

AGENDA
REGULAR MEETING
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 11, 2009

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

g. Operations (07/16/09) (Severin)

Present

Board: Directors Carol Severin (Chair), Whitney Dotson, John Sutter

Staff: John Escobar, Jack Kenny, Anne Scheer, Jon King, Raphael Breines,
Mimi Waluch, Renée Patterson, Anne Kassebaum, Carol Johnson,
Denise Defreese, Erwin Lynch

Public: Peter Rauch, Judi Bank, Graham Wright

I. Review of Ordinance 38 Trail Use Change Proposal

Raphael Breines, Park Planner and Project Manager for the Trail Checklist Process, reported that this process, in effect for the past five years, is now operating successfully. Mr. Breines commended staff and the Board for its sound judgment on trail use change decisions. Based on staff's annual evaluation of the public safety record and physical condition of narrow trails that have been converted to multi-use, the program has been a success from two vantage points: (1) Trails allowing bicycles have experienced no significant physical changes; and (2) There have been no more reports of conflicts or accidents than is typical on a multi-use trail.

Last July, staff received two proposals for trail use changes. The first, which staff did not support, proposed to allow bicycles on narrow sections of the Vollmer Peak Trail in Tilden Regional Park. Staff determined that this section of the trail is not suitable for bicycle use because the trail is currently heavily used by hikers and dog-walkers and contains steep sections. Also, the trail has a history of trail user conflicts and accommodating multiple-use would require widening and re-routing of a short section of trail that would be beyond the scope of this program. The needed trail improvements could also potentially harm adjacent notable plant species.

The second proposal, submitted by the East Bay Area Trails Council (EBATC) was to allow bicycle traffic on the trail adjacent to the Alhambra Creek Staging Area access road in Briones Regional Park, currently open to hikers and horses.

In response to Director John Sutter's inquiry about the number of proposals considered during the public review process, Mr. Breines reported that since the program's inception five years ago, staff has received approximately 2-3 proposals each year, with fewer than 50% resulting in final approval by the Board.

On aerial photographs projected on the screen, Mr. Breines traced the location of the 2/3-mile long section of trail under consideration. Director Whitney Dotson expressed safety concerns, having observed cars traveling at a high rate of speed during the Board's recent field trip to the site. Both he and Director Sutter recommended posting a 5 mph speed limit. Mr. Breines responded that as an added safety measure, staff is recommending installation of warning signs alerting motorists and trail users of potential conflicts. Mr. Breines further informed the committee that both Public Safety and Legal/Risk have conducted independent reviews of the entire trail and have determined that allowing bicycle traffic on the trail would not present a significant safety risk for motorists, bicyclists or existing trail users. Staff believes that the proposed trail use change would provide a much-improved experience for bicyclists and help to reduce trail use on the adjacent park entry road.

Along with this trail use change, staff is recommending continuing vegetation control to maintain sight lines and keep signs visible. The total cost of these changes would be less than \$500, mainly for sign installation.

In response to Director Sutter's query regarding whether there were any objections to staff's proposal, Mr. Breines reported that 51 public comments were received during the review period: 42 in support of the trail use change and 9 in opposition. Reasons cited by those opposing the change were: (1) Bicyclists already have two ways into the staging area road and the multi-use trail; and (2) The trail is well used by equestrians and the change would adversely affect the park experience for horses and hikers.

Director Sutter noted that staff appears to be spending a considerable number of hours reviewing each proposed trail use change request, and thought it would be interesting to calculate the monetary value of such staff time.

Peter Rauch expressed concern that the review process does not adequately address the aesthetic quality and biological aspects of trail sites and impacts of trail use. There is a serenity and a quietness that you can hope to have, or not, depending on whether your trail use is impacted by another user group. There are many quality issues about trails pertaining to the experience that are sorely lacking evaluation in the process.

Mr. Rauch urged Committee members to make a list of what they personally think are the array of trail quality characteristics and issues, and see whether they come up with safety as a reason to go on trails rather than beauty, then ask again whether the process needs to be improved.

Mr. Rauch also pointed out that eventual re-routing of the adjacent roadway would impact some young trees on the opposite side of the road. The trail that should be free of bicycle use

is the short segment where the trail goes into the woods and comes back out again. Mr. Rauch stressed the importance of addressing safety concerns regarding car traffic on the adjacent roadway.

Director Sutter moved to recommend that staff's proposal to amend Ordinance 38 to allow bicycle traffic on the trail to Briones Regional Park, be forwarded to the full Board. Director Dotson seconded the motion, which passed unanimously (3-0).

2. 2009 Review of Ordinance 38 Revisions

Lieutenant Jon King reviewed a list of proposed 2009 modifications to Ordinance 38. The Ordinance is reviewed annually by a joint group of lead staff from Public Safety and Operations, including review by District Counsel.

Ordinance 38 proposed changes prompting Committee discussion were those listed in **Section 200.3** and **Section 501.3**

A proposed change to **Section 200.3** states, "*The General Manager may temporarily suspend or modify provisions of the Ordinance for public health or safety reasons.*" This change provides authority for short-term modifications without seeking approval by the Board. At the meeting, Lieutenant King distributed a handout listing an addition to **Section 200.3** that states, "*The General Manager shall notify the Board of Directors within 30 days of any actions taken pursuant to this section.*" Committee discussion focused on the necessity for granting the General Manager this expanded authority. Staff cited examples of when such authority might be required, such as opening a trail for multi-use to provide access when the normal trail is blocked or damaged.

Peter Rauch remarked that normally he would not favor granting broad delegation with such vague language but believes there needs to be a way to mitigate the potential of immediate harm to the public under unusual circumstances, which the proposed change appears to address. AGM John Escobar agreed to discuss the Committee's concern with District Counsel.

In reviewing the proposed change to **Section 501.3**, Director Sutter recommended that the "Restrictions" be edited into two sentences to read, "*Private boat, kayaks, rubber rafts, personal water craft (jet skis) or other vessels of any description shall not be permitted on Chabot Reservoir (except that hand carried kayaks, canoes and sculls may be permitted at Lake Chabot), Lake Anza, Lake Temescal, Jewel Lake, Don Castro, Cull Canyon, Garin (Jordan Pond), Hayward Shoreline ponds, Martinez Shoreline lagoon, Miller-Knox lagoon, Coyote Hills marsh water areas, Shadow Cliffs Arroyo Ponds (float tubes allowed), and Quarry Lakes (Willow Slough and Lago Los Osos.) Motorized boats or jet skis are not permitted within any marked or posted sensitive marsh or wildlife area.*"

Director Sutter moved that staff's proposed Ordinance 38 changes be recommended to the full Board, with the addition of changes to **Section 200.3** and **Section 501.3** recommended by the Committee. Director Dotson seconded the motion, which passed unanimously (3-0).

3. Renewal of Existing KQED Public Radio Communication Site License: Carquinez Regional Shoreline

Administrative Analyst Renée Patterson briefed the Committee on KQED Public Radio's history with the District dating back to 1989 when KQED was granted a communication license at Carquinez Regional Shoreline to improve the station's signal strength in Martinez. This installation solely serves the city of Martinez which is situated in a "blind spot," preventing residents from receiving clear reception.

Ms. Patterson reported that KQED would like to renew their communication license with the District which expires September 14, 2009. KQED is not proposing any changes to the site, and has an excellent payment history. Staff is recommending a five-year Agreement with a five-year option, at the District's sole discretion, and payments of \$600 per month.

Ms. Patterson explained that she had been approached by a representative from the Public Affairs Division and asked about the possibility of inserting a clause into the Agreement stipulating that KQED provide free District advertising. Following discussion, the Committee suggested that staff attempt to negotiate with KQED to provide District feature programming and public service announcements, in addition to free District advertising.

Director Dotson moved that staff be authorized to enter into a five-year Agreement with KQED, with a five-year option, and payments of \$600 per month, and that staff pursue the opportunity to include in the Agreement free District advertising and programming. Director Sutter seconded the motion, which passed unanimously (3-0).

4. Trails Challenge 2009: Program Update

Recreation Manager Anne Kassebaum presented an overview of the Trails Challenge Program, now in its 16th year, and explained how the program has evolved. This is the 5th year of sponsorship with Kaiser-Permanente who provides support with printing, mailing and T-shirt costs, in addition to promotion to their employees and members, mainly through internet communication promoting health and wellness. Kaiser's involvement and marketing efforts of the District's Public Affairs Department, have contributed greatly to increased participation in the program. Marketing has included coverage in Regional in Nature, advertisements in radio, newspaper, and magazines, and contact with past participants. Some highlights of Ms. Kassebaum's presentation included:

- Since 2001, 22,000 people have participated in the Trails Challenge.
- The 2009 program was launched in January with registration through the Regional Parks Foundation.
- As of July 16, the 2009 program has registered 7,175 participants.
- Survey data conclude that more than 90% of participants hike the trail, many in family outings. Hikers prefer loop trails and exploring new trails, with the highest percentage taking intermediate trails.
- Participants can access a downloadable booklet on the internet and can pick up T-shirts at a Park District visitor center.

- The 3rd annual Kids Challenge Program has registered over 1,000 participants to date.
- The Unit's strategic plan envisions developing a long-term partnership with a regional health care provider in the battle against childhood obesity.

The Committee commended staff on the success of the Trails Challenge Program and thanked Ms. Kassebaum for an excellent presentation.

5. Public Comments

There were no public comments.

6. Staff Comments

AGM Escobar indicated that since the August Board Operations Committee meeting takes place in the midst of budget preparation deadlines, a decision on whether to cancel the meeting would be made before the end of July.

Director Severin adjourned the meeting at 3:30 p.m.