

AGENDA  
REGULAR MEETING  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, June 1, 2010

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

b. Operations (04/15/10) (Lane)

Present

Board: Directors Beverly Lane (Chair), Whitney Dotson, Doug Siden  
Staff: John Escobar, Mimi Waluch, Nancy Kaiser, Diane Althoff, Leigh Padmore

Public: Bill Surges (Union Representative, Local 2428)

I. **Review of Society for the Preservation of Carter Railroad (SPCRR)  
Special Use Agreement: Ardenwood Historic Farm**

Revenue & Administration Manager Mimi Waluch reported that renewal of the District's Ardenwood Historic Farm Master Lease Agreement with the City of Fremont is reaching the final stages of approval. At this time, staff is seeking a recommendation to proceed with renewal of a Special Use Agreement with the Society for the Preservation of Carter Railroad (SPCRR). Although the SPCRR has expressed a desire for a longer-term commitment, staff is recommending entering into a Special Use Agreement for an initial term of five years with two five-year options. The proposed Agreement provides for payments to SPCRR not to exceed \$48,000/year, depending on the level of service provided.

The SPCRR has been working with the District since the initial development of Ardenwood in the early 1980's. Their current Special use Agreement with the District expired in March 2007, and since that time SPCRR's agreement has been extended on a month-to-month basis pending completion of the Ardenwood Master Lease negotiations with the City of Fremont. This item is being presented to the Committee today in order to obtain a recommendation in support of entering into a long-term agreement. This action is also necessary to ensure SPCRR's planned capital improvements on the site will be available for SPCRR use on a long-term basis prior to undertaking several major construction projects.

Diane Althoff, Chief of Design & Construction, was present at the meeting and confirmed that SPCRR's development plans are consistent with the land use plan. However, perhaps due to a change in leadership, the District did not receive a complete set of plans and specifications for review, and SPCRR began construction without an encroachment permit. The District's Design

and Construction review process recently led to a revised timeline for project construction and site management, and Ms. Althoff is currently working with SPCRR to get the planned projects back on track and in compliance with City requirements.

Director Beverly Lane asked staff for assurance that derelict cars and equipment currently stored outside the SPCRR facility will eventually be removed. AGM John Escobar noted that staff has established very strict guidelines prohibiting storage outside the building unless the equipment is fenced and screened from public view.

Director Doug Siden asked whether the SPCRR is comfortable with the proposed terms of the agreement. AGM Escobar responded that SPCRR would prefer a longer-term agreement of 25 years, which they believe would assist in attracting investor funding for the Eastern Terminal Development. AGM Escobar recommended meeting SPCRR half-way with one five-year initial term and three five-year option periods for a total of 20 years, with each five-year option being contingent upon progress made toward completion of construction of the Eastern Terminal.

Director Siden moved that the Committee recommend approval for staff to enter into a Special Use Agreement with SPCRR for an initial five-year term with three five-year options. The District shall compensate SPCRR for services performed at a rate not to exceed \$48,000 in the first year, to be increased annually by 2% through the initial term and by mutual agreement during the option terms. Director Whitney Dotson seconded the motion, which passed unanimously (3-0).

**2. Review of Row Chabot Pilot Program for Youth Rowing Special Use Agreement: Lake Chabot Regional Park**

Ms. Waluch reviewed Row Chabot's history with the District beginning with the pilot program's initiation in 2003 when the Park Advisory Committee and the Board Operations Committee reviewed and approved the basic concept of their proposal to promote opportunities for youth at Lake Chabot. The purpose of the pilot program is to provide East Bay residents an opportunity to participate in sculling and sweep rowing by providing instruction and access to equipment at the Lake Chabot Marina. Following completion of a feasibility study in 2008, the Board approved a two-year Row Chabot Pilot Program in July 2009.

Prior to implementing the pilot program, a number of tasks needed to be undertaken including insuring compliance with ADA requirements and securing the storage area underneath the marina food concession deck. Since the required work has not progressed as quickly as anticipated, and Row Chabot's current agreement will expire at the end of this school term, staff is recommending authorizing an extension of Row Chabot's Special Use Agreement through June 2013.

Responding to Director Lane's question, Ms. Waluch indicated that there is no cost to the District for implementation of the pilot program. Grant funding is available to complete the ADA work and the group has secured \$15,000 in grant funding to purchase equipment. Row Chabot will provide rowing instruction in collaboration with Cal State East Bay.

Director Siden moved to recommend authorizing extension of the Special Use Agreement with Row Chabot for two years through June 2013, to provide sufficient time for the pilot program to become fully operational. Director Dotson seconded the motion, which passed unanimously (3-0).

**3. Review of Marina and Food Concession Agreement: Shadow Cliffs Regional Recreation Area**

Ms Waluch recounted the history of the Shadow Cliffs marina and food service concession, which for many years has been operated by a variety of concessionaires. A previous Shadow Cliffs concessionaire under long-term contract with the District, basically abandoned his contract two years ago. In March 2008, the District entered into a short-term concession agreement with Chet Roberts of Rocky Mountain Recreation Company, to operate the marina and food service concession for the 2008 and 2009 seasons.

Mr. Roberts spent the first part of the 2010 season assessing concession equipment and examining the condition of the boats, and would welcome the opportunity to update the food and merchandise inventory to better serve the public. Mr. Roberts has also suggested operating the marina and food concession year-round; however, hours of operation would need to be consistent with park staff hours, which change with the seasons.

Staff has complete confidence in Rocky Mountain Recreation Company who also successfully operates the Del Valle marina and food service concession. The company provides excellent customer service, and revenue to the District has almost tripled under their management. At this time, staff recommends entering into a one-year agreement with Rocky Mountain Recreation Company to operate the marina and food service concession to ensure that boating and food service will continue at Shadow Cliffs through 2010.

Director Dotson moved to accept staff's recommendation to enter into a one-year agreement with Rocky Mountain Recreation Company to operate the marina and food service concession at Shadow Cliffs Regional Recreation Area. Director Siden seconded the motion, which passed unanimously (3-0).

**4. Review of 2010-2011 Request for Proposals Schedule: Revenue and Administration Unit**

Ms. Waluch reviewed with the Committee a Request for Proposals schedule to be reviewed and acted upon by the Board Operations Committee in 2010 and 2011. The list is comprised of concession and caretaker agreements scheduled to turn over within the next twelve months. Discussion centered on the following:

- **Tilden Park Pony Ride:** The RFP is currently in draft form and being reviewed by staff. Last operated in 2005, this concession has not attracted much interest. Ms. Waluch reported having received inquiries from people who want to be paid to operate the pony ride with the District buying the ponies; however, the District

would prefer to have the concessionaire provide the ponies. AGM Escobar added that the pony ride is situated on a creek and storage of horses 24 hours a day presents a number of additional environmental challenges.

- **District-wide Vending Services:** The District maintains vending machines in eight locations that operate seasonally, with the exception of the Peralta Oaks and Public Safety vending machines that are operated year-round. Staff is requiring that all machines be stocked with items containing a healthy food and drink component.
- **Sunol Trail Ride:** In response to Director Lane's inquiry about the status of the Sunol Trail Ride, Ms. Waluch reported that the current operator is at the end of an initial five-year term. Whether a second five-year option is exercised will depend on staff's review of the operator's performance and compliance with their contract.
- **Preferred Caterers List:** We currently have thirteen preferred caterers providing services for events at the Brazil Room, Fern Cottage, the Shoreline Center and Temescal Beach House. Ms. Waluch and Facilities Supervisor Michael McNally are currently working on a timeline for the RFP review and interview process. With renters booking a year in advance of an event, catering agreements need to be in place a year in advance of accepting bookings. AGM Escobar noted that Mr. McNally has heard from renters of facilities that they would appreciate being offered lower-priced catering choices.
- Ms. Waluch reported that in 2010, caretaker RFP's will be issued for Big Break, Brooks Island and Vasco Caves. The **Big Break** caretaker will be leaving one month prior to his contract expiration at the end of May. At **Brooks Island**, debris removal, renovations and solar panel installation work will be completed within thirty days. The **Vasco Caves** caretaker contract expires in September 2010, and staff plans to interview for the position in mid-summer. Ms. Waluch informed the Committee that staff will be advertising shortly for a District employee to reside at the **Tidewater Boathouse** planned for completion in early fall.

At the request of Director Dotson, AGM Escobar described the difference between the role of an employee park resident and that of a private caretaker under contract with the District. Following discussion, Director Lane suggested that now might be a good time to review the District's Residence Policy, and that it would be useful to survey current District residents about their view of the program and suggestions for improvement.

## 6. Public Comments

There were no public comments.

## 7. Staff Comments

Director Siden complimented Interpretive Services Manager Nancy Kaiser on the production of the Interpretive Services Department's first Annual Report. Director Siden asked staff to

provide the Committee with statistics indicating what percentage of low-income children are provided financial assistance and transportation when participating in interpretive activities.

On April 14, Operations Division managers served breakfast at the Brazilian Room for Operations Employee Recognition award winners. Director Siden attended the Recognition Breakfast and expressed his appreciation for staff's efforts in organizing the event.

There were no other staff comments.

## **8. Adjournment**

Director Lane adjourned the meeting at 3:25 p.m. AGM Escobar reminded Committee members that due to a scheduling conflict with the Annual Conference of the Bay Area Open Space Council on May 20, the next Board Operations Committee meeting will be held on May 13, at 2:00 p.m., in the Board Room, Peralta Oaks.