

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, May 5, 2015

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

c. Operations (Thursday, February 19, 2015) _____ (Sutter)

Present

Board: Directors John Sutter (Chair), Diane Burgis, Doug Siden

Staff: Jim O'Connor, Kelly Barrington, Mimi Waluch, Denise Valentine, Mark Ragatz, Noah Dort, Tamie Andrews, Ralph Trujillo, Tiffany Margulici, Mimi Waluch, Ira Bletz, Shelly Miller, Scott Possin, Warren Schultz, Dan Cunning

Guests: Tony Martinez, John Maunder, Tom Thurman, Time Bauters, Alexandra Nelson, Marcia Brown-Machea, Judi Bank, Cindy Margulis, Allison Chan, Jon Backus, David Lewis, Eleanor Yuic, Maryann Campbell, Cathryn Hicks

Discuss Special Event Expansion Proposal Two-Day Town; Del Valle Regional Park

AGM Jim O'Connor began with a brief introduction to the Two-Day Town event held at Lake Del Valle. Plans are currently in place for the April 2015 event, and today Mr. James Binney has requested to come before the Committee to request a potential expansion of the event.

Reservations Supervisor Tiffany Margulici provided the Committee with a detailed overview of the event through a PowerPoint presentation. In response to Director Sutter's request, Ms. Margulici displayed the point of entry used for the event. She relayed that the event takes over the majority of the park and other public park use is limited. Fishing is available on the other side of the lake. Signs are posted listing the event dates and times and areas of closure.

Mr. Binney informed the Committee that the event has reached its capacity, and parking is becoming an issue. He indicated there has been no promotion of the event for the past two years, and is requesting the Committee's support to be able to grow the event on a word-of-mouth basis.

Ms. Margulici communicated to the Committee Mr. Binney's request to reserve the entire campground. Director Sutter inquired if the campgrounds are fully booked during this event time. Ms. Margulici replied yes. Director Sutter commented that, should the event expand, notification to the public would be necessary. Ms. Margulici pointed out the potential possibilities if

the parking lots are used differently. She displayed, on the map, the parking lot that is at capacity prior to the event start date.

Park Supervisor Shelly Miller expressed the limited amount of time for staff to complete the required maintenance prior to the event. The concern with expansion is the impact to the general public and how it affects staff operations.

AGM O'Connor mentioned music associated with the event is isolated to the west side area. Visitors outside the event do not experience the same level of sound. If expanded to the campground, there will be an impact to campers. He explained the purpose of the special event program is to manage the events and minimize impacts on other visitors and resources in the park. In starting the program, the District issued less than 100 permits per year. We currently exceed 700 per year. Staff is requesting to continue with the current program and work with staff on how to potentially expand the event in the future.

Ms. Margulici conveyed that, due to safety, staff has recommended to keep the regular rules in the public campgrounds. Names and contact information are required for each site upon booking a reservation. When reserving 64 sites to one group, it becomes harder to manage.

Both Directors Siden and Burgis encouraged continuation of the discussion and communication on the issue, while maintaining the philosophy and culture of the District.

Review Caretaker Contract for Services; Big Break Regional Shoreline

Administrative Analyst Noah Dort distributed brochures on Big Break to the Committee. Mr. Dort recounted that, during construction of the visitor center, a caretaker was on site. Duties were minimal, and the caretaker has responsibilities on site during the weekend and after park closing on weekdays. There was a lot of activity in the area during construction and for some time after completion, with public safety receiving weekly notifications of people at the site after hours and an incident of vandalism.

AGM O'Connor indicated that, after completion, a major tagging/graffiti occurred. This prompted placement of a caretaker in that location. Director Sutter inquired on cost to repair the damage. Park Supervisor Tammy Mueller stated that a staff painter completed the repairs.

Mr. Dort advised a contract was initiated with Mr. Nathan Lawrence for one year with the possibility of two one-year term extensions. The end of this contract term, with extensions, is March 11, 2015. Although the frequency of incidents has decreased, internal discussions were conducted by staff, and the recommendation was to continue with a caretaker on the premises for another year. Before the end of the recommended one year extension, staff will assess the continued need for a caretaker at this location. If a caretaker is necessary, the process will be open for application with a longer term contract.

Director Burgis moved to approve and extend the current Caretaker Contract for Services for Big Break Regional Park with Mr. Nathan Lawrence for one year, commencing March 12, 2015 and ending March 11, 2016. Director Siden seconded the motion, which was approved unanimously.

Review Point Isabel Dog Owners (PIDO) Special Use Agreement; Point Isabel Regional Shoreline

Administrative Analyst Renee Patterson advised that staff is seeking Committee approval to enter into a new lease, without any changes, for a five year term for PIDO. PIDO has been at Pt. Isabel since 1987 and their contributions are through the foundation.

Park Supervisor Scott Possin provided the Committee a brief history of PIDO with the District by detailing the service days and sharing event information. Unit Manager Kevin Takei agreed with the comments made by Mr. Possin, and added that the clean-up days are a huge asset to the park and receive good turnouts.

Director Siden moved to approve a five-year term for the PIDO Special Use Agreement with an annual fee of \$100, plus 10 percent of gross sales from their merchandise, posted to the park coding 101-5151-407-3899. Director Burgis seconded the motion, which passed unanimously.

Review of Golden Gate Audubon Society Special Use Agreement: Martin Luther King Jr. Regional Shoreline

Administrative Analyst Renee Patterson began by providing a brief overview, and informed the Committee that staff is seeking review and approval for a special use agreement.

Park Supervisor Ralph Trujillo provided information and details of the activities that Golden Gate Audubon Society provides in the park. He shared that they conduct extensive restoration work and partner with the District on Martin Luther King Jr. Day, Earth Day, as well as Coastal Cleanup day.

Ms. Cindy Margulis with Golden Gate Audubon Society commented on the partnership with the District and mentioned their ongoing restoration efforts with youth. All of the programs they provide are for the most underserved youth in Oakland. Ms. Margulis shared statistical information on volunteer hours, plantings, and removal of trash and weeds. Communities they work with include Kaiser Permanente, public groups, fraternities, sororities, and the Haas School of Business at UC Berkeley.

Director Siden moved to approve the staff recommendation to authorize the five-year option period of the Special Use Agreement with the Golden Gate Audubon Society. In exchange for restoration projects and the water quality and bird data collected by students and volunteers, there is no use fee and there is no cost to the District. Director Burgis seconded the motion, which passed unanimously.

Review Save the Bay Special Use Agreement; Martin Luther King Jr. Regional Shoreline

Administrative Analyst Renee Patterson provided the Committee with a brief overview of restoration work completed by Save the Bay. She introduced Restoration Manager John Backus who shared with the Committee the work they've conducted at Martin Luther King Jr. Shoreline over several years. He shared statistics from 2010-2015 for the number of volunteers, native plants planted, removal of trash and weeds/invasive species. The hope is to continue their work at Martin Luther King Jr. Shoreline, as well as expand into new areas.

Park Supervisor Ralph Trujillo stated that Save the Bay has been instrumental in restoring Martin Luther King Jr. Shoreline. They assist with extensive shoreline cleanup and have corporate, public, and school group volunteers. They account for three quarters of the volunteers at Martin Luther King Jr. Shoreline.

In response to Director Siden's inquiry about locations being served, Mr. Trujillo replied that the requirements of the agreement include three areas that include Damon Marsh, East Creek Slough, and the new marsh area. They also maintain a native plant nursery in the park.

Director Siden moved to approve the staff recommendation authorizing the extension of the Special Use Agreement with Save the Bay for five years beginning March 7, 2015. In exchange for restoration projects and monitoring of wetlands through activities such as non-native plant removal, native plant propagation and planting, site monitoring, and shoreline cleanups, there is no use fee, and there is no cost to the District. Director Burgis seconded the motion, which passed unanimously.

Discussion of Save the Bay Smoking Ban Proposal: District-wide

AGM Jim O'Connor informed the Committee that Save the Bay (STB) contacted General Manager Robert E. Doyle regarding this item, and requested the District to change its policy related to smoking throughout the District.

Clean Bay Campaign Manager Allison Chan provided a presentation to the Committee on the policy. For several years STB has advocated for policies that reduce the flow of trash into the bay, with cigarette butts being the number one item removed on coastal cleanup day.

STB is requesting local cities, counties, and agencies to adopt and enforce outdoor smoking policies; and is requesting the District to discuss and consider playing a leadership role in keeping cigarette butts out of local waterways. Ms. Chan shared information on District parks and trails that are within, or border, jurisdictions with 100 percent smoke free recreation area policies. The request is to support the adoption of a system-wide policy making all District parks 100% smoke free.

Director Sutter stated his understanding of the importance in areas such as playgrounds. He noted that the District has parks with 20,000 acres, which crosses over into an enforcement issue.

Alexandra Nelson with American Lung Association shared a list of the cities and unincorporated areas in Alameda and Contra Costa counties, that have smoke-free recreation areas. As of December 2014, 348 cities in California have smoke-free policies for their parks and recreational areas.

Co-chair Marcia Brown-Machea with Alameda County Tobacco Control Coalition made a request that the District consider and pass this policy, and to include tobacco as well as e-cigarettes. Director Sutter questioned on allowing smoking in the parking lots. Ms. Brown-Machea replied that it is not desired due to second hand smoke exposure, although it would be an opportunity to have smokers extinguish their butts in the parking lot before proceeding into the park.

AGM Jim O'Connor recommended going forward with the approval of the Committee for staff to conduct research on policy related to smoking. He stated that the District needs to consider the public safety aspect as related to enforcement. With direction from the Committee, staff could return with recommendations.

Director Sutter stated that the Board needs input from Public Safety and District staff. He questioned if we have received complaints about smoking in our parks. Park Operations Chief Mark Ragatz stated that, to his knowledge, there have not been complaints. Director Sutter stated it would be helpful to receive a report on the current law.

District Lt. Alan Love conveyed that there are laws in affect that are currently being enforced by Public Safety such as prohibitions on smoking in playgrounds, smoking in a car with children, and throwing lit objects from a vehicle. He indicated the issue becomes a question of capacity of enforcement.

Director Burgis expressed that, as a visitor to the parks, it becomes inconsistent with smoking in the parks and the park experience. She stated that it is estimated that it takes over 200 years for cigarette butts to break down, and our partnership of Healthy Parks Healthy People does not coincide with smoking of cigarettes, e-cigarettes, or marijuana in our parks.

Public Comments

John Maunder addressed the rate increase request that was submitted by the Anthony Chabot Gun Club and discussed the communication between the club and the District after the last meeting. He discussed the signing of the agreement deadline, and presented documentation to the District showing they were current in their responsibilities. Mr. Maunder is requesting until March 15, 2015 to sign the agreement to allow their hired expert to work with staff and the District environmental staff.

Environmental Manager Tim Bowers for the Anthony Chabot Gun Club introduced himself and stated he is the lead on taking recommendations on how to mitigate and protect the storm water.

Board Member Tony Martinez for the Anthony Chabot Gun Club stated they are being mandated to sign an agreement inclusive of an Exhibit F. He indicated on July 1, 2015 the state water board will be implementing a new general permit. If they sign the agreement, it will be done with the knowledge that the new changes will not be reflected. He stated there should be some methodology to accommodate Exhibit F.

Director Sutter stated action cannot be taken on this item at this time. AGM O'Connor reminded the Committee members that District legal staff is currently in negotiations with the gun club.

Director Siden recounted the Board's approval of a one year extension of the lease with monitoring not completed due to lack of rain. He inquired of Mr. Maunder as to when the rate increase document was first submitted. Mr. Maunder replied on September 2, 2015 and stated their last increase was in 2006. Director Siden advised action needs to be taken on the submitted request. AGM O'Connor indicated that, although action cannot be taken today, it can be added to the agenda for next month. Director Siden agreed. Mr. Maunder clarified he did receive the email

and notification as indicated and commented the response was timely from the District, however, did not solve the issue.

AGM Comments

AGM O'Connor advised the Committee that there was a sewage spill in to Alhambra Creek on Monday morning. Staff received late notice and acted to remove people and dogs from the water. Park Supervisor Bill Nichols indicated the sewage is cleared from the waterway.

AGM O'Connor informed the Committee that Operations has hired two new managers. Dan Cuning is the new Unit Manager for the Delta Unit, and Dan Sykes is the new Unit Manager for the Parklands Unit.

Board Comments

Director Siden requested a Committee field visit schedule.

AGM O'Connor conveyed there are plans to conduct a meeting at Willow Park Golf course. Revenue and Administrative Manager Mimi Waluch informed the Committee there are a few projects that American Golf Course Corporation Group has planned for the Tilden Golf course, including renovating the driving range. When the process begins, we could potentially schedule a Committee tour.

Meeting adjourned 3:00 p.m.