

LIVERMORE AREA RECREATION AND PARK DISTRICT

MINUTES

**AGENDA
REGULAR MEETING**

WEDNESDAY, JUNE 15, 2011

**ROBERT LIVERMORE COMMUNITY CENTER
4444 EAST AVENUE, LIVERMORE, CALIFORNIA**

6:00 P.M.

**EXECUTIVE SESSION
LARKSPUR NORTH ROOM**

7:00 P.M.

CRESTA BLANCA BALLROOM

DIRECTORS PRESENT: Director Faltings, Director Hutchinson, Director Turner, Director Wilson and President Goodman

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Bruce Aizawa, Tim Barry, Jim Carlson, Sheryl Hardin, Don Humphrey, Jill Kirk, Michael Kyle, John Lawrence, Gretchen Sommers

**1. EXECUTIVE SESSION (6:00 P.M.)
1.1 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Section 54956.9 (b) of the Government Code. Number of Cases: (1).

2. RECONVENE TO OPEN SESSION (7:00 P.M.)

3. CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

President Goodman called the meeting to order at 7:00 p.m. All Directors were present.

4. REPORT ON ACTION TAKEN IN EXECUTIVE SESSION

President Goodman stated that the Board met in Executive Session and that there is no action to report.

President Goodman said that he would like to move Agenda Item 10.1 to the start of the meeting, and to postpone Agenda Item 9.2 until the June 29, 2011 meeting, and he asked if Directors had any objections to this. No objections from the Directors.

10.1 RESOLUTION OF APPRECIATION FOR CLAY ADAMS

President Goodman stated that the Board will present a Resolution of Appreciation commending Clay Adams on the occasion of his retirement from LARPD.

General Manager Barry stated that Mr. Adams has been an anchor in the Parks Division for 34 years. He said that we are very sad to see him go, but happy for him and his family.

Moved by President Goodman, seconded by Director Faltings, Resolution No. 2290, commending Clay Adams on the occasion of his retirement from LARPD, was adopted by the following roll call vote:

AYES: *Turner, Wilson, Faltings, Hutchinson and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

President Goodman read the resolution of appreciation to Mr. Adams and presented it to him, thanking him for his service to the District.

5. PUBLIC FORUM

President Goodman opened public comment. No public comment. President Goodman closed public comment.

6. CONSENT AGENDA

6.1 BOARD MINUTES

6.1.1 Meeting of May 25, 2011.

6.2 COMMUNICATIONS

6.2.1 General Manager's Monthly Report (64/11).

6.3 CLAIMS AGAINST THE DISTRICT

6.3.1 A claim against the District has been filed on behalf of Danielle Stickler. Staff recommends denial of the claim.

6.3.2 A claim against the District has been filed on behalf of Barbara Sorensen. Staff recommends denial of the claim.

Moved by Director Faltings, seconded by Director Wilson, approved the Consent Agenda, passing 5-0.

7. CONSENT AGENDA RESOLUTIONS

None.

8. BIDS AND PUBLIC HEARINGS

8.1 BID PROTEST - ROBERTSON PARK SPORTS FIELD IMPROVEMENTS PROJECT

President Goodman stated that the Board will take action on a bid protest submitted by Robert Bothman, Inc. regarding the Robertson Park Sports Field Improvements (project # 4918-511).

Moved by Director Turner, seconded by Director Wilson, the Board accepted the protest letter submitted by Robert Bothman, Inc. regarding the Robertson Park Sports Field Improvements, passing 5-0.

8.2 AWARD CONTRACT - ROBERTSON PARK SPORTS FIELD IMPROVEMENTS PROJECT

President Goodman stated that the, upon the recommendation of District Legal Counsel, he would entertain a motion to reject all bids for the construction of the Robertson Park Sports Field Improvements project.

Moved by Direction Hutchinson, seconded by Director Faltings, the Board rejected all bids for the construction of the Robertson Park Sports Field Improvements project, passing 5-0.

9. OLD BUSINESS

9.1 AMENDMENT TO FISCAL YEAR 2010/2011 CAPITAL BUDGET TO APPROPRIATE FUNDS FOR TRAIL SEGMENTS D & E-2

President Goodman stated that the Board will consider amending the Fiscal Year 2010/2011 Capital Budget to fund the purchase of easements for Trail Segments D & E-2 (project # 635).

General Manager Barry said that this item is a request by staff to allocate funds to pay for easements for trail segments D & E-2. He explained that, when the District agreed upon the amount of the easements for the trail segments, we neglected to put the money in the budget for them, and he would now like the Board to allocate these funds to purchase the easements.

Moved by Director Faltings, seconded by Director Wilson, Resolution No. 2291, amending the Fiscal Year 2010/2011 Capital Budget to appropriate \$22,100 to purchase easements for Trail Segments D & E-2 (project # 635), and allocating monies from the General Fund Balance Designated for Capital Projects (Fund #900), was adopted by the following roll call vote:

AYES: *Faltings, Hutchinson, Turner, Wilson and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

9.2 AMENDMENT TO LICENSE AND USE AGREEMENT WITH LIVERMORE YOUTH SOCCER LEAGUE

This item continued to the June 29, 2011 Board meeting.

10. NEW BUSINESS

10.2 FISCAL YEAR 2011/2012 EMPLOYEE SALARIES AND BENEFITS

President Goodman stated that the Board will establish salary and benefit levels for District employees for Fiscal Year 2011/2012.

General Manager Barry said that this is the time of year that the Board sets the salary and benefits for the next fiscal year. He said that his recommendation has been reviewed and recommended for approval by both the Personnel Commission and the Personnel Committee. Mr. Barry said that he had met with full-time and part-time designated staff to solicit their ideas for possible salary/benefit enhancements. He referred to the staff report and the different improvements that staff had suggested and prioritized, and which he had analyzed. Mr. Barry said that the improvements that he is recommending do not cost a lot of

money, as the District does not have a lot of money with which to work. He added that staff understands this. Mr. Barry said that he recommends granting an additional floating holiday, to make it a total of two per year, as well as adding a regular holiday--New Year's Eve day. He said that no other salary or benefit improvement is being recommended. He said that the cost of these additional holidays is the loss of productivity. He estimated that the cost to the District will be a little over \$3,000 per year for the floating holiday; this would be the result of paying for part-time designated staff being off work and possibly having to backfill for employees who are off.

President Goodman opened comment. No public comment. President Goodman closed public comment.

Moved by Director Faltings, seconded by Director Turner, to approve Resolution No. 2292, adopting the Annual Salary Resolution designating employee compensation for Fiscal Year 2011/2012.

Directors made the following comments: thanked the District's employees and would like the public to know how dedicated our employees are—the economy is bad, our employees know that, and have gone years with little or no improvement in compensation; LARPD still provides service to the community; thanks to all employees for their dedication to LARPD and to public service; we went through various iterations on how to provide compensation and, given the situation, feels it is the most equitable way to provide some compensation to staff.

Resolution No. 2292, adopting the Annual Salary Resolution designating employee compensation for Fiscal Year 2011/2012, was adopted by the following roll call vote:

AYES: *Hutchinson, Turner, Wilson, Faltings and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

10.3 REVISIONS TO THE POLICY ESTABLISHING DESIGNATIONS FOR THE DISTRICT UNRESERVED FUND BALANCE

President Goodman stated that the Board will consider approving revisions to the Policy Establishing Designations for the District Unreserved Fund Balance.

Finance Manager Don Humphrey reported that this topic was discussed at the May 25 Board Budget Workshop. He said that we are cleaning up the language in the policy. He reviewed the changes being recommended, which involve expanding some of the definitions.

Moved by director Turner, seconded by director Wilson, Resolution No. 2293, approving revisions to the Policy Establishing Designations for the District Unreserved Fund Balance, was adopted by the following roll call vote:

AYES: *Turner, Wilson, Faltings, Hutchinson and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

10.4 FISCAL YEAR 2011/2012 PRELIMINARY BUDGET

10.4.1 FISCAL YEAR 2011/2012 PRELIMINARY OPERATING BUDGET

President Goodman stated that the Board will consider adoption of the District's Preliminary Operating Budget for Fiscal Year 2011/2012.

General Manager Barry said that this is the recommendation for the preliminary budget, which is approved by end of June each year; the final budget is approved by end of August. He reported that the Board had met on May 25 for a Budget Workshop and discussed the budget in great detail.

Mr. Barry said that we have a balanced budget. He said that we have balanced it through a variety of means: staff has found ways to economize; there have been a couple of vacancies in positions that we have been able to hold and not fill, etc. Mr. Barry said that, for the most part, the budget is healthy and that we have a reserve for uncertain economic times.

Finance Manager Don Humphrey gave a presentation on the operating budget. He reviewed a 10-year summary of District property tax revenues. He explained the different categories of revenue and expense for the District and their percentage of total revenue and expense. Mr. Humphrey reported that \$15,960,076 is the total budget. He offered a comparison of the current cost of District salary and benefits and that of 2009, pointing out that this expense has dropped dramatically. Mr. Humphrey said that an important part of this year's budget is using some of the District's reserve funds. Staff proposes using \$247,000 of reserves, from four different areas, specifically focused on capital uses.

Mr. Humphrey discussed the following: major assumptions that have been made in developing this budget; additional earned revenue as compared to Fiscal Year 2009/2010; the consolidation of some budget units; and the capital equipment budget.

General Manager Barry pointed out that this budget is balanced with an increase in the Rock Gym budget. He said that the current year's budget had been projected at a \$13,000 subsidy and looks like it will be a \$23,000 subsidy. Mr. Barry said that the 2011/2012 subsidy is projected to be \$28,472 due to the need for additional staff and lower expected revenue than was assumed in the FY 2010-2011 mid-year budget. Even so, he said that the budget is balanced with this and that it is up to the Board to determine the level of subsidy that it will accept.

Director Faltings moved to approve the 2011/2012 Preliminary Operating Budget as presented by staff, seconded by Director Wilson.

Director Faltings stated that the District is required to have a balanced budget, but we are balancing it in a way that is not detrimental to anyone. She stated that she would like Livermore and the Livermore area to know that LARPD is doing fine. Director Faltings added that, like every other form of local government, we are tightening our belts; we have to because of the economy; however, thanks to the dedication of our employees, LARPD is providing the exact same level of excellent service that the community has come to expect. President Goodman stated that, if this budget is approved, it will be with no threat of loss of pay, unlike the state of California.

Resolution No. 2294, adopting the Fiscal Year 2011/2012 Preliminary Operating Budget, was adopted by the following roll call vote:

AYES: *Wilson, Faltings, Hutchinson, Turner and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

President Goodman commended staff for their presentation and compilation of the budget. He noted that our Finance Manager is new, with a new way of doing things, and that he likes the presentation and commends his efforts.

General Manager Barry reported that Division Manager Sheryl Hardin has submitted her letter of resignation, because she is retiring. He said that she has been with the District for 29 years and has worked hard, and she has helped to make this community center what it is.

10.4.2 FISCAL YEAR 2011/2012 PRELIMINARY CAPITAL IMPROVEMENT BUDGET

President Goodman stated that the Board will consider adoption of the District's Preliminary Capital Improvement Budget for Fiscal Year 2011/2012.

General Manager Barry said that the capital project program has been moving along, and that one of our goals is to complete our existing projects. He said that we lay out plans and phases of projects, and they do not always work out as planned. This is partly affected by the slowdown in housing starts, he said—we do not receive in lieu fees when houses aren't selling—the in lieu funds go to the District capital budget. Mr. Humphrey compared developer fee revenue for the past several years, showing how much it has decreased; he said that there has been an 87% decline in developer fees in eight years, which greatly affects our ability to do capital projects. He said that he is forecasting \$400,000 in park in lieu revenue for this next fiscal year. Mr. Humphrey said that in lieu revenue will be a key question for the next several years, and that the District will have to adapt what it does.

Director Faltings and General Manager Barry explained for the benefit of the public how developer in lieu fees work. Mr. Barry said that the other way that the District pays for capital projects is with outside funding, such as the federal funding used for two trail segments recently, a Coastal Conservancy grant for work in Sycamore Grove Park, the Livermore Youth Soccer League agreement regarding the future synthetic fields at Robertson Park, and Chevron mitigation money. Mr. Barry added that staff is ever vigilant to apply for grants. He said that, unless we lower our appetite for projects, we need to continue to seek outside funding.

General Manager Barry summarized the District capital projects, which are listed in two priority groups, and the total cost. He said that, throughout the year we work on managing the cash flow for projects, and he discussed the timing of capital funding and projects and how this must be managed.

Moved by Director Wilson, seconded by Director Hutchinson, Resolution No. 2295,

adopting the Fiscal Year 2011/2012 Preliminary Capital Improvement Budget, was adopted by the following roll call vote:

AYES: *Wilson, Faltings, Hutchinson, Turner and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

10.5 REVISIONS TO DISTRICT PERSONNEL RULES AND REGULATIONS

President Goodman stated that the Board will consider approving revisions to the District Personnel Rules and Regulations concerning Holidays and Floating Holidays.

General Manager Barry said that this item is related to an item addressed earlier on the agenda, that of adding the floating holiday. He explained that a recent change was made to the Personnel Rules and Regulations, connecting the floating holiday to the employee's birthday. It has been discovered that this will not work for all staff due to the staffing requirements to keep operations going. As a result, he said, we are now recommending that employees be permitted to take the holiday when they want throughout the year with their Supervisor's permission; this now makes the floating holiday compensable upon employee separation from the District. Mr. Barry said that another change is that the District will allow two floating holidays to be accrued on the books. He said that, after taking normal staff turnover rates into consideration, the cost has been calculated to be a little over \$3,000 per year, and that he feels the District can afford this. In addition to changing the wording for this in the Rules and Regulations, he would like to include wording adding the New Years Eve holiday. President Goodman said that this matter was reviewed and recommended for approval by the Personnel Committee.

Moved by Director Turner, seconded by Director Wilson, Resolution No. 2296, approving revisions to the District Personnel Rules and Regulations concerning Holidays and Floating Holidays, was adopted by the following roll call vote:

AYES: *Faltings, Hutchinson, Turner, Wilson and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

10.6 LARPD CONTRIBUTION TO ALAMEDA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION 401 (h) SUB-ACCOUNT FOR RETIREES' MEDICAL

President Goodman stated that the Board will consider approving a Resolution to fund the 401(h) Sub-Account for Retirees' Medical with the Alameda County Employees' Retirement Association.

General Manager Barry stated that this is an action that the Board is asked to take annually. He explained how the 401(h) fund works. As members of ACERA, the District's retirement medical is managed by ACERA. LARPD contributes to the fund, and the funds are invested; this is how retirees' medical is paid. The amount next fiscal year is \$141,905.01. Mr. Barry said that there is a caveat, which is that ACERA has added an administrative fee this year, and we are in discussion with the County Auditor Controller regarding this fee. He said that the Board can approve this Resolution tonight, but that we may come back later to

ask for action on the administrative fee. Director Faltings clarified that payment into this fund is a federal requirement.

Moved by Director Faltings, seconded by Director Turner, Resolution No. 2297, authorizing the funding of the 401 (h) Sub-Account for Retirees' Medical with the Alameda County Employees' Retirement Association in the amount of \$141,905.01 for the 2011/2012 fiscal year, was adopted by the following roll call vote:

AYES: *Hutchinson, Turner, Wilson, Faltings and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

**10.7 DEPARTMENT OF WATER RESOURCES AQUATIC ADVENTURE CAMP
GRANT APPLICATION**

President Goodman stated that the Board will consider authorizing a grant application to the State of California, Department of Water Resources to be used for Aquatic Adventure Camps.

General Manager Barry reported that Aquatics Supervisor Sharon Grant wishes to apply for an Adventure Camp Grant in the amount of \$3,500 to allow children of low economic ability the opportunity to participate in this program.

Director Faltings explained who sponsors the grant and provided details of the Aquatic Adventure Camp, which is a water safety program for children.

Moved by Director Wilson, seconded by Director Faltings, Resolution No. 2298, authorizing a grant application for \$3,500 to the State of California, Department of Water Resources to be used for Aquatic Adventure Camps which teach water safety to children, was adopted by the following roll call vote:

AYES: *Wilson, Faltings, Hutchinson, Turner and President Goodman*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *None*

11. COMMITTEE REPORTS

No committee reports.

12. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

1) Director Hutchinson reported on his attendance at the CAROD conference in April. He said that he attended sessions with the following topics: legal and legislative affairs, CAPRI, land usage, and a review of Proposition 84.

2) Director Faltings reported on her attendance at the CARPD conference, also. She said that she attended Board meetings, as she is on the CARPD Board of Directors, as well as prepared for and emceed the awards banquet. She attended sessions with the following topics: developing relationships with diverse communities via ethnic media and outsourcing park maintenance.

3) Director Wilson talked about an article in the NRPA journal which discussed the effects of budget cuts on other large markets and their parks, etc. She commended all of the LARPD staff for not laying anyone off, and for keeping programs.

4) Director Turner agreed with the other Directors sentiments. She said she has been to a lot of parks this week, and that the parks look beautiful--kudos to the Parks staff. She said that LARPD has happy staff. She commended General Manager Barry for running a tight ship and Finance Manager Humphrey for his financial work. She also noted that we have wonderful trails. She thanked staff for everything that they have done.

5) President Goodman agreed with the sentiments expressed above.

6) President Goodman said that he had spoken with a citizen who said that he loves our trails. President Goodman presented the idea of conducting informal meetings with the public to show them where the trails and connections are, and how far one can travel on them. He said that he hopes that this will happen, and that it is something that the Board can do, with staff perhaps issuing a news release to notify the public.

7) President Goodman said that he would like the public to understand that the July 4 celebration will not be held this year. He said that this event has been a joint effort by the City of Livermore and LARPD. He said that the City decided that it would not be able to provide support and that LARPD cannot do it on our own. President Goodman said that the cancellation of the event troubles him, but that he wants the public to be aware of this fact.

13. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

1) General Manager Barry thanked Finance Manager Don Humphrey and his staff, and all LARPD staff, for their work on the preliminary budget; they did a great job

2) Mr. Barry said that last week was the annual rodeo at Robertson Park and it seemed to attract record crowds. He said that the event was well run, with good cooperation between LARPD, LSRA and other groups.

3) Mr. Barry said that there is a very active volunteer marketing committee which supports Camp Shelly, which is owned by the Forest Service and operated by LARPD. He said that reservations are open and encouraged people to attend Camp Shelly, noting that more occupation during the week days is needed in order for the camp to do better financially. He commended the volunteer marketing group, and showed the bookmark that it had recently developed, which contains all of the information you need about Camp Shelly. President Goodman stated that Camp Shelly is dog friendly.

4) Mr. Barry said that summer has begun and that there are plenty of things for families to sign up for this summer.

5) Mr. Barry announced that the LARPD Board will be meeting in parks this summer to talk with citizens to get ideas for improving parks and activities. He said that there are three meetings coming up, and that the first meeting is next Wednesday, June 22 at 6:30 p.m. at the May Nissen Park picnic area. He encouraged neighbors to come to the meeting.

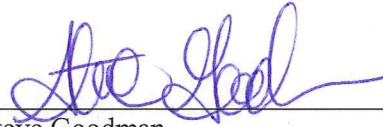
6) Mr. Barry said that his Saturday, from noon to 4:00, there is a celebration of the longest burning light bulb at the fire station on East Avenue and Loyola Way, from noon to four. He encouraged people to attend.

Director Wilson announced that General Manager Barry did the District proud at the Rodeo Mixer cattle penning event last week.

14. ADJOURNMENT

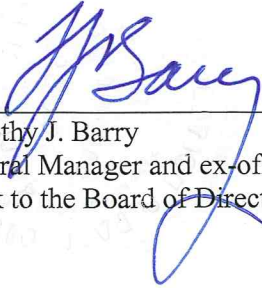
Meeting adjourned at 8:08 p.m.

APPROVED,



Steve Goodman
President, Board of Directors

ATTEST:



Timothy J. Barry
General Manager and ex-officio
Clerk to the Board of Directors