

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 9, 2016

D. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

e. Operations (Thursday, March 17, 2016) (Sutter)

Present

Board: Directors John Sutter (Chair), Doug Siden, Ayn Wieskamp

Staff: Jim O'Connor, Mimi Waluch, Renee Patterson, Mark Ragatz, Alicia Gonzales, Denise Valentine, Noah Dort, Lt. Alan Love, Kevin Takei, Shelly Miller, Jeff Manley, Britt Thorsnes

Guests: Rick Rickard, Marcia Brown-Machea, Mark Johnson, Allison Chan, Christina Kemp, J. Ganjei, M. Perrella, Alexandra Nelson, Javier Pinedo, Yesenia Molinar, Judi Bank

Agenda Item 1: 2016 Recommended Revisions to Ordinance 38

Lt. Alan Love provided a brief history on the process of review of the Ordinance 38 revision. The revisions discussed today have been reviewed and endorsed by staff from Public Safety, Operations and District Counsel.

Through a PowerPoint presentation, Love began with the Smoke Free Parks Proposal. He recalled in 2015, a presentation provided to the Board Operations Committee by the American Lung Association and Save the Bay. After this presentation, a workgroup was created to include Love, Parkland Unit Manager Dan Sykes and Shoreline Unit Manager Kevin Takei. In August 2015, a presentation was provided by the workgroup to Public Safety and Operations. The group presented four options for the proposal which included; (1) a complete prohibition, (2) designated smoking areas, (3) employees only designated area, and (4) keeping the status quo/no restrictions. In February 2016, this information was provided to the Assistant General Managers group and was narrowed down to option number three, which would be smoking in campsites and designated employee areas.

Love concluded the Smoke Free Parks Proposal by reviewing the suggested language for the ordinance, providing the benefits of the change to the District, and reviewing the associated costs associated with Public Safety and sign installation.

Director Wieskamp sought clarification on how marijuana is currently handled. Love stated in the current Ordinance 38 Section 416, marijuana is prohibited within 1,000 feet of a developed area. The

proposed change would redact that and there would be no smoking of marijuana. Director Siden commented that if smoking is permitted in the campgrounds, it should be in restricted areas.

Director Sutter inquired on the rationale of including smoking in the campgrounds. Love advised that the location selected is the only area the public stays overnight and where campfires take place.

Sutter questioned if it would be a problem for staff to enforce. Love stated that Public Safety would treat it like any other Ordinance 38 violation. The goal was to make concessions for the public, who would be camping for a significant amount of time. Sutter stated the report refers to the workgroup having a narrow consensus and inquired on the issues making it narrow. Love replied that initially some of the workgroup wanted to have a complete prohibition. Originally, the workgroup had the ability to designate areas for smoking within each park. After reviewing the logistics, determining where the areas would be, who would manage the areas and how it would affect the public, it was removed as an option.

Wieskamp agreed with Siden in reference to concerns about allowing the public to smoke in the campsites, where the majority of park users do not smoke. She questioned on how staff would handle any issues and was this topic discussed in the workgroup. Love replied it was discussed and it was determined that this is the area where people would spend the most of their time and most people have campfires, so it would not be as impactful.

Sutter inquired if there is a ban on smoking in Alameda. Love stated the District property lines are separate from the City of Alameda. Our Ordinance is not affective in the City of Alameda, only on District property.

Speakers on Item #1- Smoke Free Policy

Marcia Brown-Machen, Chair of Alameda County Tobacco Control Coalition, strongly urged the District to create smoke free campsites. Reducing the public's exposure to second hand smoke saves lives, improves the environment, and helps smokers quit smoking.

Wieskamp requested staff to revisit the definition of a campsite in the brochures and ensure the language is clear. AGM O'Connor indicated the language is specific in the policy in defining where smoking would be allowed, which is in the campsite in the campgrounds. The District is not referring to the day use sites.

Allison Chan, Campaign Manager with Save the Bay, commented that cigarette butts are the number one litter item around the world. Large amounts of cigarette butts have been collected around the Martinez and Martin Luther King Jr. Shoreline. Allowing smoking in campsites will subject park users to second hand smoke and will create an inconsistency with the policy.

Sutter questioned whether Ms. Chan believes smoking should be allowed in areas for employees. Ms. Chan responded that after hearing that employees on the clock would have to leave the park entirely to smoke, she can see the designated employee smoking area as a reasonable accommodation.

Judi Bank began by stating she has received authorization from the Regional Parks Association to support the Save the Bay position for 100% smoke free parks. She requested an area be designated for smoking, if smoking will be allowed in the campsite areas.

Alexandra Nelson, with the Alameda County Public Health Department Tobacco Control Program, stated she supports the 100% smoke free policy. Ms. Nelson stated that the Alameda County Tobacco Control Program is willing to fund the no smoking signage for the District. Sutter inquired if there is a recommendation on the language for the signs. O'Connor responded no, as it is a process to be worked through with Public Affairs.

Sutter indicated the District has two campgrounds and questions if the feasibility was considered for having designated smoking areas at the three sites. Love responded no.

Siden stated he accepted the explanation for having designated areas for staff to smoke. He believes it should not be permitted in the campgrounds, but would accept having designated smoking areas in the campground.

O'Connor reiterated the intent is not to have smoking in the day-use areas. In terms of signage, we would list the smoking designated areas in the brochure and not on the signs.

Park Supervisor Shelly Miller shared that there are family and group campsites at the park. She commented that with all the smoke from campfires, the smell of cigarettes is outweighed. Miller believes it will be harder if there is an attempt to designate an area and that the smoke will be more concentrated. Sutter questioned Miller if she has received any complaints of smoking. Miller replied no.

Wieskamp directed to add the word "overnight" before the word "campsites" in the recommendation.

Siden moved to recommend the Smoke Free Policy update go before the Executive Committee prior to the Park Advisor Committee and include Wieskamp's directive of adding in the word "overnight" prior to "campsites". Sutter seconded, which passed unanimously.

Love reviewed the remaining recommended revisions to additional ordinances through a PowerPoint presentation.

409.3 – Miscellaneous Regulated Activities

Language clarification of unmanned aircraft systems in the parks. Sutter questioned the locations of where the public operates their drones. Love replied, they go everywhere.

Siden shared his concern on the potential public response in stating the District can utilize drones, but the public cannot.

409.8 (D) – Addition of trails in selected District parks for bicycle use

Sutter inquired on what type of notice is given for the openings of the trails to bicycle users. Love responded, a change would be made on the notifications and the information can also be found in the appendix of Ordinance 38. Sutter inquired if the trails listed and reviewed today are already open to bicycle users. O'Connor replied that most of the trails have been open to bicycles for several years. Sutter recommended to notify the equestrian community of the trail openings.

Director Siden moved to approve and recommend to the full Board the staff recommendation for revisions to Ordinance 38. Director Wieskamp seconded. The item passed unanimously.

Agenda Item 2: Update of Watersports and Other Recreational Rentals Concession Operation: Del Valle Regional Park

Administrative Analyst Renee Patterson provided a review of the first year of operation of Outback Adventures (Outback) and highlighted efforts to meet the commitments outlined in their proposal. Patterson stated the main focus of Outback for the first year was to improve and expand the water sports experience at Del Valle by offering a multi-discipline outfitting operation.

Patterson reviewed with the Committee the first year earnings of the concession. Sutter inquired how the earnings of the current concession compared to the prior operators figures. Patterson replied that the prior operator was not required to provide numbers of rentals or tours. They instead provided a dollar value, which could not be divided. The new concession is providing detailed information on the operation. Wieskamp inquired if that is one of our requirements. Patterson indicated it is now a requirement of all the District concessions.

Patterson shared that despite low water levels in 2015, Outback met most of the goals as anticipated in their proposal. She then introduced Outback staff to the Committee.

Wieskamp inquired if there was anything that the District could do to offer ADA accessibility to the water. Chief of Maintenance and Skilled Trades Kelly Barrington stated we could purchase Mobi-Mats, with the other option being to look into installing a concrete ramp to the area.

Agenda Item 3: Update Park Operations Lakes Unit: Del Valle Regional Park

Lakes Unit Manager Jeff Manley began by providing a water level update to the Committee members, followed by park highlights including new restroom buildings with ADA upgrades, drought projects for the campground store and Amphitheater, the east lawn turf conversion with a volleyball court installation, and slide repairs to the East Shore access. In addition, exercises are being conducted with staff in preparation for potential flooding at the park.

Sutter inquired on the type of surface to be used for the volleyball court. Manley replied that sand is being used. Sutter questioned if it would be a maintenance problem. Manley responded that due to it being the first season, staff will have to monitor to see how much maintenance is required.

Manley covered the effects of the drought regarding tree failures and diseased Pine trees. Sutter inquired if the tree failures have affected the campgrounds. Manley responded one of the Oak trees felled at the one of the campsites. Sutter inquired if it can be determined if a tree is about to fall. Manley replied it is very hard to predict.

Manley stated that Phase I of the Corporation Yard Rehabilitation project, is the new pre-fab building for Fire and Public Safety Equipment.

Agenda Item 4: Review of Golden Gate Live Steamers Special Use Agreement, Second Term: Tilden Regional Park

Administrative Analyst Renee Patterson began by providing a brief history of Golden Gate Live Steamers (Club). The purpose of the Club is to educate people in railroad tradition and history. The Club operates 7.5-inch model trains for the general public to ride every Sunday. Patterson then played a video for the Committee of the Club's historical operation.

Club President Mark Johnson thanked the Committee for the attention paid to the presentation today and expressed hope to secure the second five-year term of their Special Use Agreement. Johnson extended an invitation to the Committee to visit the Club.

Director Wieskamp moved to approve the staff recommendation to authorize the second five-year term of the Special Use Agreement with the Club commencing on February 1, 2016, which will expire on January 31, 2021. Director Siden seconded. The items passed unanimously.

Agenda Item 5: Public Comments

Mr. M. Perrella, Berkeley resident, sent a letter to Sutter regarding the senior rate fees charged by the Tilden Golf Club. He spoke to the discrepancy in pricing where seniors have received a larger increase than other groups, with the rates increasing from \$120 to \$150 per month. Perrella requested staff to look into this matter.

Waluch stated she received a copy of Perrella's letter and is checking into the difference between the senior club rate and the District's mandated rates Tilden Golf is to set each year. The proposal that Perrella submitted, was to change the structure of the senior club rate from a five day to a three day rate. The Business Services Department is having discussions with the club regarding the senior rates.

Agenda Item 6: AGM Comments

O'Connor provided the following updates:

- El Nino – Reviewed pictures of the Gelston and Rifle Range Road Trail slides. Indicated that six staff members have been relocated due to the Gelston slide.
- Del Valle – Currently keeping a close eye on water levels.
- The District was notified by the San Francisco Public Utilities Commission (SFPUC) on the Fish Ladder Project, which is a fish habitat enhancement project adjacent to the lower Yosemite area of Sunol. The project is set to begin in the spring and will require intermittent road closures when materials are being delivered. Most of the closures are to be conducted Monday through Friday, with posted notifications if closures occur on the weekends.
- The May Board Operations Committee (BOC) meeting occurs the same day as the Bay Area Open Space Conference in Richmond. Staff suggested to start the BOC meeting at a later time. Sutter suggested to change the meeting date. Staff suggested May 26. The Committee agreed with the selected date change. The May meeting will be changed from May 19, 2016 to May 26, 2016.

Agenda Item 7: Board Comments

Wieskamp commended staff for the work completed on Ordinance 38.

Siden commended staff on the presentations provided today. Siden inquired on the BOC meeting dates to be held at Tilden and the equestrian tour. Waluch replied that staff was looking at the month of September for the Tilden tour and October for the equestrian tour.

The meeting was adjourned by Director Sutter at 2:52 p.m.

Respectfully submitted:

/s/ Denise Valentine

Executive Secretary