

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 10, 2010

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

e. Operations (06/17/10) (Lane)

Present

Board: Directors Beverly Lane (Chair), Doug Siden, Whitney Dotson

Staff: Rick Parmer, Jeff Wilson, Lt. Jon King, Mimi Waluch, Nancy Kaiser, Ira Bletz, Leigh Padmore

Public: Bill Surges, Union Representative, Local 2428
Steve Soderstrom, Judi Bank, PAC

I. Review of Proposed Revisions to Ordinance 38

Public Safety Lieutenant Jon King briefly described each of the suggested revisions to Ordinance 38 being recommended for Committee approval. Each year, Public Safety solicits suggestions for revisions to Ordinance 38 from District staff and members of the public. This year's proposed revisions have been reviewed and endorsed by Public Safety, Operations staff and the General Manager, and are now being recommended to the Committee for approval. Following Committee review, the proposed revisions will be presented to the Park Advisory Committee at its June 28 meeting and to the full Board in July. Lt. King attended the meeting to respond to any questions or concerns the Committee may have regarding the following staff recommended changes:

Section 38-200.4: (new) *A police officer may remove all persons from a District campsite for violation of any state law, this Ordinance or campground rules.* Lt. King explained that there is no legal mechanism to remove problem campers from the campground who are in violation of posted rules, state law or Ordinance 38.

Director Beverly Lane asked Lt. King to clarify what is meant by the absence of a "legal mechanism" to remove problem campers from the campground. Lt. King responded that questions arose last year concerning the legal authority under which campers could be removed from the campground. Staff consulted with the District's legal counsel, and it was determined that we needed to add a section to the Ordinance that would specifically allow such removal by a police officer.

Section 38-400.1: *No person shall maintain a camp within District parklands ~~after posted hours of operation~~, except a camp may be maintained in designated areas if a valid permit has been obtained from the District.* This change would remove the time restriction and allow enforcement any time of day. Police officers would then be legally permitted to address illegal camping anytime of day, rather than only at night after curfew hours.

Section 38-400.2-4: This section enforces minor violations (e.g., running a generator too loudly, exceeding the number of vehicles allowed in the campground) as **misdemeanors**. Staff is recommending that such violations be enforced as **infractions**. This change would allow citations for violations of this section to be addressed in Traffic Court and not require a report by an officer.

Section 38.409.8(d): *Add the Hayfield Trail in Briones and the Edwards Loop, Wood Rat, Soaring Eagle and Sugar City Trails (replacing the North and South Trails) in Crockett Hills to the list of single-track trails where bicycles are allowed.* The Board approved ~~this~~the Hayfield Trail change in 2009 as part of the LUP for Briones Trail Use Change Checklist process. The designation of the trails at Crockett Hills is consistent with the Land Use Plan.

Section 38-503.12: *Vessels may not be moored to docks at Martin Luther King Regional Shoreline for a period of time exceeding 60 minutes or between the hours of 10:00 p.m. and 5:00 a.m., except as authorized by the District.* This addition is proposed to address the potential issue of unauthorized boats being moored or abandoned at the new Tidewater dock.

Section 38-700.1: *Make a violation of this section an infraction.* This change would allow citations for violations of this section to be addressed in Traffic Court and not require a report by an officer.

In response to Director Beverly Lane's request for a description of the violation referred to in **Section 38-700.1**, Lt. King explained that this section prohibits soliciting in the parks by, for example, ice cream vendors. Lt. King assured Director Lane that text of the entire section describing the violation would be provided when the proposed revisions are presented to the Park Advisory Committee and the full Board.

Section 38-800.7: *No wet live bait, with the exception of worms and night crawlers, is allowed to be used while fishing in fresh water within the District. A violation of this section would be an infraction.* There are two issues related to this proposed change: 1) Bringing in wet live bait from outside poses a potential risk of transmitting Quagga mussel larvae into District lakes; and 2) This change clarifies that the use of any live bait, *other than worms and night crawlers*, constitutes a violation of this section and is considered an infraction.

Section 38-801.2: *Add designated Sections of Alhambra Creek, Tavan, Diablo View and Orchard Trails in Briones Regional Park to Attachment C – Specific Areas Where Dogs*

Must be on Leash. This proposed change is in response to conflict issues involving dog bites and attacks on horses, and subsequent request from Director Ted Radke to have designated sections close to the staging area posted as “lease-required.”

At this point, Terry Noonan, the District’s Regional Trails Coordinator, joined the meeting to respond to an earlier question posed by Director Lane regarding naming of Crockett Hills trails mentioned in **Section 38-409.8(d)** of Ordinance 38. Mr. Noonan explained that the Hayfield Trail in Briones and the Edwards Loop, Wood Rat, Soaring Eagle and Sugar City Trails (replacing the North and South Trails) are relatively new names consistent with the District’s Naming Policy and approved by the Naming Committee. The geographically named “Edwards Loop” is named after Edwards Creek, which flows through Crockett Hills Park.

Director Doug Siden commended Lt. King for his presentation, and Director Whitney Dotson moved that the Committee recommend that the proposed revisions to Ordinance 38 be presented to the Park Advisory Committee for their review. Director Siden seconded the motion, which passed unanimously (3-0).

2. Review of Farming and Produce Stand Concession Agreement: Ardenwood Historic Farm

Revenue and Administration Manager Mimi Waluch reported that since the City of Fremont’s Master Lease to operate Ardenwood is now in the final stages of completion, renewal of associated Ardenwood concession agreements can proceed. Joe Perry of Perry Farms has farmed the land surrounding Ardenwood Historic Farm since the mid 1980’s. The Perry Farms Concession Agreement expired in February 2007 and has been extended on a month-to-month basis throughout the negotiation period of the City of Fremont Master Lease.

Ms. Waluch described the terms of the Concession Agreement, which require that the District compensate Joe Perry for services performed, plus gypsum and fertilizer, not to exceed \$20,000 in the first year. Annual concession fee paid to the District by Joe Perry includes an average of 65 acres leased at the rate of \$150/acre, with annual average expected payment of \$25,000. Doug Perry, Joe Perry’s son and business agent for the concession, would like to continue the operation, and staff recommends entering into a Concession Agreement with Perry Farms for five years with three additional five-year options.

Supervising Naturalist Ira Bletz reported that he is very happy with the Perry’s operation, which benefits the District in many ways. He added that staff appreciates having a resident farming expert to take care of the crops and irrigation since the District does not have sufficient staff or resources to farm the fields.

Director Dotson commented that it would be beneficial for the community to have access to fresh produce, and asked whether the District planned to expand its farming program. Interpretive and Recreation Services Chief Rick Parmer responded that at this time the District has no plans to introduce major farming concessions into its parklands other than as a component of its interpretive program. Ms. Waluch noted that besides The Little Farm in

Tilden Park, the District has an Agreement with U. C. Berkeley's Master Gardeners to operate a program at Quarry Lakes, focusing primarily on native plants and grasses.

Director Siden moved that the Committee recommend entering into a Concession Agreement with Perry Farms for the continued operation of the Farming and Produce Stand at Ardenwood Historic Farm, for a term of five years with three additional five-year options. Director Dotson seconded the motion, which passed unanimously (3-0).

3. Review of Blacksmith Concession Agreement: Ardenwood Historic Farm

Scott Thomas has been the Blacksmith at Ardenwood Historic Farm since April 1998. Mr. Thomas, along with docents and volunteers, performs blacksmithing services in a demonstrative and interpretive manner for the visiting public. The Blacksmith Concession Agreement with Mr. Thomas expires December 31, 2010, and now that the District's Master Lease with the City of Fremont is in the final stages of completion, renewal of all of the associated Ardenwood Agreements can proceed.

Staff recommends entering into a Concession Agreement with Mr. Thomas for a five-year term, with compensation from the District for services performed, not to exceed \$18,000 in the first year, to increase annually based on the December San Francisco-Oakland-San Jose CPI-W, not to exceed 3%. The District receives a 10% concession fee from gross sales of items sold or manufactured on site.

Supervising Naturalist Ira Bletz commented that he is very pleased with the valuable service Mr. Thomas provides at Ardenwood, using his considerable blacksmithing skills to repair District-owned antique farm equipment while also providing an excellent teaching venue. Mr. Thomas performs blacksmithing demonstrations on Thursdays and Fridays (the busiest school group days), and on Sundays and every other Saturday.

Director Dotson moved that the Committee recommend entering into a Concession Agreement with Scott Thomas for operation of the Blacksmith Concession for a five-year term to include financial conditions as noted above. Director Siden seconded the motion, which passed unanimously (3-0).

4. Review of Newfoundland Dog Club of Northern California Special Use Agreement: Del Valle Regional Park

Ms. Waluch described the Newfoundland Dog Club as the largest purebred Newfoundland dog water rescue training club in the western United States. The Club meets weekly May through October at Hobie Point in Del Valle Regional Park where members train and test up to ten dogs in water rescue techniques.

Every year since the mid-1980's, the group has applied for a Special Event Permit to conduct an annual water test certifying the dogs for various levels of rescue and a series of exercises designed to show the instinctive and learned skills that have been a recorded part of the breed history for centuries. The group also uses the park for 4-5 hours every Thursday for practice

sessions not covered by any agreement, and staff would like to tie these separate uses together under one agreement.

Staff is recommending a five-year agreement with the Newfoundland Club of Northern California for the training and testing of water rescue techniques at Del Valle at the Special Event Permit fee rate for the annual fall testing event. In addition, the group will continue to pay all of the regular park entrance fees.

Director Siden moved that the Committee accept staff's recommendation to enter into a five-year agreement with the Newfoundland Club of Northern California for training and testing of water rescue techniques at Del Valle Regional Park. Director Dotson seconded the motion, which passed unanimously (3-0).

5. Public Comments

Citing the proposed change to Ordinance 38, Section 38.801.2, PAC representative Steve Soderstrom commented that it sounds as though staff is recommending changes to this section of Ordinance 38 based on one person's incident with a dog. In referring to trail conflicts, Mr. Soderstrom commented that with all due respect to most bicyclists, there are a few irresponsible bicyclists who ride on single-lane trails at unsafe speeds, and that this issue needs to be addressed. Referring to an earlier agenda item, Mr. Soderstrom commented that staff appears to be catering to one group in entering into an agreement with the Newfoundland Dog Club for its exclusive use of a regional park. Ms. Waluch responded that there are also two official law enforcement groups who have permits to conduct extended search and rescue training at Briones Regional Park.

PAC representative Judi Bank suggested that it might be time to re-examine the dog-walking permit program. Professional dog-walkers are allowed to have six dogs unleashed on trails and if the dog-walker has an assistant, a total of up to twelve dogs are allowed off-leash. Chief Parmer will have the appropriate staff review the program and provide the Committee with a status report. Director Lane suggested that time be set aside to review this specific issue when the Fee Schedule is reviewed some time in the fall.

6. Staff Comments

Chief Parmer reported that he recently accompanied Directors Wieskamp and Lane on a field trip to the Tidewater Aquatic Center and Gateway project. In response to Director Lane's inquiry about staff's progress in completing the agreement with Oakland Strokes, Chief Parmer reported that he will check with AGM Mike Anderson for an update. Director Lane also inquired whether staff has plans to schedule a discussion of Tidewater site use plans at a future Board Committee meeting. Chief Parmer responded that programming plans for the site would most likely be brought before the Board Operations Committee.

Director Lane reported that prior to attending the June 16th Board meeting in Brentwood, she visited Frog Hollow Farms, an East County organic farm. The farm has very high packing standards, and fruits that do not match those standards are frozen into puree and offered free

to schools. However, due to lack of appropriate storage facilities, schools have not been able to take advantage of the offer. Director Lane suggested that Frog Hollow Farms might be encouraged to connect with the new concessionaire at Contra Loma who may be interested in offering Frog Hollow fruit smoothies to the public.

Director Siden congratulated Jeff Wilson on his recent appointment as Chief of Park Operations, following a nationwide search, and the Committee wished him well in his new assignment.

6. Adjournment

Director Lane adjourned the meeting at 3:15 p.m. The next meeting of the Board Operations Committee is scheduled for Thursday, July 15, 2010, at 2:00 p.m. in the Board Room, Peralta Oaks.