

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, September 16, 2014

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

a. Operations (Thursday, June 19, 2014) (Lane)

Present

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

Staff: Jim O'Connor, Mimi Waluch, Mark Ragatz, Renee Patterson, Noah Dort, Denise Valentine, Jon King, Mona Koh, Tiffany Margulici, Nancy Krebs, Kelly Barrington

Guests: Patrick Miller (2M Associates), Steve Pickard (Land Economics Consultants), Mike Case, Mary Barnsdale, Bria Cartwright

I. Review Camping Program Update Administrative Draft

Mr. Patrick Miller provided an overview of the regional and national trends in camping. A total of three hundred and sixty three respondents, from twenty organizations, participated in two camping discussion sessions. Involvement was obtained through focus groups, an internet survey, and key interviews with regional, state, and private enterprise practitioners throughout the Bay Area.

Director Lane inquired about the distinction between “regional” and “local” camping patrons. Mr. Miller stated that patrons within 3 to 5 miles of the facility are considered local, and patrons from other Wards within the District are considered regional.

Steve Spickard's role was to determine if the District is keeping up with trends. He stated that group camps consist mostly of church, scout, and youth-serving groups with main activities held on weekends. During a 7-month high season, weekend group camps occupancy rate is 97%. After reviewing national and Bay Area trends, data shows District utilization is increasing.

Throughout the Bay Area, there is a trend towards convenience camping using safari tents and yurts which provide a roof, platform, and bed.

Mr. Miller indicated the following campgrounds were named as favorites by regional providers and focus groups:

- Rob Hill Campground, San Francisco
- Stewards Point, Sonoma
- Wildcat Campgrounds, Point Reyes
- Pescadero Creek County Park, San Mateo
- Huddart County Park, San Mateo.

Director Wieskamp requested more information about the camping program at the Rob Hill Campground in San Francisco. She noted that bathrooms, water, and dogs are important in camping. She asked if the District encounters issues with dogs in camping. Chief of MAST Kelly Barrington replied that, on occasion, nuisance barkers or off-leash dogs disturb other campers. Director Wieskamp inquired if the District mention dogs when reservations are booked. Acting Chief of Park Operations Mark Ragatz responded that staff communicates the rules about dogs.

## 2. Review 2014 Recommended Revisions to Ordinance 38

Public Safety Lieutenant Jon King briefly described each of the suggested revisions to Ordinance 38 recommended for Committee approval. He indicated that, on an annual basis, Public Safety solicits suggestions for revisions to Ordinance 38 from District staff and members of the public. This year's proposed revisions have been reviewed and endorsed by Public Safety, Operations staff and the General Manager, and are now being recommended to the Committee for approval. Following Committee review, the proposed revisions will be presented to the Park Advisory Committee on June 28, and to the full Board in July.

Lt. King attended the meeting to respond to any questions or concerns the Committee may have regarding the following staff recommended changes:

**Section 403.1: Further, no person shall possess, discharge or use any other dangerous weapon, including practice swords, spears, nunchakus and throwing starts, regardless of intent.** This clarifies that all dangerous weapons are prohibited on District lands, regardless of intent, and is submitted in response to a recent appellate court interpretation of the section. Director Wieskamp stated that she thought the Committee was going to hear more about the issue of guns. Lt. King replied there is a separate section that addresses that issue.

**Section 403.2: Legal possession or defensive discharge of a nonlethal aerosol spray made with oleoresin capsicum is not considered a violation of section 403.1. The spray's dispenser volume shall not exceed 2.5 ounces.** This would add pepper spray to the list of items that are an exception to the weapon prohibition section. Director Wieskamp inquired if 2.5 ounces is the normal size allowed. Lt. King replied that it is.

**Section 409.5: Parasail or paraglide, launch or land.** This adds new activities to the current section, and clarifies some of the language. Lt. King stated that, due to inquiries, these items were added.

**Section 409.8: Horseshoe Trail – Anthony Chabot.** This trail has been maintained as a multi-use trail, and is suitable for bicycle use. There is no opposition to the change. Director Lane questioned if there was a formal process for use of the trail. Lt. King replied the size of the trail is large enough and the recommendation came from the Park Supervisor. In addition, AGM O'Connor confirmed that the Park Supervisor reached out to the local equestrian community, and that they agreed with the change.

**Section 417: No person shall possess drug paraphernalia, as defined in Section 11364 of the Healthy and Safety Code, within 1000 feet of a developed area within District lands.** This would create an infraction section prohibiting possession of paraphernalia in developed areas within the District that could be adjudicated in traffic court, not requiring involvement by the District Attorney's office. Lt. King stated that it's restricted by state law, and is considered a minor misdemeanor.

**Section 800.2(a): Exception: Waterfowl. Hunting of waterfowl is governed by state Fish and Game laws in the waters of San Francisco and San Pablo Bays. Hunting along EBRPD shorelines is permitted only by boat.** This change is proposed to address preemption issues identified by the Department of Fish and Game. The District addresses the safety of discharging weapons within 150 yards of the trail. Director Wieskamp requested input from District Counsel Carol Victor. Ms. Victor replied that two years ago it was recognized, adopted by the Board in edits to Ordinance 38, that hunting on navigable waters is governed under state law. The California Waterfowl Association and the Department of Fish and Wildlife respond that it is their belief that the District is legislating in an area reserved to state law. In response to Director Lane's question, Ms. Victor confirmed that the "Hunting of Waterfowl Not Allowed" language has been removed.

Lieutenant Sheree Christensen of the Department of Fish and Wildlife (DFW) stated that 150 yards extends into the Bay, outside EBRPD jurisdiction, and is open to legal hunting in the area. Implementing the 150 yard rule restricts the legal activity of hunters and infringes on the public trust. DFW recommended a solution of removing the 150 yard restriction, and using the "on/over the trail" language that currently exists under state law.

**Section 801.2a: This would add other paved multi-use trails to areas where dogs are required to be on-leash, and would require these areas to be specifically posted.** Lt. King stated the only change is the removal of the word "regional."

**Section 801.2: The pool was not added and is an area where dogs are not allowed. It is appropriate for dogs to be allowed in the camps.** Lt. King explained the District had not included the Camp Arroyo pool as a place where dogs are prohibited.

**Section 801.9: This addition is recommended to address the public concerns regarding dogs off-leash on South Park Drive (South Park) in Tilden Regional Park. This would allow dogs on the roadway, but prohibit them from being off-leash in the developed areas where staff has reported damage caused by dogs.** Lt. King stated that both Operations staff and members of the public worked together to create an exception for South Park Drive. During the closure times between November 1 and April 1, the exception would allow dogs off-leash on South Park Drive, but require them on-leash in the developed areas.

Director Wieskamp moved to recommend the changes to Ordinance 38, to be presented to the Park Advisory Committee for review, and to the full Board as written. Director Severin seconded the motion, which passed unanimously (3-0).

### **3. Public Comments**

Mary Barnsdale expressed her appreciation to Lt. King and AGM O'Connor for coming up with the compromise for dogs on South Park Drive.

Mike Case, a resident and waterfowl hunter, acknowledged the concerns for public safety at the Hayward Regional Shoreline. He indicated that he and his friends hunt waterfowl at Alameda Creek, and recalled that there was a lot of resistance in the beginning. After working with District agencies, posting signs with hunting season dates, and speaking to people, these concerns were addressed. He expressed that most hunters in the sport are concerned with ethics and are aware of public evaluation.

#### 4. AGM Comments

AGM O'Connor introduced Revenue and Administration Manager Mimi Waluch who provided an update on the Merry-Go-Round concession in Tilden Regional Park. Ms. Waluch started by complimenting staff members Administrative Analyst Noah Dort and Administrative Analyst Renee Patterson for their assistance in the transition from previous to current concessionaire. Ms. Waluch stated that the new concessionaire is preparing to open on the Fourth of July weekend.

Ms. Waluch stated that a new operator and maintenance manuals were created. Director Lane inquired if the District created these manuals. Ms. Waluch replied that the District prepared them with a consultant and guidance from the California Department of Industrial Relations Amusement Ride and Tramway Unit. AGM O'Connor added that the District requested that state regulators review the manuals to ensure that they are in compliance with the state rules and regulations.

Director Lane questioned if the section regarding communication with concessionaires, from the newly created Ardenwood manual, would be included. Ms. Waluch responded that the District currently has a program in place that directs Park Supervisors to meet with the concessionaires on a monthly basis. She stated that the intended goal is for further written documentation, and that the section regarding communication would become a part of the concessionaire manual.

Director Lane inquired about the new residents at the Merry-Go-Round. Ms. Waluch replied that the residents received keys and are moving in. The current plan is for a "soft" July 1 opening with a "hard" opening the Fourth of July weekend.

Director Wieskamp asked if the concession has gone through training. Ms. Waluch replied yes. In addition, she reported that a carousel restoration team is cataloging each item on the carousel, including the band organ and façades. The team will determine the condition and needs of the carousel, both present and long term. Due to noise level complaints from the neighbors, the band organs are presently not in use.

Director Wieskamp inquired if the food concession is ready. Ms. Waluch replied yes.

AGM O'Connor provided a drought update for Del Valle stating that the water has not yet been drawn. He indicated that staff expects that swimming and water recreation will be impacted in August. He reported that the water level at Lake Chabot is dropping, and the Marina could be impacted in the next couple of weeks. Acting Chief Mark Ragatz is in contact with East Bay Municipal Utility District (EBMUD) and is waiting for a return call about whether they will release water. EBMUD indicated they typically do not release water from upper the Upper San Leandro Reservoir into Lake Chabot, since it is a drinking water source.

AGM O'Connor reported that the Shadow Cliffs water level is dropping, and that Quarry Lakes is looking good.

AGM O'Connor reported the recruitment for Chief of Park Operations is closed. Nineteen applications were received. The process of reviewing the applications with the outside consultant has begun. He anticipated that interviews will begin in late July.

## **5. Board Comments**

Director Wieskamp asked if something can be done to encourage progress with the pipeline and Shadow Cliffs' water condition. AGM O'Connor responded that the District is currently negotiating a resolution.

Director Lane requested an update on the opening of the Tilden parking lot. MAST Chief Kelly Barrington responded the contract has been submitted for striping, and the parking lot should be completed by July 4. Director Lane requested an updated report when the project is completed, as time permits.

AGM O'Connor informed the committee that Operations is submitting a request to cancel the July 11 Board Tour.

Director Lane requested an update from the Cultural Resources Coordinator. AGM O'Connor replied that an update would be provided in late fall.

Director Lane made comment on the recent merge of Environmental Graphics with Exhibit Design, and requested information on the setup and next steps for interpretive signage. AGM O'Connor advised he would meet with AGM Carol Johnson to coordinate a date and time to have staff provide an update.

AGM O'Connor informed the Committee that a request is to be submitted to the Board Executive Committee requesting Board Contingency funds to replace and install a CXT restroom at Briones Regional Park.

Director Wieskamp stated that if a sign program is being implemented, an update should be provided on the variety of signs.

Director Wieskamp commented on the poor condition of the linoleum floor at the Big Break Regional Shoreline Visitor Center and suggested that staff investigate and search for a better product when installing floors at other facilities.

## **6. Adjournment**

The meeting adjourned at 3:19 p.m. The next Board Operations Committee meeting is scheduled for 12:45 p.m. on **Thursday, July 17, 2014**, in the Board Room, Peralta Oaks.

Respectfully submitted,

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Denise Valentine  
"Acting" Executive Secretary  
Operations Division