

The Board Meeting, which was held on March 18, 2014 at the EBRPD Administrative Building, 2950 Peralta Oaks Court, Oakland CA 94605 was called to order at 12:30 p.m. by Board President Ayn Wieskamp.

ROLL CALL

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

Directors Absent: Ted Radke, Treasurer.

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

The **Open Session** of the Board Meeting was called to order at 2:00 p.m. by President Ayn Wieskamp.

Staff Present: GM Robert Doyle, Ted Radosevich, Jim O'Connor, Dave Collins, Diane Althoff, Carol Victor, Liz Musbach, Kelly Barrington, Denise Defreese, Mimi Waluch, Erich Pfuehler, Emily Hopkins, Jim Townsend, Matt Graul, Noah Dort, Mark Ragatz, Sgt. Al Love, Sgt. Dave Phulps, Mona Koh, Capt. Mark Ruppenthal.

A. APPROVAL OF AGENDA

President Wieskamp announced that at the request of staff, Consent Calendar item C-1-f and Board Committee Reports C-6-b will be pulled from the agenda.

By motion of Director Siden and seconded by Director Dotson, the Board voted unanimously to approve the Agenda as revised.

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

B. PUBLIC COMMENTS

Angela Lucero, Wendy Clark and Garry Pregler addressed the Board to report the dangerous conditions to equestrians at Redwood Regional Park caused by uncontrolled off-leash dogs and speeding bike riders. They indicated that videos of these dangerous conditions have been taken, with bike riders and dog owners being confrontational when reminded of the park rules. They also stated that despite Ordinance 38 changes, numerous dog owners still do not follow the leash rules on the Serpentine Prairie, and asked that District police officers patrol area hotspots. They also suggested conducting additional education of park users and better police enforcement.

Police Chief Tim Anderson, addressed the Board, stating that Public Safety is aware of the on-going problems at Redwood Regional Park, and invited the speakers to meet with Police Capt. Mark Ruppenthal, head of the Enforcement and Mounted Patrol Units, to discuss the issues.

Director Doug Siden encouraged the current Operations Committee members to review these issues at a future meeting to monitor its status. Director Sutter expressed his appreciation to the speakers, stating that it is always helpful to have members of the public bring these issues to the Board's attention.

Jay Ganjei of Outback Adventures addressed the Board and stated that although his company was unanimously selected by District staff as a result of the RFP process for the Del Valle kayak concession, the Operations Committee, at its February 20, 2014 meeting, favored the current concessionaire. Mr. Ganjei stated that their decision was made without a discussion of who the strongest candidate was nor a reading of Outback Adventures' proposal. He added that he was even informed that the existing concessionaire ranked last of the three proposals considered. He asked that the full Board not approve the Operations Committee's meeting minutes, read their proposal first, and award the concession to Outback Adventures.

Craig Jackson, Guide Service Director of Outback Adventures, addressed the Board and spoke of the company's qualifications. He stated that the existing concessionaire does not offer as many activities, and asked that the Board trust District staff's decision favoring Outback Adventures.

In response to a question from Director Siden, Jim O'Connor, Asst. General Manager for Operations, stated that at this time, staff's plan is to bring forward the Operations Committee recommendation to the full Board at its April 1, 2014 meeting.

C. BUSINESS BEFORE THE BOARD

I. CONSENT CALENDAR

By motion of Director Sutter and seconded by Director Dotson, the Board voted unanimously to approve the Consent Calendar, with the exception of item C-I-f which was deleted, and C-I-k which was pulled for separate discussion:

Directors For: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Against: None.
Directors Absent: Ted Radke.

C-I-a. Approval of District Check Listing for the Period of February 10, 2014 through February 23, 2014
Resolution No. 2014 – 03 – 064 (attached)

C-I-b. Approval of the Minutes for the Board Meeting of February 18, 2013

C-I-c. Authorization to Negotiate with Various Property Owners
Resolution No. 2014 – 03 – 065 (attached)

C-I-d. Acceptance of the East Bay Regional Park District's Investment Report for the Quarter Ending December 31, 2013
Resolution No. 2014 – 03 – 066 (attached)

C-I-e. Authorization to Apply for "Round 3" Grant Funds from the Bay Area Integrated Regional Water Management Plan: District-wide
Resolution No. 2014 – 03 – 067 (attached)

- C-I-f. ~~Authorization to Apply for Grant Funds from the Alameda Countywide Clean Water Program for Expanded Interpretive Programs in Alameda County~~
- C-I-g. Authorization to Enter into a Five-year Grazing License with Ferrara Ranches Ltd:
Concord Hills Regional Park
Resolution No. 2014 – 03 – 068 (attached)
- C-I-h. Authorization to Enter into a Five-year Grazing License with J. Norman and K. Flynn:
Anthony Chabot Regional Park
Resolution No. 2014 – 03 – 069 (attached)
- C-I-i. Authorization to Appropriate Measure WW Development Funds, Amend the Contract Scope and Fee and Encumber Additional Funds for Consulting Services to Perform Construction Management Services: Iron Horse Trail Dublin/Pleasanton
Resolution No. 2014 – 03 – 070 (attached)
- C-I-j. Authorization to Execute a Funding Agreement with the Alameda County Surplus Property Authority, the Center for Biological Diversity and the Alameda Creek Alliance and Accept Staples Ranch Mitigation Funds for Acquisition of Alkaline Soil Habitat
Resolution No. 2014 – 03 – 071 (attached)

By motion of Director Lane and seconded by Director Severin, the Board voted unanimously to approve C-I-k:

Directors For: Whitney Dotson, Beverly Lane, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Against: None.
Directors Absent: Ted Radke.

- C-I-k. Authorization to Enter Into an Agreement with Sycamore Concessions Corporation to Operate the Tilden Merry-Go-Round and Food Service Concession: Tilden Regional Park
Resolution No. 2014 – 03 – 072 (attached)

Mimi Waluch, Revenue Administration Manager, provided a brief overview on this item. She stated that the current concessionaire, Ms. Terry Oyarzun, was first awarded the contract to operate the facility in 1993, with a 10-year contract extension granted in 2004. Ms. Waluch added that during the 2nd term of operation, the District undertook several site upgrades and renovations totaling more than \$2 million from various funding sources. Beginning in 2012, with the contract term coming to an end, the District conducted a site inspection and investigation to review existing operations, maintenance and management practices of the concession. The inspections documented lapses in maintenance, training and safety requirements as well as poor record keeping that had been a continual problem throughout the term of the concession.

The Park District issued a Request for Proposal in October, 2013 to seek an operator for the next term of the concession. The RFP was advertised in local and major newspapers, posted on the District's website, and also sent to 18 west coast carousel concession operators; this resulted in 3 proposals submitted. These proposals received underwent the process of evaluation, reference checks and panel interviews. As a result, staff recommended to the Board Operations Committee, at its February 20, 2014 meeting, the award of contract to Sycamore Concessions Corporation, a family-owned business based in Walnut Creek. At that meeting, the committee unanimously approved the staff recommendation by a vote of 3-0.

In response to a question from Director Sutter referring to fiscal accountability, Ms. Waluch stated that the current concessionaire is in default by approximately \$31,000, adding that they were officially put in default in 2009. To address some of the concerns from letters received from the public, Ms. Waluch stated that there are no parking fees charged at Tilden Park nor is there a plan to charge parking fees. She clarified that there are no specific plans to increase fees at the Merry Go Round and that any future adjustments will be part of the normal yearly review of the fee schedule covering all District facilities.

Director Lane asked about any responses received during health inspections at the concession. Ms. Waluch stated that Contra Costa Environmental Health comes out once a year and have issued consistent, yearly complaints regarding food concession maintenance, food handling and utensil maintenance and are public records available for inspection, despite District staff working with the current concessionaire on proper procedures and expectations. Ms. Waluch also clarified that two audits conducted by the District in 1996/97 and 2005/06 showed similar on-going problems.

GM Doyle explained that this item has come forward for discussion not because of the issues with the current concessionaire but rather the results of the RFP process since the current term was up and the Board has for its consideration the recommendation of the Operations Committee.

Current concessionaire Ms. Terry Oyarzun addressed the Board at this time. She explained that she has operated the Merry Go Round with the public in mind and a passion for service, and has successfully created a safe, family-friendly environment. While stating that record-keeping was not her strongest suit, she mentioned that she has kept up with the maintenance for the safe operation of the facility, otherwise, state officials would have closed it down, which they have not. She pointed out that there has not been enough notice to her regarding financial inadequacies and felt that she has been bullied out of the concession.

Several supporters for the current concessionaire addressed the Board, stating that: they do not want any changes and are very happy with the way the Merry Go Round is being run, especially by a female business owner; Sycamore Concessions, the staff-recommended concessionaire, does not have any experience running a merry go round and that their experience is with landscaping; Ms. Oyarzun is well-versed with state regulations in running a carousel; there are personality conflicts between staff and Ms. Oyarzun; the decision should be delayed until more information can be reviewed by the Board.

2. OPERATIONS DIVISION

C-2-a. Authorization to Amend the 2014 Budget and Appropriate 2012 Promissory Note
Funds for Service Yard Improvement Projects
Resolution No. 2014 – 03 – 073 (attached)

By motion of Director Lane and seconded by Director Sutter, the Board voted unanimously to approve item C-2-a:

Directors For: Whitney Dotson, Carol Severin, Doug Siden, Ayn Wieskamp, John Sutter.
Directors Against: None.
Directors Absent: Ted Radke.

Kelly Barrington, Chief of Maintenance, provided a brief presentation showing photos detailing the history of 45 various improvement projects completed to-date, as well as five ongoing projects to illustrate the use of the funding.

3. **BOARD AND STAFF REPORTS**

C-3-a. Presentation on the Role of the Interagency Planning Department/Land Division

Larry Tong, Interagency Planning Manager, provided a brief presentation on the role of the department and how it relates to and works with others in achieving goals of mutual interest, guidance on land use decisions and other goals of the District.

C-3-b. Actions Taken by Other Jurisdictions Affecting the Park District

General Manager Robert Doyle reported on the items listed on the staff report.

4. **GENERAL MANAGER'S COMMENTS**

GM Doyle briefly discussed some of the activities listed by the Public Safety Division.

5. **ANNOUNCEMENTS FROM THE CLOSED SESSION**

There were no announcements from the Closed Session.

6. **BOARD COMMITTEES**

- a. Executive Committee (03-13-2014) (Wieskamp)

Board members asked that they be kept posted on the schedule and progress of the Administrative building and Board room renovation.

- b. ~~Operations Committee (01-16-2014) (Lane)~~

7. **BOARD COMMENTS**

Director Severin reported on meetings attended. Director Severin

- Attended the Board workshop on March 10 at Fern Cottage;
- Attended the Natural/Cultural Resources Committee meeting on March 11;
- Attended the Board field trip to Tilden Park on March 14;
- Attended the recent CPRS Conference in Orange County from March 4 – 7;
- Attended the Operations Committee meeting on March 20;
- Attended the Union City RDA Oversight Committee meeting on March 24.

Director Lane reported on meetings attended. Director Lane

- Attended the Board workshop at Fern Cottage;
- Attended the Natural/Cultural Resources Committee meeting on March 11, wherein Bev Ortiz was introduced in her new position as Cultural Services Coordinator;
- Attended the recent Supervisors Academy Graduation on March 11 at the Shoreline Center;
- Attended the Pleasanton Liaison Committee meeting on March 12;
- Attended the recent field trip to Tilden Park and commented that the corporation yard reconstruction deserves to receive an award. Also suggested that new carpeting for the EEC is in order;
- Regarding the Ranching Exhibit in Danville, stated that Jed Magee of the Hap Magee Ranch Park provided a talk; also stated that the Supervising Naturalists will hold their meeting there on March 19;
- Suggested that a new map be produced to come with the new Master Plan.

Director Siden reported on meetings attended. Director Siden

- Attended the CPRS conference in Ontario, CA wherein the District received an award excellence for bringing diverse communities together over a three year period for health and wellness events;
- Attended the Board workshop on March 10 at Fern Cottage;
- Attended the Supervisors Academy graduation on March 11;
- Will be attending the Capitol Hill visits with staff in Washington, DC from March 20 – 22;

Director Dotson reported on meetings attended. Director Dotson

- Attended the Board Workshop;
- Attended the Natural Cultural Resources Committee and Executive Committee meetings;
- Attended the California Land Trust Conference in Sacramento from March 5-6;
- Will be joining staff and Board members in Washington, DC for the Capitol Hill visits and the NRPA Legislative Forum;
- Suggested that the carpet at the EEC needs to be replaced.

Director Sutter reported on meetings attended. Director Sutter

- Attended the Supervisors Academy graduation;
- Attended the Board field trip as well as the Board workshop at Fern Cottage;
- Attended the Board Executive committee meeting, wherein there was an explanation of the land use plan schedule;
- Attended the Oakland DD Committee meeting on March 17 wherein there was a discussion of the Bay Trail in Oakland;
- Attended a meeting of SF Bay Restoration Authority on March 19 wherein there was a discussion of a possible parcel tax ballot measure for the November 2014 election.

Director Wieskamp reported on meetings attended. Director Wieskamp

- Attended the Water Forum;
- Attended the Board workshop at Fern Cottage and also the Supervisors Academy graduation;
- Attended the Pleasanton Liaison Committee meeting;
- Attended the Executive Committee meeting;
- Will be attending the Pleasanton Chamber Awards event on March 19;
- Will be attending the Operations Committee meeting on March 20.

D. ADJOURNMENT

President Wieskamp adjourned the meeting at 4:45 pm.

Respectfully submitted:

Allen Pulido
Clerk of the Board