to confirm a trust hereunder for the purposes of facilitating the management of EMMY's estate during her life and providing a convenient process for the ultimate distribution of her estate in accordance with her present intentions.

ACCORDINGLY, the Grantor confirms all previous transfers to the Trustee, and the Trustee acknowledges receipt of all property to which ownership of record is presently held in the name of the trust. Such property shall constitute and is designated as the "Trust Estate." The Trust Estate shall include any and all other property hereafter conveyed to the Trustee by the Grantor or by other persons, any death benefits made payable to the Trustee hereunder, and any property appointed to the trust by the Grantor's exercise of a power of appointment.

For purposes of this instrument, any references to "Grantor" shall refer to RUSSELL H. MARSHALL acting on behalf of EMMY, as the conservator of her estate, and any successor duly appointed conservator(s) acting on her behalf, if applicable, when acting pursuant to California Probate Code §2580, et seq., or any successor statute.

be sold, the Paintings may be sold but the net proceeds of the sale shall be distributed with the remaining Trust Estate as hereafter provided.

(c) To the extent not otherwise distributed above, the Trustee shall distribute, in the Trustee's sole discretion, EMMY's remaining furniture, household furnishings, automobile(s) and other miscellaneous tangible personal property to EMMY's family and friends in accordance with written instructions to be prepared by EMMY. In the event that conflicts arise regarding the distribution of EMMY's tangible personal property pursuant to this paragraph, the Trustee's determination of which persons shall receive said property shall be final and incontestable by any person or organization. However, and in all events, DANIEL MYERS is to be excluded, and not considered as a friend. Any remaining items shall be sold and the net proceeds of such sale shall be distributed with the remaining Trust Estate as hereafter provided.

Section 4.03 Sale of Real Property. EMMY presently owns and has transferred to the trust all of her interest in her primary residence, commonly known as 797 Esplanada Way, Stanford, CA 94305. Said residence is described on Exhibit B. If any real property (including said residence but excluding the real property described in Section 4.04 below) is part of the Trust Estate at or by reason of EMMY's death, the Trustee shall sell such real property. The Trustee shall add the net proceeds of any sale to and distribute the net proceeds of any sale with the remaining Trust Estate as hereafter provided.

Section 4.04 Specific Gift of Real Property. EMMY presently owns and has transferred to the trust all of her interest in that unimproved real property consisting of approximately 28.35 acres near Auburn, located in Placer County, California. Said real property is described on Exhibit B. If said real property is part of the Trust Estate at or by reason of EMMY's death, the Trustee shall deed said real property to the AUBURN AREA RECREATION AND PARK DISTRICT, whose current mailing address is 123 Recreation Drive, Auburn, CA 95603, or its successor, for use as a park to be named "NOBEL LAUREATE

(A)

WILLIAM B. SHOCKLEY AND HIS WIFE EMMY L. SHOCKLEY MEMORIAL PARK," and the primary use of which shall be for passive activities. If said real property is not part of the Trust Estate at or by reason of EMMY's death, this gift shall lapse. If the gift is declined, the property shall be distributed as a part of the remaining Trust Estate as provided in Section 4.05 following.

Section 4.05 Distribution of Remaining Trust Estate. The Trustee shall first make gifts of the specific amounts to individuals described in Section 4.06. Next the Trustee shall make the charitable gifts of the specific amounts described in Section 4.07(a) and Section 4.07(b). Finally, the Trustee shall divide and distribute the remaining Trust Estate to the charitable organizations named in Section 4.07(e). All charitable gifts (except the gifts described in Section 4.02(b), Section 4.02(c), Section 4.07(b), and the gift of the Papers) shall be held as endowment funds pursuant to Section 4.07(d).

Section 4.06 Specific Gifts to Individuals. The Trustee shall administer and distribute the specific amounts set forth below to or for the benefit of the named individuals as follows:

(a) Lifetime trust for GERALDINE L. TRAVIS. If EMMY's sister, GERALDINE L. TRAVIS ("GERRY"), of Baypoint Village, 7927 State Road 52, Hudson, Florida 34667, survives EMMY, the Trustee shall allocate the sum of Five Hundred Thousand Dollars (\$500,000) to a trust for the benefit of GERRY during her lifetime, as hereafter provided. If GERRY does not survive EMMY, this gift shall lapse and be distributed under Section 4.07 with the residue of the Trust Estate. The Trustee shall hold, administer, and distribute this trust for GERRY as follows:

(1) The Trustee shall pay to or apply for the benefit of GERRY the entire net income of this trust in convenient installments, no less often than quarterly.

(2) The Trustee, in the Trustee's discretion, shall also distribute to or apply for the benefit of GERRY as much of the principal of this

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maintained in the Department of Special Collections as part of the Stanford University Libraries and Archives, as a discrete collection identified as The William B. Shockley Papers. This gift shall be held as an endowment fund pursuant to Section 4.07(d). If, in the discretion of the head of the Special Collections, the Fund income is sufficient to support other uses in addition to the primary uses described above, the Board may use the Fund income to support student assistant(s) to work with the Papers, to reformat or perform an in-depth analysis of the Papers, to edit or write an introduction to any unpublished materials included in the Papers, or to make scholarships to students or grants to persons doing research with the Papers.

(b) Specific Gift to Auburn Area Recreation and Park District. If the gift described in Section 4.04 is made, then the Trustee shall also distribute the sum of Fifty Thousand Dollars (\$50,000) to the AUBURN AREA RECREATION AND PARK DISTRICT to be used to establish and maintain the gifted real property as the "NOBEL LAUREATE WILLIAM B. SHOCKLEY AND HIS WIFE EMMY L. SHOCKLEY MEMORIAL PARK." If the gift described in Section 4.04 lapses or is declined, this gift shall also lapse and the property shall be distributed pro rata among the charitable organizations described in Section 4.07(e).

(c) Qualified charitable organizations. Any gift of the residue of the Trust Estate made to one or more tax exempt charitable organizations qualified to receive contributions shall be free from federal estate taxes. The Trustee shall take no action which shall jeopardize the charitable deduction available to EMMY's estate for this gift. Any provision of this Trust Agreement which is determined to jeopardize such deduction shall be considered void.

(d) Endowment Funds. The gift to each residuary charitable beneficiary named in Section 4.07(e) shall be held as an endowment fund. The property comprising the gift may, for investment purposes, be merged with any of the investment assets of the beneficiary, but the gift shall be entered in the

Notes from conversation with William Ussery, Trust Administrator for the Shockley Trust 12/10/08

- 1) Is there a time-line for when ARD must accept the deeded property? Not from their (the Trust) end. If the trust account rolls over into a new year, there are some fiduciary and administrative issues that they will have to deal with.
- 2) What if ARD does not accept the property and no one else wants it? William would not be the person making that decision. It would probably be sold and liquidated for cash. They have to follow the terms of the trust specifically. If they could not affect the wishes of the Shockleys, they would probably have to sell it as they could not maintain the trust.
- 3) Would ARD benefit from any money made in a sale of the property? No
- 4) If ARD does not accept the property and one of the subsequent benefactors does, can they use for a purpose other than parkland? No. The only way the property could ever be developed is if no one accepted it.
- 5) Who defines what "passive" is? William does not have a definition. He assumes that ARD would have some guidelines.
- 6) Who would police whether the use of the park is passive or active? Nobody would. It is more of an ethical question.

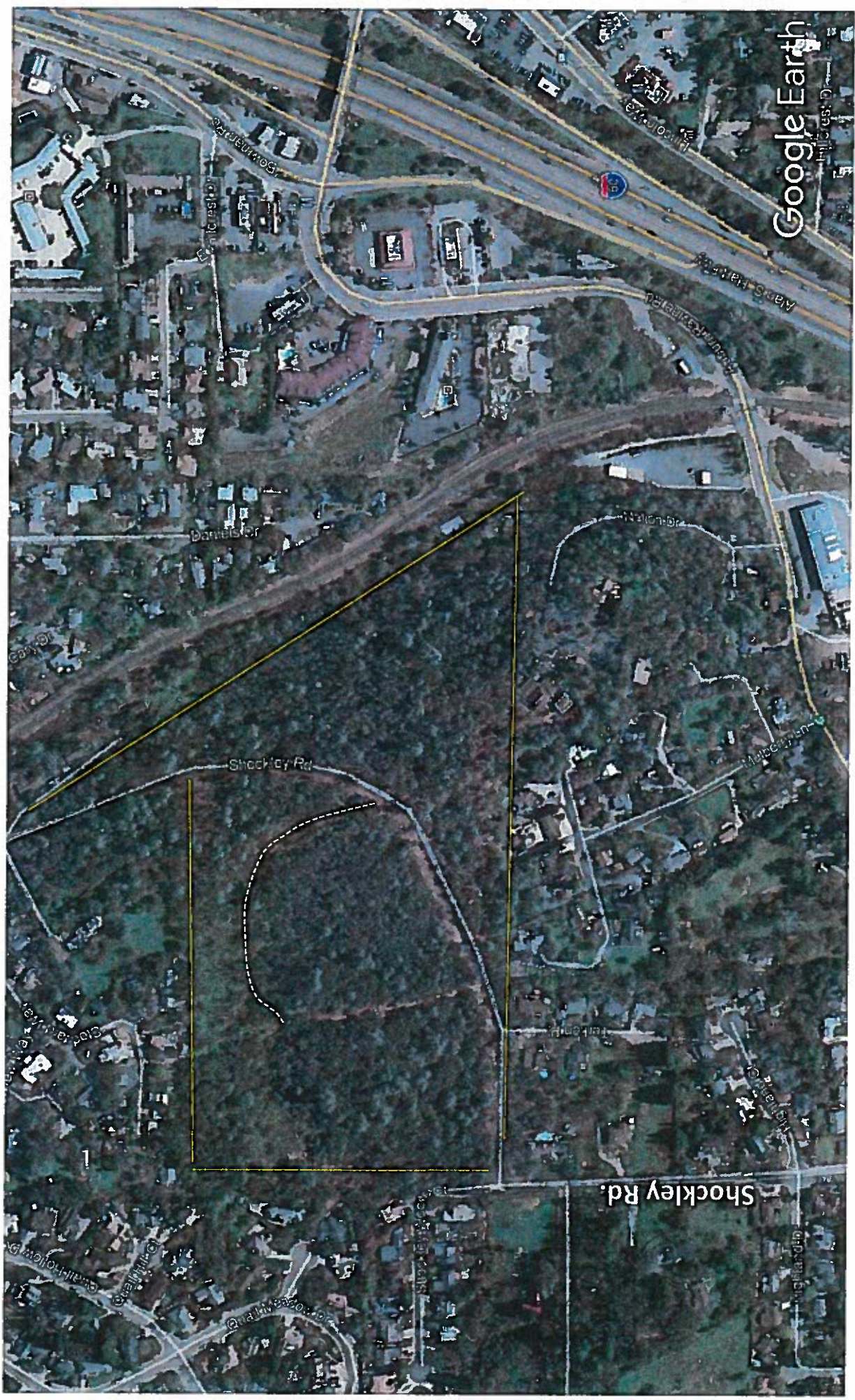
County of Placer  
Land Information Search

Shockley Property

Enter APN or Address ...







Shockley Rd.

Shockley Rd

Dartmouth

Hickory

Maple

Green

Highland

Chickadee

Clara

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<b>2018/2019 PROJECT ACTIVITY REPORT</b>		<b>UPDATED 10/11/18</b>	
<b>PROJECT</b>	<b>EST. COST</b>	<b>NOTES</b>	<b>EST. COMPLETED</b>
<b>RECREATION PARK</b>			
Sierra Pool Re-Plastering (2017/2018)	185,000.00	Plaster and tile work have been completed and the pool has been filled again. Work remaining includes expansion joints in deck area, repairing the pool auto-fill, brushing the walls & floor of pool for two weeks, balancing the chemicals and replacing the bulkhead.	OCTOBER 2018
Bleacher Shade Structure (2017/2018)	150,000.00	Project, including the surrounding fence work and some additional fencing safety modifications, is completed.	MAY 2018
<b>PLACER HILLS POOL</b>			
ADA Path of Travel (2016/2017)	10,000.00	Minor sidewalk repair to be done in-house in the off season	NOVEMBER 2018
<b>REGIONAL PARK</b>			
Regional Park South Play Structure and ADA ramp (2017/2018)	170,000.00	Delivery of the new equipment, installation of the construction fence and beginning of old structure demolition is scheduled for Monday, October 15th. Staff also preparing construction documents for a concrete ramp to be installed from parking lot to play structure for ADA compliance. The new play structure will be built first.	OCTOBER/NOVEMBER 2018
AC Pathway Repairs Project (2017/2018)	55,000.00	Project completed.	AUGUST 2018
Dry Creek Picnic ADA parking and path improvements (2015/2016)	15,000.00	Project completed.	AUGUST 2018
ADA Path of Travel Tennis Courts (2018/2019)	41,500.00	Staff to design ADA access improvements in Spring 2019 with bidding and construction to follow in Summer.	JUNE 2019
Irrigation Pump Improvements (1. Inlet Flume Gate Valve 2. Pump 3. Filter) (2017/2018)	90,000.00	Attempting to fix this old pump has caused or revealed problem after problem. Staff and irrigation consultants are now recommending abandoning the old pump and installing a new system. Staff was directed by the Board to and is obtaining quotes and system comparisons for a new system and hope to have it in place before next spring.	WINTER 2018

## **Discussion Item #3. Cover sheet – Vegetation Management Plan IS/MND**

### **Review**

Auburn Area Recreation and Park District (ARD) Acquisition and Development Committee meeting  
October, 2018

#### **The Issue**

A review of the preliminary DRAFT Vegetation Management Plan Initial Study/Mitigated Negative Declaration (IS/MND). This is a preliminary progress DRAFT of the document and it is not yet being formally circulated for public review.

#### **Background**

The ARD Board of Directors approved adding the creation of a Vegetation Management Plan to the Project List. This Vegetation Management Plan and associated IS/MND (to satisfy CEQA requirements) will allow ARD to receive a Lake and Streambed Alteration Agreement for Routine Maintenance Activities from the California Department of Fish and Wildlife (CDFW). The agreement is initially for five years and can be extended for another five years. This will replace the previous agreement with CDFW which has expired.

The proposed project aims to reduce challenges to park visitor safety that have resulted from the densely vegetated riparian areas present on the project site being used for unauthorized camping and other unauthorized activities that result in litter and law enforcement issues. Along with increased visitor safety, the plan seeks to reduce accumulation of litter and other debris and address invasive exotic weed species, water quality, and access in these areas. The primary objectives of the proposed project include:

- Thin vegetation to reduce vegetative screening and improve security and access,
- Deter the spread of invasive weedy plant species, and
- Discourage unauthorized camping and other activities occurring within dense vegetation.

Due to the large size of the DRAFT Vegetation Management Plan IS/MND, a copy has been emailed to each Board member. A copy will also be available at the ARD Administration Offices (471 Maidu Dr., Auburn) and can be emailed to any interested party. Those wishing to get a copy of the DRAFT IS/MND should contact Pat Larson at [plarson@auburnrec.com](mailto:plarson@auburnrec.com) or (530) 537-2187. **It should be noted that it is a preliminary progress DRAFT of the document, being made available to the ARD Board for review and comment before it is formally circulated for public review. Pending this review, the document will be sent out for a formal 30 day public review period as is required by CEQA.**

#### **Recommendation**

Review and provide feedback to staff.

This document will go out for formal 30-day public review after the October 25<sup>th</sup> ARD Board Meeting. The public, including Board members may review and submit further comments during the formal circulation period.

#### **Fiscal Impact**

The cost to prepare the IS/MND and prepare permitting applications is approximately \$25,000.

The cost to do the actual vegetation management is dependent on the availability of staff and “volunteer” help.

#### **Attachments**

None

Security Cameras at Gym/Lakeside (2018/2019)	25,000.00	Project has been completed.	JUNE 2018
<b>OVERLOOK PARK</b>			
Restroom ADA Upgrades (2018/2019)	25,000.00	Staff planning on hiring consultant to prepare construction documents in the Fall with Spring 2019 bidding and construction.	APRIL 2019
Planning and CEQA (2016/2017)	90,000.00	Project to be pushed back due to review delays at USBR	TBD
<b>CVCC</b>			
Bike Park - Design, CEQA, NEPA etc. (2014/2015)	100,000.00	The signed FONSI (Finding Of No Significant Impact) from the USBOR was finally received July 2nd.	JULY 2018
Bike Park - Construction (2015/2016)	175,000.00	Draft cost estimate was received 10/9/18 and staff is reviewing it, commenting and adding missed items. At the 90% stage, project plans will be submitted to USBOR for their review & comment. After this all final comments will be incorporated into the bid docs and the project will be taken to the 100% stage, any required permits will be obtained and then put out to bid.	BID NOVEMBER/DECEMBER, CONSTRUCT SPRING 2018
Maidu Drive Repair (2018/2019)	50,000.00	Staff has obtained a scope of work and budget cost estimate to re-pave the "ARD Section" of Maidu Drive. Estimate came in at approximately 115K which is lower than previously thought. Hopefully this will help spur the project ahead with BOR and State Parks chipping in with the ARD 50K pledge and allowing the project to be put out to bid and constructed. ARD has pledged to put forward 50K towards the project.	TBD
<b>MEADOW VISTA PARK</b>			
ADA Restroom Interior Renovation (2017/2018)	60,000.00	Project has been completed and restrooms have been opened back up to the public.	MARCH/APRIL 2018
Parking Lot Re-seal/Re-Stripe (2018/2019)	10,000.00	Parking lot maintenance project is planned for Spring 2019.	MARCH 2019
<b>OPERATION AND DEV. PLAN</b>			
CEQA/NEPA (2014/2015)	25,000.00	USBR Approved the document in June and District Board approved in July.	JULY 2018
<b>ARMED FORCES PAVILLION/GARDEN</b>			

Site Improvements (2017/2018)	10,000.00	Funding for this project is on hold pending information from associated non-profit.	TBD
<b>MULTI-PARK ITEMS</b>			
Streambed Alteration Agreement (2016/2017)	44,000.00	The Draft Vegetative Management Plan IS/MND (Initial Study/Mitigated Negative Declaration) has been received from the environmental consultant and is being sent to the A&D and Board meetings this month for review.	TBD
Carry over projects from 2017/2018 list in YELLOW			
<b>Fiscal Year Projects Total:</b>	<b>1,330,500.00</b>		