

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, March 10, 2009

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

- a. Executive (11/25/08) _____ (Wieskamp)

Present:

Board: Directors Ayn Wieskamp (Chair), Ted Radke, John Sutter

Staff: Pat O'Brien, Ted Radosevich, Dave Collins, Liz Musbach, Mike Anderson, Erich Pfuehler

I. City of Berkeley-CPS Long-Term Use Agreement, Tom Bates Regional Sports Complex

District Counsel Ted Radosevich made a presentation and stated the potential conflicts between the District's Ground Lease (Lease) with the City of Berkeley (City) and the City's agreement (Agreement) with the College Preparatory School (CPS). One of the Lease provisions states that for the purposes of generating revenue for the completion and maintenance of the sports complex, the City may enter into long-term use agreements with non-profit sports users provided that such agreements do not affect the ability of youth groups to use the facilities during peak hours, defined as Monday through Friday from 3:00 pm to 7:00 pm, and Saturday from 8:00 am to 5:00 pm. The Agreement between the City and CPS states, however, that CPS has exclusive use of the sports facilities at their requested times; staff believes this would eliminate the ability for other youth group recreation at the site. At the same time, while the Agreement calls for CPS to provide \$600,000 in capital funds, District staff does not believe that this amount is enough to fund Phase 2.

District staff recommended that more discussions with the City are necessary before their agreement with CPS can be approved, and that funding for this project can be achieved in ways other than blocking out the peak usage times for one group's use. It was also noted that Measure WW had passed in the recent election and includes about \$10 to \$11 million in local grant funds which could be provided to this project, which also is Prop. 84-fund eligible.

Calvin Fong, Senior Aide to Berkeley Mayor Tom Bates, noted that the Agreement for funding from CPS was not a new topic to the group because when they first came before the Board, it stipulated that outside sources of funding would be used for the fields. He noted that CPS was the only group that responded to the City's efforts to find funding sources. He agreed with District staff that the long term plan needs more than the \$600,000 that CPS can offer, but said that that money can go towards implementing a new softball field to address current needs by users.

Murray Cohen from CPS stated that the phrase “private school” can be misleading. He noted that 23% of the students have some sort of financial aid, and over 16% of the school’s budget is given to scholarship funds, and added that CPS has successfully partnered with the City of Oakland and the Caldecott Fields to gain access to sports fields in the past.

William Rogers, Director of Parks, Recreation and Waterfront for the City of Berkeley also spoke of the benefits of the sports fields to the public. He reviewed the need for baseball and softball fields that, should the CPS agreement go through, could be constructed with the \$600,000 from CPS. Regarding the possibility of Measure WW funding, he noted that there are many projects in the City that need funding. Competition for the funds would be fierce, and that the likelihood that a significant amount would be used for the fields is not high because of the City’s infrastructure needs. He reminded the group that CPS would be paying the same user fees as any other member of the public; the agreement would essentially allow for the same amount of funds to be raised, but at a faster rate.

Bill Jones, Mayor of El Cerrito, noted that El Cerrito is a proud supporter of the District, as well as a member of the JPA for the sports fields. He stated that there is a high level of use for the fields. He compared the JPA to the District in that the cities are coming together to make an opportunity available for the public that would otherwise not be available. He added that the fields, even in their infancy, have been a great benefit and that he would feel more comfortable endorsing Measure WW in his community if he could back it up with using the funds on something like the fields.

Doug Fielding, operator of the Sports Fields, noted three main points:

- 1) The decision to bring the \$600,000 agreement from CPS was made by all major sports providers in the area representing about 18,000 players. He added that the sports community, in general, support one another and that time is of essence to build the fields.
- 2) Private schools and the need for sports programs and space are different. Many schools don’t have the physical land for sports facilities and therefore need other sports facilities.
- 3) CPS is already using the fields in the 3:30-5:30 spot, and he would rather see the money go towards projects that can be accomplished now.

Alan Maris, former Mayor of Albany and Little League Coach, shared with the group that the City of Albany has been working on getting sports fields since 1992. He agreed that the more fields that could be built and made available, the better.

GM O’Brien noted that the District, City, and JPA have worked diligently to secure the property, including funding for these sports fields. He agreed with Mr. Fong’s statement that the City had previously indicated that they would be seeking funding from outside sources. He reiterated that the District would like to look at Prop 84 grant funds as a possible funding source and reminded the group about Mr. Radosevich’s valid concerns about the language in the lease prohibiting the kind of agreement between the City and CPS.

Director Radke asked staff to enter into discussions given this new information and return to the Committee at a later time.

Director Sutter mentioned his concerns about criticism that the District has received in the past about funding parks and activities for specific groups. Mr. Fielding noted that there had been a lot of internal discussions about that concern, and that getting another field built sooner would actually

increase the number of field users and therefore the people that are able to use it. He agreed with Director Radke's suggestion for the need to have additional staff discussion.

President Wieskamp agreed and stated that anything within reason to get another field used sooner would be better. She also wanted to be sure that CPS' work and support of the underserved is in writing somewhere in the agreement.

Recommendation: It was recommended that City and District staff continue discussions and bring back the results to this Committee at a future meeting.

2. Park Advisory Committee Goals for 2009

Erich Pfuehler, Legislative Administrative Manager, reviewed the goals for 2008 and introduced the Goals for 2009. He reported that the PAC will be carrying over three goals from 2008 (special uses and concessions, geocaching, and fuels management) and adding seven new goals for 2009. The PAC will also continue to address ongoing goals as they come up.

PAC Chair Guarienti addressed the Committee, stating that 2008 was an interesting year for him and for the PAC. He noted that each 2008 goal was organized with updates as necessary. He also reviewed ongoing goals and 2009 goals. With regards to expanding camping within the District, Mr. Guarienti stated that it is an ongoing subject that the PAC is looking at. Mr. Pfuehler added that with the strain on the economy, it was discussed at the PAC that more residents are staying closer to home so that camping locally is more popular.

Recommendation: By motion of Director Radke, and seconded by Director Sutter, the Committee unanimously recommended that the 2009 PAC Goals be brought to the full Board for favorable consideration.

At this time, GM Pat O'Brien requested that the discussion related to the Oakland Zoo be moved up on the Agenda, as all members of the Zoo were present at this time. The group agreed.

3. Oakland Zoo Ballot Measure Update

Dave Collins, AGM for Finance and Management Services, began the presentation on this agenda item, stating that the Oakland Zoo (Zoo), with the passing of Measure WW, will be the recipient of \$4 million in funds.

Representatives from the Zoo stated that they were seeking a consistent source of financial operating support. To assist with this goal, earlier in 2008, the Zoo considered seeking voter approval for a parcel tax for this purpose. However, since the Zoo is a non-profit organization that operates the facility on land owned by the City of Oakland, it has no legal authority to establish a parcel tax. The Zoo, therefore, either needs to establish a new governmental entity or join with an existing one to be able to pursue a publicly supported tax measure.

Zoo officials consulted with Alameda County Supervisor Nate Miley on the matter, and have sought the advice of Alameda County LAFCO regarding options that they might pursue.

President Wieskamp noted that the options from LAFCO were complicated and that the District had to be aware of any changes and impact they may have.

The District currently contributes \$700,000 per year in property tax revenues to Zoo operations. The District's Measure AA, Measure CC, and Measure WW all included funding for the Zoo as a regionally recognized facility. Either the establishment of a parallel regional district or the inclusion of the Zoo as a District facility could have negative financial and public consequences for the District. The District's interests in the matter include, at a minimum, the need to assure that there would be no economic impact on funding or service levels to existing and planned park facilities.

Director Sutter commented on the possibility of other agencies partnering with the Zoo. He added that the Zoo has done a tremendous job in fundraising; if the Zoo went public, would it hurt its fundraising efforts? He asked about a JPA and whether a JPA could issue bonds.

Director Radke voiced a concern regarding the District's 2 failed attempts to pass a maintenance measure, and wondered if a partnership with the Zoo would hinder future efforts.

President Wieskamp agreed with staff suggestion that the Board Executive Committee serve as the "working" committee for the District's interests in this discussion, and that future communications and updates be brought back to the Committee and the full Board as appropriate to keep all Board members informed and to provide continuing guidance on this matter.

Recommendation: There was no action needed; this was a discussion item only.

4. Administrative and Document Fees for 2009

Dave Collins, AGM for Finance and Management Services, made a presentation on minor changes in Administrative and Document fees - there are a few minor suggested adjustments for 2009 and they include the addition of an Aquatic Supervisor, the switching of Lifeguard Services from the Operations fee schedule to the Administrative and Document Fee schedule, COLA adjustments related to helicopter fees, and parking fine increases to better match the surrounding area averages.

Director Sutter asked about combining firefighter and non-firefighter rates for the helicopter, and staff agreed that it was a good idea.

Recommendation: By motion of Director Radke, and seconded by Director Sutter, the Committee unanimously the proposed Administrative and Document Fees Schedule for 2009, with the changes suggested, be brought to the full Board for favorable consideration.

5. Update on the Development of Oyster Bay Regional Shoreline

Mike Anderson, AGM for Planning/Stewardship & Development, updated the Committee on this item. Concerns about the plans for development of Oyster Bay Regional Shoreline have been expressed by dog owners that currently use the site for off-leash dog activities. Several of these dog owners have formed a group named Oyster Bay Dog and is interested in permanently preserving large portions of this 200-acre site for off-leash dog use. At the same time, staff is looking into the development of a new entry to Oyster Bay for cars and bikes from Davis Street.

AGM Anderson reviewed current plans for Oyster Bay. He gave a brief background on the land's history. Staff is in very preliminary discussions with the City of San Leandro and Waste Management to determine the feasibility of a Davis Street entry to Oyster Bay. If such an improvement is feasible and desired, staff expects a LUPA process to be scheduled for 2010 and would incorporate consideration of the off-leash dog question into that process. He noted that the District's Master Plan is 30+ years old and did not anticipate access from Davis Street, and that a review of the Plan would be pertinent at this time.

Director Sutter asked for and received clarification on specifics such as bridge, location of parking lots, and traffic flow.

Director Wieskamp clarified that by 2010, the answer regarding Davis Street would be available and that the group would be asked to discuss this issue again. AGM Anderson agreed and also reminded the Committee of the Ordinance 38 regulation which does not allow dogs off-leash within 300 feet of developed areas. In the next two years, there does not appear to be an issue with any changes to the current off-leash dog area.

Oyster Bay Dog members David Means, Rose Black, Tom DeBoni, Carol Frank, Karen Vigars, and Geoff Sargent addressed the Committee and presented the following points:

- the population has grown in the Oyster Bay area since the inception of Ordinance 38 and that many of the citizens that use the park are senior citizens whose dogs provide them companionship and motivation to get outside;
- the socialization of dogs and people are key reasons dogs should be able to stay off-leash;
- dogs and their owners need the exercise opportunities of off-leash areas;
- 100 of the 200 acres of Oyster Bay should be kept for off-leash dog use;
- early in the park's history, there were few people using the park. Over time, dogs and owners have increased in numbers and there is a real sense of community within the group; non-dog owner use has not increased;
- objection to the plan making the park accessible to vehicles - and therefore - more people who may not respect the park as much as the current user group;
- feeling that dogs and their owners are an underserved community; Pt. Isabel can be congested and that Oyster Bay is more enjoyable.
- with the odor from the adjacent dump and airport, development of the Oyster Bay may not bring better usage; there is currently low picnic table use at Oyster Bay.

Sabrina Almazan read a letter from the Four Paws Society of San Leandro, and asked that their group be advised of the District's plans for Oyster Bay.

AGM Anderson clarified that the District is NOT building a dog park, and that with the current plans, there would be a 7 acre area designated for off-leash dog use.

President Wieskamp summarized that this is a long process, especially as it involves a former landfill site, and that the bottom line is that the District will pursue a park that serves the majority of its constituents in the area. She noted that accessibility is an issue, and that as the LUP process begins, she believes that the dog owner groups will be a part of that process.

Director Sutter reiterated that the fact that the District has no intention of building a dog park at Oyster Bay should be conveyed to the City of San Leandro as they consider the Marina Park dog area.

Recommendation: The Board Executive Committee voted to defer any consideration of plan changes regarding off-leash dog use until it is determined if the development of a new park entry from Davis Street is feasible and desired.

6. Strategy Research Institute Contract Extension

Dave Collins, AGM for Finance and Management Services, presented the proposal to extend the contract for services from Strategy Research Institute (SRI), headed by Dr. George Manross. For several years, SRI been retained by the District to develop surveys, conduct research, consult with staff on policy-level decisions, and assist with development of informational materials related to District-sponsored elections seeking voter support for funding measures.

It is recommended that SRI's annual retainer contract, which is the same as prior years, be renewed for a two-year period to ensure consistency in tasks that the District anticipate to include survey information on possible future elections involving LARPD and/or the Oakland Zoo,

GM O' Brien also added other possible tasks for SRI, including updating the District's Master Plan, feasibility studies and in-park data collection.

The contract cost is \$66,000/year and will remain at that level for 2009 and 2010, with no increase/adjustment for COLA. Funding for this is included in the Draft 2009 Budget.

Director Radke noted that Dr. Manross has done good work for the District in the past and that he was in favor of extending the contract, adding that the District has a good reputation with both the public and legislators, and that this ongoing work from SRI pays dividends in that regard.

Director Sutter agreed that Dr. Manross' work for Measure WW was useful, but he had some reservations regarding funding the use of this survey work with taxpayer dollars. He also noted that with the change in the economy, the District would have to do some "belt tightening" and decide what the District could do without. He noted that with no ballot measures envisioned for 2009, the workload for SRI would be a lot less, and that the contract amount should be less as well.

President Wieskamp noted that the annual fee is cost-effective at this stage.

AGM Collins offered to modify some of the contract language as well as amend the contract for one year with an option to extend as opposed to a two year agreement.

Director Sutter agreed to this but wanted further discussion with staff.

Recommendation: By motion of Director Radke and seconded by Director Wieskamp, the Committee, with a vote of 2 – 1 (Sutter voting No), recommended that the renewal of the SRI Consulting Contract for a one year period, with the option to extend and the suggested language changes, be brought to the full Board for favorable consideration.

7. Bay Trail 20th Anniversary Event at the Hayward Shoreline

Mike Anderson, AGM for Planning/Stewardship & Development introduced this item, stating that 2009 will mark the 20th anniversary of the Bay Trail. Members of the Hayward Area Shoreline Planning Agency (“HASPA”) are planning the events for the shoreline areas in its jurisdiction. The members of this joint powers agency include the East Bay Regional Park District, City of Hayward, and Hayward Area Recreation and Park District.

HASPA is planning to hold the celebration on June 6, 2009 at the Hayward Shoreline Interpretive Center. Since HASPA does not have its own budget, member agencies have been asked to contribute money towards the anniversary celebration.

The District has been asked to contribute \$2,000. Funds would need to be taken from the Board Contingency funds.

Recommendation: By motion of Director Wieskamp and seconded by Director Radke, the Committee voted unanimously to authorize the appropriation of \$2,000 from Board Contingency Funds (Acct. no. 101-1110-000-5821) to HASPA for the 20th anniversary celebration of the Bay Trail, and that this be forwarded to the Full Board for favorable consideration.

The meeting was adjourned at 3:25 pm.