

**REGULAR MEETING OF THE
BOARD OF DIRECTORS**

WEDNESDAY, OCTOBER 15, 2008

**ROBERT LIVERMORE COMMUNITY CENTER
4444 EAST AVENUE, LIVERMORE, CALIFORNIA
7:00 P.M.
CRESTA BLANCA BALLROOM**

DIRECTORS PRESENT: Director Faltings, Director Furst, Director Kamena, Director Wilson and President Goodman

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Kate Aasen, Chiye Azuma, Tim Barry, Michael Kyle, John Lawrence, Gretchen Sommers and Carolyn Ulrich

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

Meeting was called to order by President Goodman at 7:03 p.m. All Directors were present except Director Kamena.

2. PUBLIC FORUM

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

3. CONSENT AGENDA:

3.1 BOARD MINUTES

3.1.1 Meeting of September 24, 2008

3.2 COMMUNICATIONS:

3.2.1 General Manager's Monthly Report (#62/3)

3.2.2 Letter from Anita Kuntz expressing appreciation for "National Parks of the Southwest Tour" and for the Senior Services staff who conducted the tour

President Goodman asked if Directors wished to remove any items from the Consent Agenda. No items removed. On a motion by Director Faltings, seconded by Director Wilson, approved the Consent Agenda, passing 4-0. Director Kamena was absent.

4. CONSENT AGENDA RESOLUTIONS:

4.1 Resolution No. 2142, a resolution of appreciation for Community Center Director Rich Lange on the occasion of his retirement.

4.2 Resolution No. 2143, a resolution amending the District's Conflict of Interest Code.

President Goodman asked if Directors wished to remove any items from the Consent Agenda Resolutions. No items removed. Resolution No. 2142, a resolution of appreciation for Community Center Director Rich Lange on the occasion of his retirement and Resolution No. 2143, amending the District's Conflict of Interest Code, were approved, passing 4-0. Director Kamena was absent.

5. BIDS AND PUBLIC HEARINGS:

5.1 ROBERTSON PARK MASTER PLAN

President Goodman stated that the Board will conduct a public hearing and consider approving Resolution No. 2144, accepting the final draft of the Robertson Park Master Plan (2008 Update) and certifying the environmental document. Upon acceptance of the final draft of the Robertson Park Master Plan (2008 Update), the Board will instruct staff to file a CEQA Notice of Exemption with the Alameda County Clerk.

Assistant General Manager John Lawrence introduced Landscape Architect/Project Manager, Chiye Azuma, lead staff person on the project. Ms. Azuma introduced Reed Dillingham, who served as the District's consultant on this project.

Director Kamena arrived at 7:07 p.m.

Mr. Dillingham said that he has enjoyed working on this project, and that it has been a great experience for him. Mr. Dillingham summarized the schedule of meetings and Board workshops that have led to the completion of this project, noting that much input had been received from staff and the public. He said that, in addition to meetings with staff and the public, there were meetings with Zone 7 Water Agency, Livermore Stockmen's Rodeo Association and other equestrian groups, soccer groups, etc.

Mr. Dillingham summarized the Master Plan update, accompanied by slides showing the layout of Robertson Park. He said that the Master Plan has been focused on several issues: general improvement of the park; making better accommodations and improvements for equestrian users; to provide greater opportunities for soccer practice and play; the need to respond to input from Zone 7; consideration of the riparian zone; and the flood zone of the arroyo, among other things. Mr. Dillingham provided details about the flood zone, the stadium, arena, and the parking areas. He said he welcomed questions from the Board.

President Goodman invited Director questions. General Manager Barry stated that a letter that had been received from Bob McManus had been printed and distributed to the Board.

Director Furst said he had some minor changes to request and that he would give them to staff to review.

President Goodman opened public comment.

- 1) Don Podesta, 1250 Balboa Way, Livermore, representing Livermore Stockmen's Rodeo Association (LSRA), said he had looked through the draft and said he thinks the District has done a very good job for the most part. He said he felt that the inclusion in the Master Plan of the chronology of the history of LARPD and LSRA was good, but felt some of the information was incomplete regarding LSRA. Mr. Podesta said that he feels that right now that LSRA has the best relations it has ever had with LARPD. He commended the LARPD staff highly and said he is pleased with the cooperative effort.
- 2) Milo Nordyke, 2143 Chateau Place, Livermore, said it was not clear to him whether the Master Plan was based on the assumption of having Zone 7 water in the park. He said he thinks LARPD should consider moving the future playground to the triangular area east of the trailer park. He expressed concern about the blackberry plants and other vegetation drying up and presenting a fire hazard if the water goes away.

President Goodman commented that he feels that the LSRA/LARPD history is important to keep, but does not know if the Master Plan is the appropriate place for it. General Manager Barry said that the historical information is a reference document rather than part of the Plan itself. President Goodman said that the Board cannot address the public comments, but will take note of them.

- 3) Amy Weintraub, 2857 Rivers Bend Circle, Livermore, said she is anxious about the playground, and would like to see it constructed as soon as possible. She said she received a letter from the developer that it may be postponed, and that she would like to be kept informed of the status of the playground project.

Director Kamena provided information on why the playground location cannot be moved and said that the construction has been delayed because of the slow rate of home sales in the Arroyo Crossing development. He said that construction is now estimated to occur in April. General Manager Barry said he had received an update estimating that construction will actually begin after the events that take place in Robertson Park in July—the Rodeo and the 4th of July event. President Goodman thanked Ms. Azuma and Mr. Reed for their work and efforts.

President Goodman asked for a motion. On a motion by Director Furst, seconded by Director Faltings, approved Resolution No. 2144, accepting the final draft of the Robertson Park Master Plan (2008 Update) and certifying the environmental document, as well as instructing staff to file a CEQA Notice of Exemption with the Alameda County Clerk, by the following roll call vote:

AYES:	<i>Director Furst, Director Wilson, Director Kamena, Director Faltings and President Goodman</i>
NOES:	<i>None</i>
ABSTENTIONS:	<i>None</i>
ABSENT:	<i>None</i>

6. **OLD BUSINESS:** None.

7. **NEW BUSINESS:**

7.1 DRUG AND ALCOHOL ABUSE POLICY

President Goodman stated that the Board will consider adopting a resolution approving a Drug and Alcohol Abuse Policy for the District.

General Manager Barry reported that the Board had recently approved some changes to the District's Personnel Rules and Regulations, one of which has to do with addressing possible drug and alcohol abuse by employees. He said that this proposed policy will set clear expectations for staff when confronted with suspected alcohol or drug abuse. Mr. Barry listed the main sections of the policy, which include: Purpose and Goal; Covered Individuals; Prohibited Behavior; Drug Testing; Consequences; Rehabilitation; Assistance; Shared Responsibility; Employees' Responsibilities; Supervisors' Responsibilities and Communication. Mr. Barry stated that the policy had been developed by Carolyn Ulrich, Administrative Assistant/Human Resources, using models from other agencies, and by

consulting with the District's attorney who handles personnel matters. The proposed policy was approved by the LARPD Personnel Commission and the LARPD Personnel Committee. He said that Ms. Ulrich is in attendance to answer any questions the Board may have.

President Goodman asked for some clarification on the policy. Director Furst said the proposed policy was approved by the Personnel Committee. Director Wilson thanked Ms. Ulrich for her excellent work on this project.

On a motion by Director Kamena, seconded by Director Faltings, approved Resolution No. 2145, adopting a Drug and Alcohol Abuse Policy for the District, by the following roll call vote:

AYES: *Director Wilson, Director Kamena, Director Faltings, Director Furst and President Goodman*

NOES: *None*

ABSTENTIONS: *None*

ABSENT: *None*

7.2 KARL WENTE PLAYGROUND RENOVATION PROJECT

President Goodman stated that the Board will consider adopting a resolution approving the Plans and Specifications for the Karl Wente Tot Lot Improvement Project, and authorizing the General Manager to go out for bid for the construction of the improvements.

General Manager Barry stated that the playground equipment at Karl Wente Park had to be removed several months ago and tonight staff is presenting the plans and specifications for the new playground that will be constructed. Assistant General Manager John Lawrence reported that Landscape Architect/Project Manager Chiye Azuma has done an excellent job making the playground as accessible as possible. He said that LARPD has received communications from neighbors of the playground regarding the inability of older children to use the playground equipment at the nearby school; this is disagreeable to some of them, since the LARPD playground is designed for use by younger children.

Ms. Azuma restated what staff is requesting of the Board this evening. She said that, if the Board approves the plans, LARPD will advertise the bid, with the bid opening occurring in December. Ms. Azuma referred to the plans and schematics of the play area and invited questions.

Directors commented and inquired about the following: the fact that the tot lot improvements are ADA compliant; surface of the tot lot; sand play area; the cost elements of the project; encouragement that staff ensure that the residents of this area, as well as in the Arroyo Crossing development, are kept abreast of the status of these projects, so that they can feel involved and understand the process and timeline.

On a motion by Director Wilson, seconded by Director Kamena, adopted Resolution No. 2146, approving the Plans and Specifications for the Karl Wente Tot Lot Improvement Project, and authorizing the General Manager to go out for bid for the construction of the improvements, by the following roll call vote:

AYES: *Director Kamena, Director Faltings, Director Furst, Director Wilson and President Goodman*

NOES: *None*

ABSTENTIONS: *None*

ABSENT: *None*

Director Faltings commented that she's been pushing for years for accessible playgrounds, and that she has been a supporter of Shane's Inspiration. Ms. Faltings applauded Ms. Azuma for the design and accessibility of the tot lot. Director Kamena said that some people may think that universal access is a compromise. He said that Vista Meadows Park is accessible and is one of LARPD's most popular parks. The Board concurred that staff did a wonderful job with the footprint that it had to work with and that the new tot lot will be appreciated.

7.3 LAFCo SPECIAL DISTRICT NON-ENTERPRISE SEAT ELECTION

President Goodman stated that the Board will consider whether to nominate a candidate to serve as the regular non-enterprise special district representative on the Alameda County Local Agency Formation Commission (LAFCo).

It was clarified that this is an opportunity for the Board to nominate one of LARPD's Directors to LAFCo. President Goodman asked if any Directors were interested in being nominated. No Directors were interested. Director Faltings will cast the District's vote at the November 12 election following the regular ACSDA meeting.

7.4 GENERAL MANAGER'S SPECIAL DISTRICT ADMINISTRATOR CERTIFICATION FROM THE SPECIAL DISTRICT LEADERSHIP FOUNDATION

President Goodman stated that the General Manager will report on his successful completion of the Special District Administrator Certification examination.

General Manager Barry reported that he successfully completed an examination for certification as a Special District Administrator through the Special District Leadership Foundation, which is affiliated with the California Special Districts Association (CSDA). The certification reflects a certain level of expertise, knowledge and experience in the General Manager's field of special district administration. Mr. Barry said he will be awarded a plaque at the annual California Association of Recreation and Park District (CARPD) conference in recognition of this certification, which will bring positive attention to LARPD as an excellent professional organization.

Director Faltings said she applauds and congratulates General Manager Barry for participating in the program, and said that she has participated in a similar process for board members. Director Faltings encouraged the rest of the Directors to participate in the CSDA "Districts of Distinction" program, if possible; if the General Manager and Board members all participate in the program, the District is named a District of Distinction.

8. COMMITTEE REPORTS

1) Director Kamena reported on a recent Scottish Games steering committee meeting. He said the committee met with staff and two members of a consulting group that specializes in producing Scottish Games and other cultural events, in order to see if they had ideas for increasing the event's appeal and for decreasing the event's cost. Director Kamena said that engaging these consultants would be a change of direction for the Games, a new approach. He said that the committee was impressed with the consultants' knowledge, and is optimistic that they can improve the event. He said he thinks it is worth a try. Director Faltings added that the committee hopes to present a new and improved event next year.

9. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

1) Director Wilson said that a couple of months ago there was a request at a Board workshop that the general Manager provide monthly updates to the Board on various projects. She said that topics that Directors normally would ask about in Matters Initiated are being addressed in the new monthly status report. She said that the Board is getting this information, more than they used to, and wanted the public to be aware that the Board has not suddenly stopped asking about projects; they are now getting regular update reports from the General Manager.

2) President Goodman echoed Director Wilson's comments, saying that the General Manager's reports have been very valuable and very concise. He added that he would like the District to be able to somehow communicate project status information to the public, perhaps via the District website.

3) President Goodman invited the public to attend LARPD's Haunted Barn event coming up on October 24, 25, 26, 30, 31, and November 1. He said the event times are listed on the LARPD website.

4) Director Faltings said that she was away for a month on vacation, so she missed the website presentation made at the September 24 Board meeting. She said that she has reviewed it, however, and it really is spectacular.

5) Director Wilson said she had occasion to visit another agency's website and the experience reminded her of how good LARPD's website is.

10. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

1) General Manager Barry invited the public to attend the Halloween Carnival for children at the RLCC on October 25.

2) Mr. Barry announced the appointment of Sheryl Hardin to the position of Senior Recreation Supervisor. Ms. Hardin's appointment will replace the position of Community Center Director, which is being eliminated when Rich Lange retires on October 31.

3) Mr. Barry reminded the Board about Rich Lange's retirement party on October 28 at 5:30 p.m., saying he hoped they could attend.

Meeting adjourned to executive session at 7:57 p.m.

11. EXECUTIVE SESSION

11.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to section 54954.5 of the Government Code

Name of case: Star Construction, Inc. vs. J.W. Riley & Son Inc., Financial Pacific Insurance Company, Livermore Area Recreation and Park District, et al

Case Number: Alameda County Superior Court No. VG 06257265

11.2 REAL ESTATE NEGOTIATIONS

Pursuant to Section 54956.8 of the Government Code

Property: 13.5 acres of land, Robertson Park Rd., Livermore, CA

Agency Negotiator: District Staff and/or Legal Counsel

Negotiating Parties: Livermore Valley Joint Unified School District

Under Negotiation: Terms of Purchase

12. RECONVENE TO OPEN SESSION

Meeting reconvened to Open Session at 9:50 p.m.

13. REPORT ON ACTION TAKEN IN EXECUTIVE SESSION

No action to report.

14. ADJOURNMENT

Meeting adjourned at 9:51 p.m.

APPROVED,



Steve P. Goodman
President, Board of Directors

ATTEST:



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