

Approved Meeting Minutes
PARK ADVISORY COMMITTEE
November 26, 2018

ATTENDING: Best, Bueren, Burke, Brubaker, Corkin, Godfrey, Gregory, Ho, Kern, Madsen, Mercurio, Rickard, Robinson, Thompson, Trotter, Wilkins, Williams, Tsutsui

ABSENT: Sanwong, Skaredoff, Yee

STAFF ATTENDING: O'Connor, Auker, Love, Cuning, Burnor, Johnson, Spaulding, Castile, Brede, Bletz, Clay

GUESTS: Director Colin Coffey

PUBLIC: Bruce 'Ollie' Ohlson, Delta Bicycle Peddlers, Dave Campbell, Bike East Bay, Diana Stevens, Natalie Croak

The meeting began at 7:00 p.m.

1. **Approval of the October 22, 2018 Minutes:** The October 22, 2018 minutes were approved. The motion to approve was moved by PAC member Gregory. PAC member Williams seconded approval of the minutes. PAC member Tsutsui abstained due to being absent.
2. **Introductions:** PAC Chair Bueren asked PAC members, staff and the public to introduce themselves.
3. **Board Member Comments:** Director Coffey thanked the PAC members for their help in supporting Measure FF. Director Coffey reported it passed by 85%. He stated the passage of Measure FF is a testament to the success and popularity of the Park District, and the effort of the Park Advisory Committee, the Park District workforce and management.

Director Coffey touched on the November 20 Board meeting and the EIR/LUPA for Sibley Volcanic Regional Preserve. Coffey stated there was significant discussion about the proposed use on two narrow multi-use trails which connect the McCosker Loop Trail to Sibley. Coffey explained the Board of Directors decided to vote to advance the EIR/LUPA. The designation of the trails will be postponed until members of the community meet to discuss the trails in question and come to a consensus.
4. **Foundation Update:** Carol Johnson, AGM of Public Affairs and Foundation Executive Director reported the Foundation has raised approximately \$2.4 million this year, the eighth year in a row with growth. Membership also increased 5%.
5. **Public Comments:**
None.

6. Presentations:

(R) a. Ordinance 38 Update – Alan Love, Support Service Captain

Alan Love, Support Service Captain gave a report about the 2019 Ordinance 38 updates. Love explained Ordinance 38 governs the conduct specifically within East Bay Regional Park District. Every two years the Ordinance is reviewed. Requests for changes are collected from the public, staff and the Park Advisory Committee. All requests are received by a collaborative team of Public Safety staff, Operations and the Legal Department.

Changes to Ordinance 38 include:

- New language added to include convenience camping.
- Smoke Free Parks: Overnight campsites are now included as a no smoking areas.
- Nudity is prohibited. Updated language exempts children under five and breastfeeding mothers from this ordinance.
- A new section was included that states a person cannot moor a vessel to a dock or fixed structure, at or on District property, for a period of time exceeding 60 minutes or between the hours of 10:00 pm and 5:00 am, except as authorized by the District. Failure to comply is a misdemeanor.
- Dogs, cats or other animal must be securely leashed and under control of a person to enter any Developed Area within approximately 200 feet (or as posted to address trail conditions or conflicting uses) of any parking lot, trail head or staging area.
- No person shall bring or permit any dog, cat or animal into an area posted as active grazing or where grazing animals are present unless such animal is securely leashed and under control of that person.
- Section 902.3 was rewritten to define a motor vehicle as any vehicle or device that is self-propelled by means of an internal combustion engine or electric motor, used to transport a person or property.

Recommendation: Motion made by PAC member Kern and PAC member Wilkins seconded the motion, to recommend Ordinance 38 updates be brought before the Executive Committee of the Board. The recommendation passed unanimously.

(R) b. E-Bikes – Dan Cunning, Delta Unit Manager

Dan Cunning, Delta Unit Manager introduced Jill Bletz, Academic Intern. Bletz provided background on the e-bike pilot program. She explained three paved regional trails within the District were chosen for the pilot program – Alameda Creek Trail in Fremont, Contra Costa Canal which goes through Martinez, Walnut Creek and Concord, and the Iron Horse Trail with spans from Concord to Pleasanton. Bletz noted the e-bike program began in September 2017 and ended September 2018.

Bletz outlined the data collection methods used for the study. Interns did a visual trail count in two-hour predetermined timeslots, an online survey focused on which trails were being used and in what way, and in-person surveys of pilot trials at different times of day were done. 244 trail counts were conducted over 20 trailheads along the three paved trails, which captured 26, 867 unique trail users. Overall findings included that 41% of trail use was by traditional bikes, 32% by recreational walkers, 13% by other users which included strollers, children on bikes, dogs, assisted mobility, skateboards, roller skates and equestrians, 12% use by joggers and runners, and 2% by e-bikes.

Bletz also provided statistics for times of use on the trails. Heaviest traffic times were between 9-11 am and 4-6 pm which suggests commuting. The largest percent of e-bike owners were 51-65, and exercise was the main activity cited.

Bletz asked the PAC to recommend the approval of e-bike use on the three pilot program trails, and the approval of e-bike use on five additional paved trails – the Big Break Trail, Delta De Anza Trail, Marsh Creek Trail, Lafayette Moraga Trail and the George Miller Regional Trail (Segment of the SF Bay Trail). Implementation would include new signage for trails with e-bike rules and regulations. Update of Ordinance 38 with e-bike information, Public Affairs outreach to communities and internal staff training of new program parameters. O'Connor clarified this will be forwarded as a recommendation to the Board Operations Committee.

Tsutsui asked if staff got a sense of how other trail users felt about e-bikes on the trail. Bletz replied most feedback was bikes vs. pedestrians and not e-bike specific. PAC member Thompson inquired about speed, and whether they were going faster than normal bikes. Bletz replied there were no issues regarding speed. PAC member Madsen asked what speed are e-bikes capable of reaching. Cunning replied only Class 1 and 2 e-bikes will be allowed, and they can reach 20 miles per hour. Cunning clarified retirees are main users of e-bikes as a recreational hobby.

PAC member Brubaker inquired if criteria was determined for choosing the five additional trails, and if that criteria could be presented. Cunning responded during the pilot year, staff were assigned to monitor the additional trails and static data counts were done for Marsh Creek, Big Break and Delta De Anza trails. Cunning continued the e-bike presence was so low that there was no count. Based on observations of these five trails, staff recommend all eight trails. Kern asked if the first three trails were selected because they are regional trails. O'Connor explained the main criteria for this study is that the trail is paved.

Thompson commented one complication is the San Francisco Bay Trail is managed by multiple jurisdictions. Thompson would like to make sure it is clear to the user the jurisdictions they pass through. O'Connor said regarding the other five trails, the District will go through a process with the various jurisdictions to seek approval before any changes are implemented. Thompson asked if the language will be developed to specifically identify e-bikes in the Ordinance change, or will other electric modes be included, such as motorized scooters. Cunning replied only e-bikes will be included in the language.

PAC member Robinson asked if there would be more training and/or enforcement as additional trails are opened to e-bikes. Cunning said there will be trailside pop-up education events to educate the trail users, and Trail Share Out Trail Days outreach to encourage trail etiquette. O'Connor stated there will not be more enforcement related to this change in the Ordinance. He added, however, if there were trends certain areas, Public Safety would do targeted enforcement when issues arise.

Public Comments

Dave Campbell, Bike East Bay, stated Fremont is authorizing scooters in 2019 and suggested scooters be allowed on District trails as they have a 15-mile per hour speed, and would fit under Ordinance 38. Bruce Ohlson, Delta Peddlers said e-bikes are going to show up, speed is going to be a problem, and speed enforcement on the trails will be difficult. Ohlson suggested the District continue the pilot program, and wait for more data before approval of e-bikes on all paved trails.

Bueren said the recommendation is to approve the e-bike use on the three pilot program trails, and to move forward with the additional five trails and reach out to local jurisdictions. O'Connor clarified the recommendation is the eight trails move forward with e-bike use. Approval of Ordinance 38 changes will move this item forward to the Board Operations Committee. The Board Operations Committee will recommend it move forward to the full Board.

Thompson asked what steps beyond the recommendation will the District take in the future. Kern suggested the second recommendation for the five additional trails should return to the PAC with further information about the criteria and guidelines used, as suggested by Brubaker. PAC member Trotter added the second part of the recommendation should include a report back to the PAC about the other five trails which should be monitored for speed and safety.

PAC member Mercurio proposed the motion include only the approval of the three trails in the pilot program – Alameda Creek Trail, Contra Costa Canal Trail and the Iron Horse Trail. PAC member Corkin seconded the motion.

PAC member Ho asked if Recommendation 2 should include the same process of data collection and outreach.

Bueren proposed Recommendation 2 include the five trails, but before adding further trails, develop criteria about considering trails for e-bike use. Criteria should be developed prior to approving additional trails. Kern added outreach to local jurisdictions should be incorporated into the motion. Brubaker seconded the motion. Trotter suggested the motion be split into two separate recommendations. He suggested Mercurio's motion on Recommendation 1 be voted on. Unanimous decision by PAC committee to approve Recommendation 1.

O'Connor asked the PAC members to elaborate on the criteria request. O'Connor explained the motion treats e-bikes under the same rules as traditional bikes. He asked if the criteria in question is topography, or the width of the trail. O'Connor said treating the five trails as a pilot program is problematic because it will take quite a bit of staff time, and there's a cost to the District for interns. He voiced concern there may not be any additional useful data by doing an extensive pilot program on these five trails. Kern said further consideration of adding additional trails should have been informed through the first three trails. There should also be outreach with local jurisdictions before it is brought back to the PAC, so the members may benefit from the input. Brubaker proposed criteria should include the transportation function of the trails. Robinson agreed and expressed interest in receiving a report on the local jurisdictions' opinion. Bueren suggested the motion be explicit to include public outreach and working through the jurisdictions responsible for the trails. O'Connor said transportation is critical to the District, but recreation is equally important. PAC member Best moved Recommendation 2 be approved subject to the District conducting outreach with the affected jurisdictions. PAC member Rickard seconded. The motion passed with two opposed.

Recommendation 1: Motion made by PAC member Mercurio and PAC member Corkin seconded the motion, to recommend e-bike use on three pilot program trails and forward to the Board Operations Committee. The recommendation passed unanimously.

Recommendation 2: Motion made by PAC member Best and PAC member Rickard seconded the motion to approve outreach with the affected local jurisdictions with the results brought back to the PAC for approval of e-bike use on five additional trails – Big Break Trail, Delta De Anza Trail, Marsh Creek Trail, Moraga Trail and George Miller Regional Trail (segment of San Francisco Bay Trail). The recommendation passed with two opposed.

(R) c. 2019 Proposed Budget – Debra Auker, Assistant General Manager/CFO, Finance and Management Services

Debra Auker, AGM/CFO Finance and Management Services presented on the 2019 proposed budget. Auker stated the proposed 2019 balanced budget is \$247 million district-wide. Total Park District appropriations for all funds total \$257.8 million. Highlights this year are infrastructure, preserving land, protecting against wildfires, restoring natural areas, enhancing safety in parks and on trails, providing access and environmental programs, and continuing the District's current level of service. Auker explained taxes and assessments make up 85% of the revenue, property tax makes up \$143 million. Overall, taxes and assessments grew by about 19%.

Auker detailed the changes to budget appropriations which include:

- District operating costs, including personnel services, supplies, service and intra-District charges, have increased to \$175.5 million in 2019 from \$165 million in 2018 (a 6.4% increase). This increase is a result of a 7% increase in wages and benefits, a 2.6% increase in supplies and services, and a 17.8% increase in intra-District charges due to the budgeting of costs for Comp Time Payouts, which have not been budgeted in prior years.
- Grants and interagency agreements have decreased by \$12 million as the Measure WW Local Grant program is winding down.
- Debt service costs increased from \$15.6 million in 2018 to \$30.5 million in 2019 in relation to the \$80 million in Measure WW bonds sold in 2017.
- Capital outlay and equipment appropriations have increased slightly from \$10.3 million in 2018 to \$10.4 million in 2019. Major equipment replacement schedules and planned expenditures on capital projects fluctuate from year to year.

Ho asked how grants are budgeted. Auker replied they are not included in the initial budget, but as they go before the Board they are included in the budget. Auker stated total appropriations are \$229.7 million. The General Fund is \$144.5 million. Special Revenue Funds include Measure CC Funds, Lighting and Landscaping Districts, and some other special revenues that come into the District for specific purposes is \$19.5 million. Projects Funds are \$19.8 million. Internal Service is \$15.5 million which fund the Worker's Compensation program and General Liability Program. Infrastructure Reserves and Debt Service is \$30 million. Also, included in the 2019 budget is one million dollars toward Major Infrastructure Improvements. The budget includes 27.87 additional FTE positions. In 2019, the District will add 26 new positions, and upgrade 4.5 positions. In Public Safety, 1.66 sworn police officers will be added to the budget with a five-person fire crew to work on fuels reduction.

The 2019 budget will continue implementation of the wildfire hazard vegetation reduction and resource management plan. It also includes funding to complete the Lake Temescal dredging feasibility study and restoration plan.

Auker introduced Deborah Spaulding, Assistant Finance Officer. Spaulding explained the new format for projects listed in the budget. Larger projects of \$100,000 or greater were listed on their own page with project and funding status. There were 111 projects in total. Smaller or more programmatic projects were grouped together in ten programs, about 391 projects in total. Project categories include public access, such as trails, staging areas, infrastructure, utilities and facilities. Habitat projects include resource protection. The Program budget includes enhanced staffing through special funding, funding for programs in under resourced communities, habitat preservation, infrastructure maintenance, land use planning and design, preliminary land acquisition, safety and security, technology and workplace improvements, wildfire hazard reduction, and wildlife protection.

Bueren commented the PAC Finance Subcommittee met prior to the PAC meeting and recommended this item be forwarded to the PAC membership for their recommendation. Kern congratulated Auker for her work on an excellent budget.

Kern asked for clarification about the changes in the budget for Public Safety. He noted there are six additions to support staff and a reduction of two field operations personnel. Love explained there are three community service officer positions which are moving from patrol operations into Dispatch. Those positions will only become field units once Dispatch is fully staffed. Love said one sergeant was moved from the office of Special Enforcement to the office of the Chief to do special projects, but that position will also be part time in the field.

Corkin asked about money set aside in this budget for a one-time trails maintenance and fuels management crew. Corkin asked if the District's commitment is to continue funding fuels reduction functions, or is it a onetime funding. Auker replied this is the first year the District is working with a more professional crew from the Student Conservation Association (SCA). The budget sets aside \$200,000 for a SCA crew to work for ten months. If this works out, then it may become an on-going cost.

Tsutsui asked about the real estate market. He asked if there is a contingency plan in place if there is a decline in the market. Auker replied the District expects there to be a recession at the end of 2019 or in 2020. The District anticipates a decline in the economy. Within the General Fund, the District has a strong reserve policy that sets aside 32% of the District's annual revenue. The reserve is funded every year, and one of the goals in the budget is to ensure the reserve policy target is met.

Coffey stated he learned the District receives quite a bit of criticism from several cities about the money kept in reserve when there is so much need. Auker replied it is okay to have that much in reserves because the parklands need to be maintained in perpetuity.

Recommendation: Motion made by PAC member Trotter and PAC member Best seconded the motion, to recommend the adoption of the 2019 Proposed Operating and Projects Budget by the Board of Directors. The recommendation passed unanimously.

7. PAC Member Comments

Kern announced it has been a pleasure to work with the Park Advisory Committee members and he appreciated everyone's support. Mercurio mentioned he is being termed out, he thanked staff for their help and the other PAC members.

Trotter mentioned he too being termed out, and he thanked the PAC members and staff for helping them to fulfill their role as PAC members. He gave special thanks to Kern for reaching out to him as a new member of the PAC.

8. Report from Chair – Chair Bueren mentioned the 2019 PAC goals were presented to the Board Executive Committee. One additional goal was added for integrated pest management. Bueren thanked Kern, Mercurio and Trotter for their service.

9. Board Committee Reports – None.

10. Old Business – None.

11. New Business – None.

12. Adjournment – The meeting was adjourned at 9:28 p.m.

Summary of Actions:

1. The PAC approved the September 22, 2018 minutes.
2. The PAC recommended the Ordinance 38 updates be brought before the Executive Committee of the Board.
3. The PAC recommended e-bike use on three pilot program trails be forwarded to the Board Operations Committee.
4. The PAC recommended the approval of outreach with the affected local jurisdictions and the results brought back to the PAC for approval of e-bike use on the five additional trails – Big Break Trail, Delta De Anza Trail, Marsh Creek Trail, Moraga Trail and George Miller Regional Trail (segment of San Francisco Bay Trail).
5. The PAC recommended the adoption of the 2019 Proposed Operating and Projects Budget by the Board of Directors.