

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 2, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

c. Operations (02/20/14) (Lane)

Present

Board: Directors Beverly Lane (Chair), Carol Severin, Ayn Wieskamp

Staff: Jim O'Connor, Allen Pulido, Mimi Waluch, Carol Victor, Anne Kassebaum, Daria Schwarzschild, Noah Dort, Renee Patterson, Matt Graul, Shelly Miller, Warren Schultz, Janet Gomes, Mark Ragatz, Sergio Huerta, Nancy Kaiser, Kelly Barrington, Carol Johnson, Dave Collins, Steve Myli, Tim Anderson, Mona Koh, Ilana Peterson

Guests: Philip Pierpont, Judi Bank, Matt Eremko, Drew Altizer, David Lumm, Greg Lamberg, Sheila Daar, Mary Anne Canaparo, Kim Grandfield, Rob Grandfield, Charlene Grandfield, Christina Kemp, Jay Ganjei, Alex Aguirre, Marie Lomonaco, Jorg Rupf, Frank Burton, Pete Volin, Glenn Kirby, Amelia Marshall, Doreen Kwasnicki, Steven Kwasnicki, Peggy Rochelle, Hella Tsacoilas, Ellen E. Thomsen, Matt Eremko

Director Beverly Lane stated that Board members are reviewing concessions throughout the District with a more modern perspective in order to improve management of them into the future. Assistant General Manager Jim O'Connor explained the Request for Proposal (RFP) process in relation to lease concessions, highlighting the District's responsibility to provide oversight of concessionaires' health and safety practices, quality of services and fiscal accountability. He also noted that District concession opportunities are noticed, screened and selected via the RFP process. This process provides the current operator and other interested parties with the ability to compete for concession contract opportunities. It allows District staff to select the vendor that can best serve the public. In all cases, the intent of the RFP process is to select the best qualified vendor based on quality/quantity of services proposed, experience and background, past performance and financial capability.

I. Update of Anthony Chabot Regional Park Marksmanship Range Request for Proposals Process

Revenue and Administrative Manager Mimi Waluch stated this is a discussion item and provided a brief introduction with Anthony Chabot Park Supervisor Janet Gomes displaying photos and clarifying the various locations of the Anthony Chabot Campground and Marksmanship Range

(dba Chabot Gun Club). Ms. Gomes described the specific gun/rifle ranges for long and short range shooting as well as the overall imprint on the property. Ms. Waluch relayed the history of District staff's work with the Club's current long term concessionaire. She went over the last 5 years of their contract term including the past few years of annual audits, site evaluations and inspections. The District requested, and the concessionaire was amenable, to clean up the property of unnecessary items and debris. A structural inspection report will be released in a couple of weeks on the actual conditions of all of the structures throughout the property that belong to or are used by various agencies. Ms. Waluch stated there is a draft RFP in place. Once complete, the following will take place:

- Notice the RFP
- Conduct Tour
- Review Evaluations and Proposals
- Present to the Board Operations Committee
- Request staff recommendations
- Move to the full Board
- Transition period into term of new contract

Ms. Waluch confirmed that the Chabot Gun Club 25-year contract term ends December 31, 2014. Director Lane added that the Board of Directors and the District are no longer contracting long term concession agreements. AGM O'Connor stated he's been in communication with Chief of Stewardship Matt Graul regarding this process. When turning over a RFP, a large component is to determine capital costs related to renewing the facilities agreement. Due to the lack of rain the past two years, we are unable to gather the data needed. At this point we do not know whether we are meeting regulatory standards related to the lead transport off the facility. If we are out of compliance, we would need to conduct mitigation work. In speaking with Mr. Graul, we cannot make that determination this year. AGM O'Connor stated he will recommend to the full board, a request to approve a 6-month extension to the current Chabot Gun Club lease to utilize the next rainy season for the needed environmental data to complete evaluations, determine compliance with regulatory standards and potential mitigation work that might be required to continue operation of the range. This process will be delayed due to not being able to determine the full cost of the RFP. Director Ayn Wieskamp asked if there would need to be mitigation of the environmental impacts whether or not the data could be gathered from rain.

Mr. Graul relayed that there had been an inspection at the Chabot Gun Club around 2007-8 by the Alameda County Environmental Health. They determined that the site should be monitored under the State Water Quality Control Board's Industrial Storm Water Program. At that time a storm water pollution prevention plan (SWPPP) was developed for the Chabot Gun Club to monitor and reduce lead transport offsite. Part of the SWPPP is implementation of best management practices to reduce sediment flow off the site. Several protections were designed to prevent sediment from getting into the storm water system. Under the permit, samples need to be taken at least twice a year during the raining season to see if lead may be leaving the site. Lower flows haven't seen lead leaving and at times in higher flows, we have noticed lead leaving. In typical rain year from October-November we may not get samples from rain events until mid-December. We are in compliance with the permits and try to reduce levels but have reached the limit of what we can do using these non-structural practices. Currently we are working with a consultant to evaluate the site and see if there are other improvements we can make or what the

costs would be to put in treatment wetlands or a containment system to treat the runoff. Director Wieskamp asked when that information be available. Mr. Graul replied this summer. Director Wieskamp stated it is fair to say that there are some people who feel it would be important to look at the possibility of not having the gun range.

The following guests requested Speaker Cards to address the Committee on this issue:

Frank Burton, Hayward resident, submitted a petition to Clerk of the Board Allen Pulido of over 1000 people who oppose the noise pollution that is generated by the Chabot Gun Club. He stated the issue is about noise pollution that is penetrating and neighbors of the park, not gun control. It's an East Bay issue. Mr. Burton stated the District has a responsibility to the vast number of park users is to provide for the quiet enjoyment of the parks. Signers want noise level limit protocols, and the Gun Club to mitigate their noise pollution. He respectfully requested that the Board of Directors place noise pollution as a primary concern when considering this item.

Jorg Rupf, Grass Valley neighborhood resident. Mr. Rupf stated he had submitted a petition to close the range. He indicated he's not an adversary against marksmanship. His only concern is with the noise pollution. The disturbing noise from gunshots within an otherwise tranquil park is contradictory to the mission of the Park District. The range has been here since the 1960s. Since then, the population of the Bay Area has doubled, which has increased the noise levels. The Chabot Gun Club is in operation 7 days a week and the noise is most significant on the weekends when most park users are enjoying the parks. He referenced the California Noise Control Act (CNCA) of 1973. He is asking the governing body of the District to follow the mandate of the (CNCA).

Peter Volin stated there is no doubt that citizens and local police departments enjoy practicing their marksmanship in a pleasant park environment. It's a fact that a variety of gun safety courses are conducted there. The issue before the Board is if Anthony Chabot is the right location for this to take place. He stated the Board has been faced with controversial issues in the past and has no doubt the final decision will be on target. He presented a list of 19 ranges currently in operation in the Bay Area.

Marie Lamonaco, Sun Valley neighborhood resident. She stated her backyard faces a hiking trail and gunshots can be heard on a daily basis which makes her uncomfortable. Passersby on the trail stated that it sounds like a war zone and she informed them about the petition for noise reduction. She stated she has nothing against people using their guns but would like to see the noise level reduced to better enjoy her home. In addition, she mentioned while camping at the Chabot Campgrounds she heard the gunfire. She found out from District staff that many people who camp there also complain about the gunshot noise. She wants the noise reduced or eliminated.

Amelia Marshall, an officer and 15-year volunteer for the Park District Safety Patrol. One issue is quiet enjoyment and the other is equestrian safety. She stated that gunfire noise is very startling for horses and equestrians which can cause unsafe conditions on the trails. It is also not conducive to the quiet enjoyment of the parks which the public expects and deserves.

Judi Bank, Oakland Hills resident and member of the Park Advisory Committee (PAC). The PAC is interested in this RFP and delighted that the District is opening the renewal of the RFP for public comment. The PAC will be studying the issue and will come forward with recommendations.

Matt Eremko, lives near the San Leandro Creek at Bancroft Avenue. He hears the gunshots clearly from his home, which is approximately 3 miles away. He stated it is the placement of the park not the actual usage of the guns. He stated times have changed and it is time to close this range.

Glenn Kirby, Chair of the PAC, stated the committee does have an interest in this and will be collecting data and information. He stated that anyone from the public who has useful information for the committee are welcomed to submit it to the Clerk of the Board.

Director Lane asked if the entire PAC would be reviewing the information. Mr. Kirby replied there is a sub-committee and the report will go before the full PAC prior to coming before the Board Operations Committee. Director Lane thanked the speakers for the petitions and comments. She relayed that the Board had taken a tour of the Chabot Gun Club and will take into consideration this issue and the information carefully. She stated the committee is also receiving information from people who are in support of the range. Director Wieskamp requested that any new information on this issue could be sent to AGM O'Connor.

A recommendation was made by a guest for the Board to take a tour of the trails starting at the Clyde Woolridge Staging Area on a weekend to hear the noise from the trails.

2. Review of Merry-Go-Round and Food Service Request for Proposals: Tilden Regional Park

Revenue and Administration Manager Mimi Waluch introduced Administrative Analyst Noah Il Dort assisted with processing the Request for Proposals (RFP) for this item. Ms. Waluch provided a brief history and review of the Merry-Go-Round, past and present concessionaires, and some details of their agreements. She stated in October 2013 the RFP process began with site inspections and follow up audit. The RFP was opened for full public competition bid. It was posted on the District website, advertised in local newspapers and sent to over eighteen west coast carousel and concession operations. This resulted in three submittals; Terri Oyarzun, Jobetty, LLC and Sycamore Concessions Corporation.

After evaluation and review of each proposal, presentations, and response to interview panel questions, District staff has recommended to the Board Operations Committee to approve and recommend to the full Board the selection of the Sycamore Concessions Corporation (Sycamore) as the new concessionaire at the Tilden Merry-Go-Round. Sycamore met and exceeded all criteria contained in the District RFP. The recommended term would be five-years with a five-year option.

Ms. Waluch introduced Sycamore proprietors Doreen and Steven Kwasnicki who gave a brief presentation on their experience, background, business and concession plan for the Tilden Merry-Go-Round. Director Severin asked how many staff they plan to have on site. Mr. Kwasnick replied up to ten people. Director Lane stated when speaking of gems, this is one of the District's

gems and has been here for a while. She wanted to ensure it functions well into the future and continues to be appreciated by the Park District.

The following guests requested Speaker Cards to address the Committee on this issue:

Alex Aguirre is the current manager at the Merry-Go-Round. He would like the opportunity to address the issues that need to be fixed. He requested the Board to give the current concessionaire, Terri Oyarzun a chance to have a private meeting with District staff to discuss the issues that were not working to allow their staff to take the business to the next level.

Peggy Rochelle, friend of Ms. Oyarzun. She has been involved with the Park's activities and the Merry-Go-Round for many years. She is requesting that the District meet with Ms. Oyarzun for a discussion and reconsider before making any decisions about the contract.

Hella Tsacoilas, Berkeley resident who stated she was upset about the commercial quality of Sycamore's vision for the Merry-Go-Round. Ms. Tsacoilas, her daughter and niece have worked at the Merry-Go-Round and stated it's a healthy environment.

Ellen E. Thomsen, owner/operator of the Redwood Valley Railway Co. concession supports retaining Ms. Oyarzun as the Tilden Merry-Go-Round concessionaire. Ms. Thomson stated although the District is not in the amusement ride business, it technically owns an amusement ride that is regulated by the State of California Division of Occupational Safety and Health (DOSH). She remarked on the importance of the strict rules and safety regulations to operate such a ride and questioned the background of a new operator and their experience.

Sheila Daar has been taking children to the Merry-Go-Round for over 20 years. She requested no change to the current operation, stated numerous programs held at the Merry-Go-Round were unique, and felt changing the concession would be a loss.

Maryanne Canaparo, retired District Revenue Manager, stated her objection to the selection of the new operator at the Tilden Merry-Go-Round. She noted Ms. Oyarzun lack of experience regarding carousel operation prior to being awarded the RFP 23 years ago, however, Ms. Oyarzun consulted with the former concessionaires, Jeanette and Harry Perry, who advised and taught her about the carousel operation. She believes Ms. Oyarzun's tenure has been a great success and would like the Board to reject the proposal for a new operator and consider awarding Ms. Oyarzun a new term.

Amelia Marshall stated her opposition to a new operator for the Merry-Go-Round.

Director Lane asked if staff would like to respond to any of the comments made. AGM O'Connor stated there are three basic areas viewed by staff to provide oversight of the facility. They are customer service/experience, fiscal accountability and safety. In this case, the current operator, Ms. Oyarzun has provided excellent customer service and a connection with the community. However, there have been unresolved issues that include:

- Excessive and preventable wear and tear of the Merry-Go-Round mechanisms
- Challenges with fiscal accountability

- Safety and other maintenance issues

Despite staff efforts to resolve these issues since 2004, the problems have not been rectified. Both District and DOSH inspectors have noted cases where there have been excessive wear of the facility. Due to concerns of the inspectors related to the mechanical operations of the facility, it has been shut down for short periods of time. There were also challenges related to fiscal accountability. AGM O'Connor stated our obligation as a public agency, goes beyond customer service. He supports the staff recommendation of Sycamore Concession Corporation as the new operator. Director Wieskamp expressed her concern that these long term concessionaries were given last minute notice. AGM O'Connor reiterated that this is the Board Committee hearing and it does go before the full Board, which is the normal process.

Director Wieskamp stated she was putting herself in the position of the person receiving the notice and how uncomfortable it must be for someone who has provided outstanding customer service and caring for the community. She further expressed concerns regarding the choice of the new operator and questioned whether they have enough experience to run this historic carousel. She echoed staff's concerns regarding fiscal responsibility and the importance of maintenance program procedures in order to ensure safety for the public. Director Lane inquired if Sycamore Concession Corporation had knowledge of mechanical and restorative aspects of the carousel.

Ms. Waluch relayed that within the RFP process, there is a schedule/timeline including dates of interviews, Board meetings, etc. Ms. Waluch also clarified that Ms. Oyarzun was aware of her contract terms and was informed of the transition period should a new operator be chosen. Moving forward, there needs to be an accessible operating manual, periodic inspections and preventative maintenance performed and documented regularly with better management of the business and facility. Ms. Waluch is confident that Sycamore Concession Corporation has the experience, skills and sensitivity to run and manage the facility well. Part of the transition plan will include working with the two or three carousel mechanics and inspectors along with District staff and the new operator to ensure that the maintenance program, operating manual and safety procedures are established and adhered to in accordance with DOSH regulations.

Director Severin moved that the Committee accept and recommend to the full Board, staff's choice of Sycamore Concession Corporation as the new Merry-Go-Round operator. Director Wieskamp seconded the motion which passed unanimously. Director Wieskamp requested a future follow up to the Committee by staff on how the phasing project is going with the Merry-Go-Round contract. Ms. Waluch agreed to bring an update to the Committee.

3. Review of Watersports and Other Recreational Rentals Request for Proposals: Del Valle Regional Park

Revenue and Administrative Manager Mimi Waluch provided a brief history of the Sunrise Mountain Sports (Sunrise) concession at Del Valle Regional Park. The current contract term expires March 31, 2014. The Request for Proposals (RFP) was issued in November 2013 for the next term of contract. Four submittals were received for evaluation of the water sports and other recreational rentals concession at Del Valle of which three were considered to move forward in the evaluation process; Sunrise Mountain Sports, Rocky Mountain Recreation Company and Outback Adventures (Outback). After careful consideration and review, District staff is recommending the Committee approve and

recommend to the full Board, the selection of Outback Adventures for a 3-year agreement with an additional 2-year option. Ms. Waluch relayed the many ways that Outback met and exceeded the RFP criteria. Their plans for improving and expanding the operations, activities and water sports experience at Del Valle were very impressive. Ms. Waluch introduced Outback Adventures proprietors Jay Ganjei and Christina Kemp, who presented their business history, many services and proposal for Del Valle.

The following guests requested Speaker Cards to address the Committee on this issue:

Kim Grandfield, Livermore resident and owner of Sunrise Mountain Sports remarked on the timing of the notice that he was not being recommended as a concessionaire for the next term of the contract. Additional information and photos were provided to the Committee as well as a brief history of Sunrise, variety of services provided, financial responsibility, investments, events and programs. Mr. Grandfield stated he feels there is little chance that Sunrise is not as qualified as Outback and that area residents would prefer Sunrise.

David Lunn, Livermore resident, expressed his support for Sunrise. He stated they've done an excellent job creating and running a watersports concession, showing long term dedication, excellent service and innovation for the past 8 years. Sunrise supports local schools, adjust tours to accommodate groups, and includes local and environmental knowledge in the history of the tours. Mr. Lunn encouraged the Committee to support a renewed contract for Sunrise Mountain Sports.

Phillip Pierpont, a Livermore resident and Manager of Sunrise Mountain Sports. Mr. Pierpont expressed his intent to offer a voice of the community and provided a petition with 750 signatures supporting Sunrise. He read excerpts from statements given by members of the kayak industry in support of Sunrise remaining as the kayak rental operator at Del Valle.

Drew Altizer, a San Francisco resident and avid kayaker. He stated he utilizes both Outback and Sunrise as well as numerous other companies. His experience as a customer and kayak enthusiast has been superior at Sunrise due to the quality of their equipment, level of instruction, a retail store and customer service.

Greg Lamberg stated that Sunrise is a pillar to the Livermore community. He expressed his disappointment to learn that Sunrise will not be at Del Valle. He supports Sunrise as the best choice for this concession. He also stated that recreational biking would not be safe or appropriate Del Valle.

Ms. Waluch recounted that through the evaluation process, what rose to the top with Outback Adventures was their passion for bringing outreach, environment, and additional recreational opportunities, should kayaking not be allowed due to low water levels at the park. With a drought that may cause the lake to be unusable for a period of time, the District and Del Valle concession have to be prepared with alternative recreational offerings. Staff has not been satisfied with the maintenance and condition of the current facility and is developing a maintenance program to remedy these kinds of problems. This is a seasonal concession and does not put the concessionaire out of business if their contract is not renewed. Sunrise has not followed the District process for special events which negatively affects staffing, other visitors, and the general

running of the park. All three bidders except Sunrise included a bike rental component to their proposals. District staff and the park supervisor believe that a bike rental component is a positive and safe addition to concession offerings.

Director Wieskamp stated she is a Livermore resident and has known Mr. Grandfield for a long time. Director Wieskamp further stated she received many phone calls in support of Mr. Grandfield and Sunrise remaining as the kayak rental operator at Del Valle. Ms. Wieskamp relayed her concern that Sunrise has not followed District protocol for special events, but also that staff has not requested the changes needed from the current operator. She indicated the concessionaire needs to work closely with the park supervisor to follow all District protocols and make improvements as required by staff. Director Wieskamp inquired if Mr. Grandfield had been asked to spend more money on improvements. Ms. Waluch responded that the structures are the property of the concessionaire and some improvements have been made over the years of service. In addition, there are telephone and electrical connection issues. Director Wieskamp inquired if park staff has asked Mr. Grandfield if he would work with the District on those items. Ms. Waluch stated due to the short term contract extensions significant improvements would not be cost beneficial. Ms. Waluch stated reducing the footprint rather than expansion would be the recommendation. Director Wieskamp stated she finds it difficult to say no to a concessionaire who has done a good job and also finds it difficult when a concessionaire does not work well with a park supervisor. Director Severin acknowledged both sides of the issue including the community support for Sunrise as well as the concerns staff has brought to light.

Director Lane summarized District staff's desire to broaden the activities offered by this concession. She stated that one issue with short term contracts is you can't be expected to invest into capital improvements, in terms of the physical site. She doesn't feel there is enough information to not give the existing concessionaire another opportunity. Director Severin stated she felt the same. Director Wieskamp stated the concessionaire needs to hear the message loud and clear that they need to work closely with the park supervisor on special events to make things happen. She stated she doesn't think you can improve the existing service. If changes need to be made, it needs to be included in the agreement. Ms. Waluch reviewed the options to either reissue the RFP or extend the current agreement. Director Wieskamp suggested to entering into a 3-year agreement to include suggested changes specifically identified. Ms. Waluch expressed hesitation to set up a pattern of entitlement for existing concessionaires. Director Lane indicated the importance of a sit down discussion with the concessionaire to discuss water level deficiencies and site improvements. AGM O'Connor requested clarification that a motion is being made to extend Sunrise current agreement for 3 years, with the contract stipulating that Sunrise make all changes and improvements requested by District staff. Director Lane confirmed that is correct.

Director Wieskamp moved to extend Sunrise current contract into a 3-year agreement with specific terms reflecting required changes and improvements be performed. Director Severin seconded the motion which was passed unanimously.

4. Update of Proposed Changes to Interpretive Services Sectors

AGM O'Connor announced Mike Moran as the new Supervising Naturalist at Big Break Visitor Center on the Delta and introduced Interpretive Services Manager Nancy Kaiser to present the proposed changes to the Interpretive Services Sectors.

Ms. Kaiser reported that Visitor Centers (VC) are the primary point of contact for a geographic region within the Park District boundaries. VC's also serve as headquarters for park supervisors. Staff delivers programs and services as well as a unique focus and environmental education for visitors District-wide. The emphasis is a result of criteria including history of the region, natural resources, or developed features within the park. Interpretive sectors are created using the same criteria. The new Big Break Visitor Center on the Delta prompted the need to update the Interpretive Services Sectors boundaries. Ms. Kaiser presented a detailed description of the relationships between each of the current and proposed interpretive with geographic sectors including staffing, unique features, programming and environmental education.

5. Public Comments

There were no public comments.

6. AGM Comments

Ms. Kaiser reported on District volunteers, Mike and Silva Dudgeon, who were recognized at a recent California Park and Recreation Society luncheon event. They were one of eight recipients from Alameda and Contra Costa counties who were honored for their volunteering efforts. In attendance were District naturalists and Ms. Kaiser who attended the luncheon to congratulate the honored volunteers. Mike has been in the EBRPD Volunteer Safety Patrol and Silva volunteers at Patterson House in Fremont. They are both docents at Coyote Hills, Ardenwood, Sunol, and Black Diamond Mines. In addition, they trained the new docent staff at the Big Break Visitor Center. AGM O'Connor stated interviews will commence next week for the Chief of Interpretive and Recreation position. He announced that the new Cultural Services Coordinator, Beverly Ortiz will begin work on Monday. Mr. O'Connor relayed he is working on the District's response regarding the current drought conditions, which includes a meeting with water agencies to discuss Lake Del Valle. Public notice will be announced on any plans or changes to District services regarding water and drought conditions.

7. Board Comments

There were no Board Comments.

8. Adjourn

The meeting adjourned at 4:35 p.m. The next Board Operations Committee meeting is scheduled for 12:45 p.m. on **Thursday, March 20, 2014**, in the Board Room, Peralta Oaks.

Respectfully submitted,

Daria Schwarzschild
"Acting" Executive Secretary
Operations Division