

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, December 15, 2015

C. BUSINESS BEFORE THE BOARD

5. BOARD COMMITTEE REPORTS

b. Operations (Thursday, October 15, 2015) (Sutter)

Present

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

Staff: Jim O'Connor, Mimi Waluch, Renee Patterson, Noah Dort, Kelly Barrington,  
Mark Ragatz, Alicia Gonzales

Guests: Steven Spickard, Patrick Miller, John Maunder, Di Rosario, Dennis Staats, Anthony  
Hare, Stuart Rupp, Peter Volin, Rick Rickard, Frank Burton, Glenn Kirby, Judi Bank

**I. Review of Convenience Camping Pilot Program**

Assistant General Manager Jim O'Connor began by providing the Committee with an introduction of the camping program as the Board and General Manager expressed interest in the program. He stated that one element from the Convenience Camping Pilot update was the concept of convenience camping which includes units such as yurts and tent cabins. These units are considered an upgrade convenience from sleeping on the ground in a tent. The presentation today is a culmination of data specifically on convenience camping, including a recommendation and the next steps to proceed in the pilot program. AGM O'Connor commented that the feasibility study and the process would be presented to the full Board, after the recommendation from the Committee. A detailed design study for the pilot program study will follow to determine costs and how to proceed.

Director Sutter commented that the report is very thorough and stated that items in the report do not need to be repeated, just the highlights.

Mr. Patrick Miller indicated that the report is a feasibility study. He then referred to the PowerPoint presentation to demonstrate visual images on the context of the report. He stated the goal was to determine a priority site used by the District, for the pilot program. The most logical sites were sought and considered as to what could be completed in the near term. The focus was on Del Valle's and Anthony Chabot's existing campgrounds. Sunol was viewed for backpack or trail related camping.

Mr. Miller reviewed the three types of convenience camping and indicated that six different general locations were viewed at Del Valle. The focus of the location were areas with backs against the hillside. Three different locations were viewed at Anthony Chabot; due to the views of lake and accessibility, only one site was considered. The pilot project recommendation for the premier site is at Del Valle.

The site has the ability to convert existing tent camp sites into convenience camps, which should increase revenue because of the premium location. The units recommended would sleep six people. The utilities need to be extended, additional pavement for accessibility needs to be added as well as locating routes of travel for accessibility to restrooms. The recommended unit would have electrical power and a fan. He mentioned that the word “mattresses” was mistakenly left in one of the graphics. For maintenance purposes, it was decided not to use mattresses. The options would be for heat and air condition in the cabins, with a potential reviews required by the County Fire Marshal, which could cause delays in the project. He mentioned that mattresses are an option that could be added later.

Mr. Miller and Mr. Steven Spickard outlined details of capital costs through their presentation. It is estimated that based on contractor prices, with significant contingencies built in, the cost would be \$557,000 for Del Valle. He noted that if completed in house, it may be considerably less.

Mr. Spickard explained if the District could repay the original investment out of earned income from the units in a reasonable amount of time, it makes sense to move forward. The cabins will last 20 years. With baseline assumptions on high costs of installation and reasonable market rate assumptions, it would take approximately 10 years to pay the investment at Del Valle. District staff requested 2M Associates to revisit the Anthony Chabot option due to superior views of the lake. It was noted that the location only lends itself to four units. In addition, the site has utility constraints and no nearby restrooms. Due to the current electrical system limitations, a survey was not conducted on the entire electrical system for the campground.

Director Burgis inquired if we rent year round at Del Valle. Mr. Spickard stated these sites are open year round. Parts of Del Valle are closed seasonally. The occupancy rates are good in nationwide comparison, but not like a hotel. Lower occupancies occur when out of season. In the summer, these sites are highly occupied, so when conducting an economic analysis, we net out the funds we would receive if we continued to rent spaces for tent camping.

Director Burgis commented that Del Valle is one of the District’s more in demand campgrounds and the District is placing the opportunity where the District will receive the biggest return on investment.

Director Burgis requested confirmation that if we wanted to install air conditioning and heating, would there be some permitting delays. Mr. Spickard stated it is unclear, but quite possible. Director Burgis inquired if the same challenge would present itself if we wanted to install ceiling fans. Mr. Spickard replied that ceiling fans are a logical amenity to install in the units.

Director Burgis requested Mr. Spickard to elaborate on not using mattresses in the units. He responded that State Parks has come to the same conclusion of not adding mattresses. They have sleeping platforms as part of the camping convenience, so as not to sleep on the ground. The regular camper who would bring a sleeping bag, would also bring a sleeping pad. This saves on maintenance, sanitation and health issues.

Director Burgis inquired if electric vehicle charging stations were considered in the pilot, as a way of going green. AGM O’Connor stated it was not a part of the pilot program.

Director Burgis inquired if there were showers at Del Valle. AGM O’Connor replied yes.

Director Burgis inquired if solar was considered for lighting. Mr. Spickard stated those types of systems can be retrofitted and added on later, such as an air conditioning unit. Mr. Miller mentioned solar was discussed. Recognizing two types, one is using the roof as a generator of electricity fed into the grid and a self-contained solar building. The difficulty is that solar requires batteries and when off the grid, which increases maintenance management.

Director Burgis inquired when determining how long the payback investment would be, did it include additional marketing or the same as being done now. Mr. Miller stated the marketing would be similar to what is being done now, which is through the Reservations systems. Also, photos can be uploaded to the website.

Director Siden commended 2M Associates on the thoroughness of the report. After reviewing the report, he concurs that yurts tend to leak cold air and are inefficient to heat in the winter months. He inquired, it is a question of what degree of convenience we want and he would like to see the options of the recommended sleeping type cabin versus one with a kitchen. AGM O'Connor responded that it is something we could look at, although with that level of analysis it may push us past the 2016 budget. He doesn't feel confident we could obtain that information to include in the 2016 budget process, but could definitely look into the request. In reference to the kitchen aspect, Mr. Spickard stated that cooking is still expected to take place as in any other campground, out at the barbeque grill and fire ring.

Director Siden inquired on what heating is provided in a bunk type cabin. Mr. Spickard replied none. He mentioned that State Parks is installing electrical heaters for their units.

Director Sutter stated he would like to see figures on additional costs for basic plumbing, kitchen and bathroom.

Director Sutter inquired on vandalism. Mr. Spickard stated there are some incidents reported, but the level is less than expected. He's found that the majority of campers are responsible. AGM O'Connor stated we have a concessionaire who has a staff member that is adjacent to the site and in close proximity, during the high season.

AGM O'Connor explained that the concept of a pilot program is to install the convenience camps, see how they operate, determine the maintenance requirements; and receive feedback from users of potential upgrades they would like. The Eagles View site at Del Valle might be a location for an extended camp where we can add additional cabins. Director Siden stated in response to AGM O'Connor's information, he proposes to keep in line with the budget and go with what was reported. AGM O'Connor indicated that based on studies and trends completed statewide, the units will sell themselves. Director Sutter concurred and does not want to see the process delayed. He mentioned we could try any additional amenities in another pilot.

Director Sutter inquired on the material used for the floor. Mr. Miller stated it depends on what is ordered. He knows cement board is being used for exterior siding, but is not sure if the floor is real or imitation wood. Director Sutter inquired if concrete could be poured for the floor foundation. AGM O'Connor responded that we couldn't use concrete for the type of unit that we're looking at. Director Sutter inquired if we were looking at the units with or without wheels. AGM O'Connor responded we are looking at the park mobile units with wheels and a skirt around it.

Director Sutter questioned why Del Valle was chosen over Anthony Chabot. Mr. Miller indicated we could install six units at Del Valle instead of four. The infrastructure is essentially in place with a restroom nearby and shower. The location is out of the flood plain and open all year round. He then explained that at Anthony Chabot, the location is not as viable due to the site being closed in the winter; presenting a management challenge. Two of the existing sites would need to be retrofitted, two new sites would be created for a total of four; and two existing units from the camp current sites would need to be removed due to sewer supply exceeding demand. AGM O'Connor informed the Committee that we requested Mr. Miller to look further into the Anthony Chabot site, as funds were donated to the Regional Park Foundation for this park that we could apply to a pilot program. After speaking with park staff, it was determined there are too many unknowns at this point in terms of the utility system. Additional research needs to be completed before moving forward with a pilot program. Director Sutter questioned if we are recommending a second pilot program. AGM O'Connor responded after the basic research is completed on the utilities, we will bring forward the second recommendation.

Director Sutter complimented staff and 2M Associates on the submitted report. He agrees with Director Siden that it is a great report and brings the Committee up to date and answered all the Committee's questions.

Director Sutter inquired if there will be enough electricity for heat. Mr. Spickard replied yes, at Del Valle.

AGM O'Connor recounted that once this feasibility study is complete, we will continue through the budget process; and a recommendation to the Board. Following these steps, we would delve into the design study to view the electrical system. The intent would be to design an electrical system that if we choose to add upgrades, the system would be designed with the ability to add those options in over time.

Director Siden moved that the Committee approve and accept the Convenience Camping Pilot Program report, approve the staff recommendation regarding the development of an initial pilot program at Del Valle, and that the report be forwarded to the Park Advisory Committee on October 26, 2015 for comment before being brought to the full Board for review at their November 17, 2015 meeting. Director Burgis seconded the motion, which passed unanimously (3-0).

## **2. Second Review Draft Informational Report on Chabot Gun Club and Facility Operations at Anthony Chabot Marksmanship Range**

AGM O'Connor began by recounting the September 24, 2015 Committee meeting; that it was requested by Director Sutter to bring an updated version of the report to today's meeting. Included in the packet is the updated version of the report with updated information and public comments received. In addition, AGM O'Connor relayed it has been communicated to the Park Advisory Committee (PAC) members and Chabot Gun Club representatives, that this item has been moved to be reviewed by the full Board at the November 3, 2015 meeting.

AGM O'Connor preceded to provide the Committee updates through a PowerPoint presentation and indicated there was information that needed to be updated, related to non-lead ammunition use. When the report was reviewed at the PAC meeting it was asked how the context of non-lead ammunition,

which is solid copper, would affect storm water compliance. Chief of Stewardship Matt Graul indicated copper is regulated and we may need to change the information on the report. Director John Sutter inquired on what it would change to read. AGM O'Connor replied the concern in the lead scenario is you would still need to rake backside berms to remove the source lead. Originally it was thought we could avoid the removal of the source material, but the concern is that the copper doesn't fragment the same way lead does, so raking would need to be done.

In the Sound Study and Noise Mitigation report we received a comment regarding the Oakland noise ordinance in terms of subjective aspects of noise ordinances. In discussions with Legal, the California State Civil code includes immunity for gun ranges as long as consistent with level at time of construction.

In the report both public and Committee comments and a location map were included as attachments. AGM O'Connor provided a presentation with brief explanations on scenarios for future operation of the range, which is included in the report. The scenarios include: Immediate Closure, Short-term Operation Plan (<2 years), 10-year Operation Plan (lead ammunition), 10-year Operation Plan (non-lead ammunition).

Director Doug Siden sought clarification on distinguishing between the one time and the annual costs. Director Burgis stated \$81,000 per year multiplied by five. AGM O'Connor confirmed that is correct and clarified through the presentation in a more detailed explanation.

Director Sutter asked if the information provided assumes closure in year ten and if the numbers assume that. AGM O'Connor stated it only assumes a ten year operation period. What is missing from this information is at the ten year mark, if we continue operation, we would have to conduct a full cleanup of the backstop berms as indicated initially in this ten year period. Director Sutter questioned where in the initial figure if we had to shut down at year ten and what would the initial costs be. AGM O'Connor indicated the costs that Geosyntec provided is \$1.4 million for the lead source removal and considering the inflation factor, the cost would be at approximately \$1.5 million.

AGM O'Connor continued with detailed information on items they were asked to look in to. These items included non-lead ammunition and recovery cost scenarios with a 100 and 60 percent user base.

Director Sutter asked what fees competing ranges charge. AGM O'Connor indicated he did not have that information, but it is available in the generated report.

Director Sutter inquired on how AGM O'Connor arrived at the 60 percent Fee Surcharge. AGM O'Connor explained if we were going to implement a surcharge, this is how it would look. The number was chosen at random and is not market based.

Director Sutter inquired if any feedback has been received from the club on these numbers. AGM O'Connor responded the club just received the report at the last meeting. We are continuing discussions with the club and anticipate receiving feedback as to if these surcharges are reasonable for their user base.

Director Sutter inquired on what other Bay Area agencies have gun ranges. AGM O'Connor replied there is one at Coyote Point in San Mateo, but is not aware if it is run by the parks department and Field Sports Park in Santa Clara County operated by the Santa Clara County Parks Department. He indicated it is also a regional park agency.

Director Sutter inquired if we know of any agencies in special parks district agencies nationwide that have gun ranges. AGM O'Connor replied no, and advised our study was focused within a 100 mile radius of the gun range.

Director Sutter inquired if there are only two park agencies in the Bay Area, other than the District, that have gun ranges with knowledge that one is discontinuing. AGM O'Connor stated yes and that the range in San Francisco, which is now closed. It was a trap and skeet range. Director Sutter inquired if there are others that have been or are being closed. AGM O'Connor indicated the Concord range is being closed due to a cleanup in process and stated he is not aware if it is a city or private range. District Counsel Carol Victor also stated an indoor range in Sacramento is closing due environmental reasons.

AGM O'Connor stated the upcoming meeting on November 3 will be a review of the report. In the future, after discussions with gun club, we will return to the full Board for an open discussion on the future of the range.

Director Sutter commented he prepared a memo on gun range issues for consideration and provided handouts which were available at the meeting. It raised a number of questions in the report and number of issues that the Board will have to consider at some point on this matter.

## Public Speakers on Item #2

Glenn Kirby speaking on behalf of the Sierra Club, indicated he reviewed the staff report and analysis with the cost recovery. He commented that the Chabot Gun Club like any concessionaire must operate the facility in a safe and environmentally ethical manner. When negative impacts result from concession issues, they must be held accountable for the costs of impacts. Recent District reports have led the Sierra Club to conclude that the range is not environmentally or financial sustainable. The Sierra Club's position is based on information and studies regarding pollutants and noise. The Sierra Club now opposes the renewal of the lease between the District and any party wishing to lease lands for use as a gun range. The Sierra Club calls for the closing of the range, the findings of studies in the reports from September 2015 shows there will be un-mitigatable adverse environmental effects and such use is not fiscally sustainable. The Sierra Club further proposes a full EIR must be prepared prior to renewal of the lease and the Sierra Club reiterates its prior position that no public funds should be used or placed at risk to facilitate this use.

Dennis Staats, President of the Chabot Gun Club, (CGC) informed the Committee that club is diligently working on a proposal requested by the District Counsel. At this time we are unable to respond to the report presented to us at the September meeting. He indicated the draft report contained in the packet was sent to them three business days prior to the meeting and the sound study had not been sent prior to the meeting. The informational report was sent three and a half business days prior to today's meeting. The Environmental study was sent late yesterday. Additionally, CGC attorneys have not received other information requested of District staff; both the original and second draft reports contain steps CGC believe are unnecessary, expensive and to begin planning on them, is irresponsible. Although CGC team of scientists, attorneys, maintenance and finance personnel are working diligently, they could not possibly have a response by the end of this year. CGC believes it is more likely a response would not be available until the end of next year. CGC requests access to meet directly with the individual members of the Board. CGC believes the information the Board may be receiving is

incomplete or may be accurate or inaccurate or both. CGC's goal is to obtain a free and open discussion with the Board in this matter of such great magnitude.

Director Sutter responded to Mr. Staats stating they thought some of the issues raised were unnecessary. Mr. Staats referred to the Geosyntec report in the first paragraph referencing the information on BMP's and methods proposed to achieve the storm water improvements. The question of what are the real costs is not known at this point since there has been no or little rain this year.

Stuart Rupp commented that the Geosyntec report answered questions and left some unanswered. Reviewing the revised report there are some questions and some confusion in reference to BMP's. Different operations have different best management practices to prevent pollution. If limits are consistently exceeded it will go to the next level, which are storm water beds, containment traps, ground contouring and use of steel bullets. If site is closed the District will have to spend \$6.5 million to clean it up. The only way to prolong the expenditures is to keep range open.

Anthony Hare affiliated with the Center for Catastrophic Risk Management at UC Berkeley. The center is a group of experts, scientists, practitioners who wanted to find a way to pool experience in avoiding catastrophic accidents and industrial practices. He indicated it is not straight line from expert analysis to sound reasonable solutions. The noise report was conducted by acoustic experts and not by firearms or gun fire sound experts. His belief is they did not go far enough in the study.

Di Rosario urged the Board to consider closing the gun range. His position is it is not going to get any better. He stated the longer the range stays in operation the more funds have to be spent. As with the Redwood Creek spill, it was studied for years before doing anything and it cost more to clean as time goes on. The more it continues, the more damage is done.

Frank Burton concurs with statements and questions made by Director Sutter's prepared memo. He urges the District to live up to its mission by discontinuing the range. The noise has grown enormously in the 50 years of the range's operation. He stated there are persons who no longer hike or camp in Lake Chabot or Anthony Chabot due to the noise level of gun fire. He commented that the District and the public is in a hole because of the lead contamination and the gun fire noise pollution of the two parks and several neighborhoods.

Director Sutter clarified and pointed out at the last meeting he pointed out both positive and negative things about the gun club that we need to think about. The memo relates to number of issues including the master plan and felt we needed to review the master plan.

Peter Volin commented on a positive point on gun club which is the valuable of holding hunting safety and gun safety courses. When the Board toured the gun range, one thing learned was that in the last year or two the number of courses has been reduced and are being done online.

Director Siden asked AGM O'Connor if this committee will be making a recommendation and if so, when. AGM O'Connor replied we need to conclude the conversation with the CGC on the lease then come before Board. We anticipate to get to the point of recommendation by December. The CGC would like additional time. At a minimum we have to make a decision on the lease extension, which needs to occur before the end of the year. The one year extension ends at the end of December.

AGM O'Connor explained the intention of the process was to gather information from the public on the future of the range.

Director Siden commented that the Board needs to make the basic decision if it's appropriate to have a gun range in the park or not.

Director Burgis recommended the CGC recognize and understand it is logical to have expected this action coming. She encouraged the CGC to continue work with District staff.

Director Sutter addressed the idea of timing and the idea of closing the club is not new. The CGC received a one year extension and are conducting their own analysis and providing their own studies. Issues raised at the last meeting are important. The Board and public need to be aware and has to relate to our master plan and mission statement. Director Sutter referred to the District's Master Plan for clarity. Additionally, we need input from all sides on these issues. How much weight to give this activity as a continuing activity? The District will balance environmental concerns and recreational opportunities. What is the correct balance? We need to have comments from both sides.

### 3. Public Comments

There were no public comments.

### 4. AGM Comments

AGM O'Connor provided the following updates:

- Four partners are involved in the Southbay Aqueduct for Del Valle reservoirs. Zone 7 is drawing down from Del Valle due to lack of water. They've drawing us down to 680, which is just above our intake pumps. At that point the launch ramp will be out of service. Land based recreation can still continue, but we could potentially be in a dire situation next year if rain isn't received this winter. If drawn below the intake, it would put us out of the recreation business.
- A landslide last year at Del Valle was repaired and the water line is being tested.
- The short term interim repairs are being completed to the Del Valle water system until we complete the master study on the system for overall replacement.

Director Sutter questioned who decides these draw downs. AGM O'Connor replied the partner agencies working with the State Department of Water Resources. Director Sutter inquired if they changed our percentage of water allocation. AGM O'Connor replied not since April which was 15 percent. All agencies were cut to the same percentage. He indicated that Shadow Cliffs is full.

### 5. Board Comments

Director Siden stated the Board received communication for the Two-Day Town event for next April. They stated they were eager to take the next steps and look forward to discuss our future and would like to make a presentation to the Committee. AGM O'Connor stated he did not have an opportunity to speak with staff on this event.

Director Siden thought we had discussed to hold a meeting at the Brazil Room. Business Services Manager Mimi Waluch indicated she thought it was for the Tilden Golf Course but that we could schedule a meeting at the Brazil room in 2016.

Director Sutter inquired what items are on the agenda for the November meeting. AGM O'Connor replied the Lake Chabot Master Lease, Mission Peak Pilot Hours Program, 2016 Consolidated Fees and Charges.

Meeting adjourned at 2:20 p.m.