

The Board Meeting, which was held on April 21, 2009 at the Administrative Building, 2950 Peralta Oaks Court, Oakland, CA, was called to order at 12:45 p.m. by Board President Ted Radke.

## ROLL CALL

Directors Present: Ted Radke, President  
Doug Siden, Vice-President  
Beverly Lane, Treasurer  
Carol Severin, Secretary  
Whitney Dotson  
John Sutter  
Ayn Wieskamp

Directors Absent: None.

At this time, the Board of Directors met in Closed Session to discuss those items outlined on the Board Meeting Closed Session Agenda.

The Open Session of the Board Meeting was called to order at 2:10 p.m. by Board President Ted Radke;

Staff Present Included: Pat O'Brien, Ted Radosevich, Dave Collins, Bob Doyle, Tim Anderson, Carol Victor, Rosemary Cameron, Carol Johnson, Mike Anderson, Diane Althoff, Brian Wiese, John Escobar, Mimi Waluch, Jack Kenny, Shelly Lewis, Anne Scheer, Jeff Rasmussen, Anne Rockwell, John Swanson, Renee Patterson, Mark Pearson.

## A. APPROVAL OF AGENDA

President Radke announced the following revisions to the agenda: addition of Consent Calendar Item C-1-s and deletion of Open Session Item C-3-a.

By motion of Director Lane, and seconded by Director Wieskamp, the Agenda, as amended, was unanimously approved.

## B. PUBLIC COMMENTS

Ms. Mara Chavez and another individual addressed the Board regarding the District's decision to not allow the taco/lunch truck owned by her parents to use the parking lot adjacent to Golden Gate Fields and Gilman Street. They asked that the decision be revisited as it has caused a severe financial hardship. While they were aware that a decision cannot be made at this meeting, they wanted to find out who they should be in touch with and what procedures are necessary in order to continue with their request.

General Manager Pat O'Brien responded that the taco truck is not a District concessionaire and that there has been no agreement with them. He added that the City of Berkeley inquired as to whether the taco truck could use the parking lot operated by the District at Eastshore State Park. Because of the lot's size constraints, staff felt that it should be available to the public and not be used in part by a private business. He suggested that the City of Berkeley provide street access for them. GM O'Brien also suggested that Ms. Chavez and her parents work with the City of Berkeley and come up with a formal proposal to the Board Operations Committee through Mimi Waluch, the District's Revenue and Concessions Manager.

Members of AFSCME Local 2428 addressed the Board and spoke about the current status of labor negotiations and their desire for pay equity and the security of a three year contract, stating that the current Management proposal of a one year contract and a salary increase equal to the Consumer Price Index (CPI) was unacceptable. They asked the Board to direct the Management team to negotiate a three year contract.

President Ted Radke, on behalf of the Board, thanked members of Local 2428 for their hard work on behalf of the District, and stated that the District has offered to pay for all increases in benefits and for the CPI this year in a one year contract. However, the Board has not proposed a multi-year contract as both assessors from Alameda and Contra Costa counties have predicted a yet-undetermined drop in revenue from property taxes. He also cited other threats to the District's budget, such as an outstanding \$1 million liability for the November 2008 elections, the cancellation of the Port of Oakland agreement that will amount to about a \$1.5 million reduction in operating funds, and the less than favorable public support for the State ballot measures coming up in the May 2009 elections which, if not passed, will negatively affect the State Budget and therefore put the District's budget at risk.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Sutter, seconded by Director Wieskamp, the Consent Calendar, as amended, was unanimously approved.

Directors present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.

Directors absent: None.

- C-I-a. Approval of District Check Listing for the Period of March 21, 2009 through April 10, 2009  
Resolution No. 2009-4-093 (attached)
- C-I-b. Approval of the Minutes for the Board Meeting of April 7, 2009
- C-I-c. Authorization to Renew Contract for Workers' Compensation Claims Administration  
Resolution No. 2009-4-094 (attached)
- C-I-d. Authorization to Purchase Western Red Cedar from Ashby Lumber  
Resolution No. 2009-4-095 (attached)
- C-I-e. Authorization to Apply for Grant Funds from the U.S. Department of Justice for Two Police Officer Positions: Middle Harbor Regional Shoreline  
Resolution No. 2009-4-096 (attached)
- C-I-f. Approval of Special Use Agreement with the Berkeley Hang Gliding and Paragliding Club: Carquinez Strait Regional Shoreline  
Resolution No. 2009-4-097 (attached)

- C-I-g. Authorization to File an Application for Grant Funds through the Alameda County Altamont Landfill and Resource Facility Open Space Advisory Committee to Acquire Property: Pleasanton Ridge Regional Park  
Resolution No. 2009-4-098 (attached)
- C-I-h. Authorization to Enter into Agreement to Exchange Real Property with Toll Land XXII Limited Partnership and Norris Canyon Estates Owners Association: Bishop Ranch Open Space Regional Preserve  
Resolution No. 2009-4-099 (attached)
- C-I-i. Authorization to Accept Reconveyance from East Bay Municipal Utility District of an Easement for an Undeveloped 1.061-Acre Reservoir Site and to Transfer Funds Therefor: Anthony Chabot Regional Park  
Resolution No. 2009-4-100 (attached)
- C-I-j. Approval of Agreement with the Martinez Horsemen's Association: Martinez Regional Shoreline  
Resolution No. 2009-4-101 (attached)
- C-I-k. Approval of Sustainability Policy for the East Bay Regional Park District  
Resolution No. 2009-4-102 (attached)
- C-I-l. Authorization to Purchase One Tiger Boom Mower  
Resolution No. 2009-4-103 (attached)
- C-I-m. Authorization to Appropriate Funds and Accept the Sole Source Quotation for Installation of a Solar Power System: Brooks Island Regional Shoreline  
Resolution No. 2009-4-104 (attached)
- C-I-n. Resolution to Support Pending State Legislation AB 83 and AB 90  
Resolution No. 2009-4-105 (attached)
- C-I-o. Resolution to Support Pending State Legislation AB 1496  
Resolution No. 2009-4-106 (attached)
- C-I-p. Resolution to Support Pending State Legislation AB 521  
Resolution No. 2009-4-107 (attached)
- C-I-q. Approval of Reappointment of Jean Peters to the Park Advisory Committee  
Resolution No. 2009-4-108 (attached)
- C-I-r. Approval of Appointment of Bruce Beyaert to the Park Advisory Committee  
Resolution No. 2009-4-109 (attached)
- C-I-s. Authorization of Out-of-State Travel for Director Carol Severin and General Manager Pat O'Brien to Attend the 2009 CARPD Annual Conference, Incline Village, Nevada from April 22 – 25, 2009  
Resolution No. 2009-4-110 (attached)

## 2. OPERATIONS

### C-2-a. Approval of Special Use Permit to the Contra Costa Centre Association to Use Battery-Powered Mobility Devices on Portions of the Iron Horse and Contra Costa Canal Trails

By motion of Director Lane, seconded by Director Dotson, the Board, with a vote of 6 -1, denied approval of the special use permit and directed that in the next Ordinance 38 revision/discussion, a consideration be made of electric bicycles as a possible exception on the District's paved trails.

Directors for: Whitney Dotson, Beverly Lane, Ted Radke, Doug Siden, John Sutter, Ayn Wieskamp.  
Directors against: Carol Severin.

Asst. General Manager for Operations John Escobar gave a brief presentation on this item, stating that it proposes the issuance of a permit for the use of no more than 10 battery-powered bicycles and 10 Segways on approximately 5 miles of the above-cited trails, and explained that the Contra Costa Centre is an association of local businesses and residences centered around the Pleasant Hill BART station, known as the Transit Village.

Ms. Lynette Busby, Executive Director of the Contra Costa Centre, gave a presentation on their proposal and provided more details on the Transit Village. She also spoke about their overall program of encouraging the use of mass transit. Ms. Busby added that Segways and battery-powered bicycles will further enhance their efforts to have people use their vehicles less. In response to a question by Director Wieskamp, Ms. Busby stated that this Segway program is open to all 6,000 individuals living and/or working within the Transit Village if they sign up and undergo training.

Public speakers addressed the Board as follows:

Rich Guarienti, Chair of the Park Advisory Committee (PAC), stated that while there was no question about the validity and intent of the Centre's program, the PAC voted 10 – 6 against approval of the special use permit. He added that the PAC questioned the use of Segways on the Iron Horse Trail, as well as whether this item was a Special Use Permit or a Policy issue. Mr. Guarienti mentioned that the District's Ordinance 38 Checklist process should be the correct venue for discussion of this request. He added that the issuance of any use-permits should be all-inclusive and open to everyone.

Robert Rayburn, Director of the East Bay Bicycle Coalition (EBCC), stated that his organization was against opening up paths for motorized vehicles. He added that issuing the special use permit will grant a special privilege to a private business.

Afton Crooks stated that the existing Matrix system was developed by the Environmental Roundtable as a tool in studying proposals for trail use changes. She urged the Board to not approve this item until this process is utilized.

Director Lane stated that she agrees with the position of the EBCC and believes that the equipment to be used are actually motorized vehicles, despite the California Vehicle Code definition. She believes that approving this special use on only one part of the trail poses a problem. Director Lane added that her main issues are of safety and enforcement, and does not believe the special use conditions are enforceable. She stated that she cannot support granting the special use permit without the benefit of an Ordinance 38 discussion.

Director Sutter commented that this item is a policy issue and will be hard to stop once started, and that this is a policy decision in the guise of a special permit. He suggested that the District determine whether or not it is running a trail system for non-motorized vehicles and if the trails are meant for pedestrians and bicycles. Director Sutter stated that the UC study indicated that 20% of those polled indicated they would either stop or lessen their use of the Iron Horse Trail if the proposal is approved, and believes this item is not appropriate,

Director Wieskamp commented that she supports the concept of Transit Villages and what it intends to accomplish. She added that she strongly supports the use of electric-assisted bicycles to allow people to get on trails, especially individuals with a variety of physical problems who are not necessarily disabled. Director Wieskamp stated that there have not been any issues related to Segways, but supports a policy discussion as it relates to its use on District trails.

Director Severin agreed with Director Wieskamp and does not think Segways and electric bicycles will be used on other trails such as at the Ohlone or Skyline trails and will not pose any problems on the Iron Horse Trail. She does not see any threat to bicyclists and hikers, and supports the approval of this item.

Director Dotson stated that it is important for the Board to recognize that the trails are for non-motorized use only.

Director Siden stated that it will be hard to determine whether this proposal would work or not if it is not tested. However, since the cities of Walnut Creek and Pleasant Hill have already approved the use of Segways on their sidewalks, he would not support District approval of this item.

~~3. FINANCE AND MANAGEMENT SERVICES~~

~~C-3-a Report on Survey Analysis of Zoo Funding Ballot Measure and Comments by Zoological Society Board Members~~

4. PLANNING/STEWARDSHIP AND DEVELOPMENT

C-4-a. Authorization to Negotiate a Sole Source Contract with Scientific Art Studio for Design and Installation of an Interactive Map of the Delta: Big Break Regional Shoreline  
Resolution No. 2009-4-111 (attached)

By motion of Director Radke, seconded by Director Severin, item C-4-a was unanimously approved.

Directors present: Whitney Dotson, Beverly Lane, Ted Radke, Carol Severin, Doug Siden, John Sutter, Ayn Wieskamp.

Directors absent: None.

Mike Anderson, Asst. General Manager for Planning/Stewardship and Development, gave a presentation explaining the educational nature and objectives proposed for the Delta Discovery Experience project. An additional presentation was made by representatives from Scientific Art Studio on the variety of projects that their firm has completed. They also answered various questions from the Board regarding the durability of their proposed design for the interactive map.

5. BOARD AND STAFF REPORTS

a. Actions Taken by Other Jurisdictions Affecting the Park District

General Manager Pat O'Brien discussed the items listed on the report.

## 6. GENERAL MANAGER'S COMMENTS

Brian Wiese, Chief of Planning and Stewardship, gave a presentation regarding the status of the Draft Wildfire Hazard Reduction and Resource Management Plan and EIR, which is scheduled for release and public review mid-2009.

Director Sutter suggested that staff adopt an aggressive public relations/information program, including maps of the areas that will be involved and the projected outcome.

Afton Crooks, officially speaking for the Sierra Club, the Audubon Society and the Native Plant Society, spoke about material sent by these three organizations to the Board and staff called "Managing the East Bay Hills, Wildland Urban Interface Reserve Native Habitat and Reduce the Risk of Catastrophic Fire". She stated that the District has not involved these organizations or the public in the formulation of the Plan/EIR as presented by Mr. Wiese, and that the 45-day public comment period specified is not adequate. She urged the Board to read the material prepared by these organizations.

## 7. ANNOUNCEMENTS FROM THE CLOSED SESSION

There were no announcements from the Closed Session.

## 8. BOARD COMMITTEE REPORTS

- |    |  |            |          |
|----|--|------------|----------|
| a. | Finance Committee                        | (02-25-09) | (Lane)   |
| b. | Finance Committee                        | (03-25-09) | (Lane)   |
| c. | Natural and Cultural Resources Committee | (02-18-09) | (Sutter) |

## 9. BOARD COMMENTS

Director Wieskamp reported on meetings attended. Director Wieskamp

- Conducted a tour of Pleasanton Ridge;
- Went to the Wildflower Day event at Sunol, with Sen. Ellen Corbett in attendance. She announced that this will be an annual event, and stated that Community Outreach Coordinator Elizabeth Hales arranged for an Oakland After-school group and their parents to attend as well;
- Attended the presentation by Jerry Kent and GM O'Brien on the District's 75<sup>th</sup> anniversary;
- Attended the City of Newark State of the City Address, stating that the City is having financial difficulties as well;
- Will be conducting a tour of Sunol on April 22 and Shadow Cliffs on April 24;
- Announced that the Butterfly and Bird event is coming up at Coyote Hills;

Director Sutter reported on meetings attended. Director Sutter

- Attended a meeting with Oakland Councilmember Larry Reid regarding the Dunsmuir property;
- Attended a meeting with Supervisor Nate Miley, the Oakland Zoo Board and staff to explain the District's position on the Zoo's funding proposal;
- Attended the presentation by Jerry Kent and GM O'Brien;
- Attended the Operations Committee meeting;
- Will be attending the first meeting of the SF Bay Restoration Authority this week, and stated that an advisory committee formed, and solicited interests for membership;
- Will be attending the Earth Day Event at MLKing Regional Shoreline on April 25 on behalf of Director Siden.

Director Lane reported on meetings attended. Director Lane

- Will be attending the Trails Conference in Yosemite;
- Is currently working on moving 75<sup>th</sup> anniversary exhibit from Martinez to the Tilden Nature Area and Coyote Hills;
- Reported that the Concord Advisory Committee formed for the Concord Naval Weapons Station issue has been dissolved. She also reported attending one tour and one meeting in Concord regarding the CNWS.

Director Severin reported on meetings attended. Director Severin

- Will be attending the CARPD Annual Conference in Nevada;
- Attended the presentation by Jerry Kent and GM O'Brien on the District's 75<sup>th</sup> anniversary;
- Visited Cull Canyon on April 19 and reported that there were plenty of park visitors;
- Attended the Operations Committee meeting.

Director Siden reported on meetings attended. Director Siden

- Attended a meeting with the Oakland Zoo Board and staff regarding their funding proposal;
- Attended a meeting on the Dunsmuir Heights area;
- Attended the East Bay Development Alliance Conference with GM O'Brien;
- Attended a dinner for Cong. Barbara Lee on April 16;
- Will be attending a meeting that Sun Cal is conducting regarding Alameda Point tonight;
- Will be attending a meeting of the Bay Area Planning Coalition on April 22;
- Will be attending a "Meet Your Public Officials" event sponsored by the Alameda League of Women Voters on April 23.

Director Dotson reported that he

- Will be attending the Bay Planning Coalition meeting tomorrow.

Director Radke reported on meetings attended. Director Radke

- Attended the 75<sup>th</sup> Anniversary presentation by Jerry Kent and GM O'Brien;
- Will be attending a meeting on the Delta Science Center on April 23;
- Will be attending the Science Day event at Big Break on Earth Day, hosted by DSC group.

D. PUBLIC COMMENTS

E. WORKSHOP TO REVIEW DISCUSSIONS HELD DURING THE NRPA LEGISLATIVE FORUM

The Board postponed the workshop for a later date; GM O'Brien suggested that any comments regarding the informational material prepared by Legislative Administrative Manager Erich Pfuehler be forwarded.

F. ADJOURNMENT

The Board meeting was adjourned at 5:15 p.m.

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Allen Pulido, Clerk of the Board

Attachments: Visitors Log, Resolution Nos. 2009-4-093 to 2009-4-111  
Board Committee Reports