

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, October 4, 2011

C. BUSINESS BEFORE THE BOARD

6. BOARD COMMITTEE REPORTS

a. Operations (08/18/11) \_\_\_\_\_ (Severin)

Present

Board: Directors Carol Severin (Chair), Doug Siden, Ayn Wieskamp

Staff: John Escobar, Jeff Wilson, Carol Victor, Mimi Waluch, Renee Patterson, Noah Dort, Davio Santos, Michael McNally, Mark Pearson, Julie Bondurant, Becky Pheng, Leigh Padmore

Guests: Judi Bank (PAC), Cliff Rocha, Mark Pearson, Robert Spencer (AFSCME Local 2428), Eric Fenster, Molly King (Back to Earth), Denise Slavita, Sandee Munroe, Fred Kotrozo (Checkers Catering), Devinder Kumar (Palmdale Estates), Nicole Hodge (Stella Nonna), Susan Jodon, Amy Torgerson (Swanky Catering), Reign Free (The Red Door Catering)

**I. Review of Interim Policy on Use of Other Power-Driven Mobility Devices (OPDMDs)**

Assistant District Counsel Carol Victor reported that the draft Interim Policy on Other Power-Driven Mobility Devices (OPDMDs) was developed by staff to comply with new ADA regulations adopted by the Department of Justice (DOJ), effective March 15, 2011. Ms. Victor explained that OPDMDs have a broad definition and can include Segways, golf carts, and even gasoline-powered devices. (Note: The draft policy does not recommend that gasoline-powered devices be allowed in the parks.)

In response to these new regulations, staff created a committee comprised of Legal (Ms. Victor), Legal Assistant Becky Pheng, Park Operations Chief Jeff Wilson, Trails Unit Manager Davio Santos, and Public Safety Captain Mark Ruppenthal, to develop a District Interim Draft Policy. After reviewing policies adopted by other agencies, the committee drafted an internal policy which has received extensive review by District Operations staff, management staff, and the AGM group. Depending on the Board Operations Committee recommendation, staff plans to present the draft Interim Policy to the Park Advisory Committee for its review, then forward to the full Board for adoption.

The new DOJ regulations were developed in response to a number of lawsuits throughout the United States about the use of Segways in places such as Disneyland, Walt Disney World, amusement parks, and even on public transit, with the issue centering on whether users were entitled to operate Segways as a disability device.

The new rules adopt a two-tiered approach for public access for those using wheelchairs and those using OPDMDs. The rules provide that wheelchairs are permitted in any area open to pedestrian use. The new regulations require an agency to make reasonable modifications to its policies, practices, or procedures to permit the use of OPDMDs by individuals with mobility disabilities, unless agencies can demonstrate that their use is inappropriate for the facility, would pose a danger, or would fundamentally alter the nature of the services being provided.

In response to Director Ayn Wieskamp's question about electric bicycles, Ms. Victor noted that Ordinance 38 already allows an exception for electric bicycles if used by people with mobility disabilities. Ms. Victor also noted that Ordinance 38 will need to be amended to be consistent with the new DOJ regulations and the District's policy. The proposed changes to Ordinance 38 will come before the Board of Directors during the annual Ordinance 38 review process.

The Committee commended Ms. Victor for presenting a clear and detailed explanation of the draft Interim Policy. In turn, Ms. Victor thanked the staff committee for their participation throughout the process, and made special mention of Legal Assistant Becky Pheng's significant role in completing the document.

Director Wieskamp motioned that the Committee recommend approval for staff to forward the draft Interim Policy to the Park Advisory Committee prior to being presented to the full Board. Director Doug Siden seconded the motion, which passed unanimously (3-0).

## **2. Review of Operating Agreement between the City of Pleasanton and East Bay Regional Park District for Operation and Maintenance of Augustin Bernal Park: Pleasanton Ridge Regional Park**

Administrative Analyst Renee Patterson addressed the Committee to recommend extending the Operating Agreement between the City of Pleasanton and the District for a 5-year term, with four 5-year options, to maintain the contiguous park and open space lands at Augustin Bernal Park and Pleasanton Ridge Regional Park. The Agreement gives the District the right to pass through Augustin Bernal Park by vehicle from one point of the Ridge to the other side that is not connected. The Agreement was prepared in mutual cooperation to avoid duplication of effort, to share certain services that are necessary for safe park operation.

Ms. Patterson handed the Committee a map showing the open space lands covered by the Agreement, which she felt demonstrates why the Agreement is needed. Ms. Patterson noted that the Agreement allows the District to connect to and use the City's water supply and distribution system located on the ridge for fire suppression purposes. It was also noted that the District, at its own expense and to the same standards it provides to its own ridgeline properties, will grade those portions of the City's ridgeline trail that connect to the properties of the District. No additional funding is needed beyond normal operating funds.

In response to Director Carol Severin's inquiry about what proportion of Pleasanton Ridge belonged to the City of Pleasanton, Assistant General Manager John Escobar explained that the ridge is approximately eight miles long, and the section covered by the Agreement is less than one mile. Mr. Escobar also explained, in response to Director Siden's request for staff to define the sharing of "certain services," that such services include grading/trail maintenance, cooperation on signing, and overlapping patrols and enforcement.

Director Wieskamp motioned that the Committee recommend that the Operating Agreement between the City of Pleasanton and the District, be forwarded to the full Board for their consideration. Director Siden seconded the motion, which passed unanimously (3-0).

**3. Approval of the New Approved Caterers List for the District's Reservable Facilities: Brazilian Room, Fern Cottage, Shoreline Center, and Temescal Beach House**

Revenue & Administration Manager Mimi Waluch reported that contracts for the District's current 13 Approved Caterers expire at the end of 2011. Earlier this year, the District distributed RFP packets to 85 caterers and received 27 completed proposals, including proposals from the 13 Approved Caterers currently under contract.

Of the 13 existing Approved Caterers, the following 11 caterers are being recommended to continue the process:

A.G. Ferrari Foods	Miraglia Catering	Trumpetvine Catering
Ann Walker Catering	Royal Raspberry	The Arlington
Carrie Dove Catering	Schumann's Four Seasons	Wild Thyme Catering
Culinary Excellence	Serves You Right	

Following initial screening and review of the completed proposals, staff conducted 10 interviews with potential new caterers. In seeking to offer a greater menu selection to the public, in terms of price and food selection and overall diversity, staff is proposing to add the following 6 new Approved Caterers for the contract term starting in 2012:

Back to Earth Catering	Checkers Catering	Swanky Catering & Events
Palmdale Estates Catering	Stella Nonna Catering	The Red Door Catering

Representatives from each of the new Approved Caterers attended the meeting and were invited to give a short presentation describing menu selections and level of services they plan to offer to the public who elect to use the District's reservable facilities.

Staff recommended that the Committee approve and recommend to the full Board a one-year concession agreement with four additional one-year option periods, to provide catering services on a non-exclusive basis to parties that rent the District's reservable facilities. Director Wieskamp motioned that the Committee approve staff's recommendation. Director Siden seconded the motion, which passed unanimously (3-0)

**4. Public Comments**

There were no public comments.

**5. Staff Comments**

There were no staff comments.

**6. Adjournment**

Director Severin adjourned the meeting at 3:00 p.m. The next Board Operations Committee meeting will be held at 2:00 p.m., on Thursday, September 15, 2011, in the Board Room, Peralta Oaks.

Respectfully submitted,

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Leigh Padmore  
Executive Secretary  
Operations Division