

LIVERMORE AREA RECREATION AND PARK DISTRICT

MINUTES

**REGULAR MEETING OF THE
BOARD OF DIRECTORS**

WEDNESDAY, MAY 14, 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, Tim Barry, Jim Carlson, Lora Cohen, Michael Kyle, John Lawrence, Gretchen Sommers, Maureen Gandara Swinbank

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

Meeting was called to order by President Goodman at 7:04 p.m. All Directors were present.

2. PUBLIC FORUM

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

3. CONSENT AGENDA:

3.1 BOARD MINUTES

3.1.1 Meeting of April 30, 2008

3.2 COMMUNICATIONS:

3.2.1 General Manager's Monthly Report (#61/10)

3.2.2 Letter from Shiv Acharya regarding tennis courts.

3.3 ESS/KZ ANNUAL STATE REPORT

Annual State Report to the Department of Education, Child Development Division.

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 Kamena, approved the Consent Agenda, passing 5-0.

4. CONSENT AGENDA RESOLUTIONS:

4.1 AMEND FISCAL YEAR 2007/2008 APPROPRIATION LIMIT

Resolution No. 2114, a resolution amending the District's annual Appropriation Limit for Fiscal Year 2007/2008.

4.2 RENEWAL OF SPECIAL TAX 97-1

Resolution No. 2115, a resolution renewing and setting the tax rate for Special Tax 97-1 for Fiscal Year 2008/2009 for maintenance and operation of park and recreation facilities.

4.3 ACCEPTANCE OF FUNDS FROM ARROYO CROSSING, INC.

Resolution No. 2116, a resolution accepting from Arroyo Crossing, Inc. payment of \$1,000,000, as required by its development agreement with the City of Livermore, to be utilized for a sports complex or other improvements.

President Goodman asked if Directors wished to remove any items from the Consent Agenda Resolutions. No items removed.

On a motion by Director Faltings, seconded by Director Wilson, Resolution No. 2114, amending the District's annual Appropriation Limit for Fiscal Year 2007/2008; and Resolution No. 2115, renewing and setting the tax rate for Special Tax 97-1 for Fiscal Year 2008/2009 for maintenance and operation of park and recreation facilities; and Resolution No. 2116, accepting from Arroyo Crossing, Inc. payment of \$1,000,000, to be utilized for a sports complex or other improvements, were approved by the following roll call vote:

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

5. BIDS AND PUBLIC HEARINGS: None.

6. OLD BUSINESS:

6.1 FRIENDSHIP CENTER

President Goodman stated that the Board will consider closure of the Friendship Center Program due to loss of facility, as well as a proposed retention offer for program staff.

General Manager Barry summarized the staff report, which contained information on efforts to find another site for the Friendship Center since the Board meeting of April 30, 2008. Mr. Barry reviewed the following areas of investigation: LARPD facilities; LVJUSD-owned properties; public/private partnerships; government-owned facilities; and commercial/non-profit space. Mr. Barry said he had spoken with a representative of the Dublin School District this morning, and was informed that that agency may have space in the coming year to which the program could be moved. General Manager Barry added that he had received a letter from Larry Sampson proposing use of City of Livermore space behind the current City Council Chamber. He also reported on fundraising feasibility; religious/church facilities; and contacts with Tri-Valley cities; as well as his recommendation for a retention offer to staff, should the program close.

Mr. Barry reviewed a supplemental memorandum (A) provided to Directors this evening. The memo reported the results of an Intergovernmental meeting this morning with representatives of the School District, the Charter School, City of Livermore and LARPD, the purpose of which was to attempt to reach a solution to the Friendship Center situation. Mr. Barry talked about the terms of a proposal developed during the meeting, which would allow the Friendship Center to remain at the Charter School for another three years. The terms were as follows:

LARPD

1. Forgives \$75,000 loan to Charter School
2. Funds \$140,000 site improvements for portables this year
3. Pays new portables installation cost of \$25,000 and pays annual rent of \$27,000 on new portables for three years
4. Continues to pay rent on existing portables
5. Can terminate use and pass rent of portables over to Charter School on six months notice

Charter School

1. Pays back LARPD \$140,000 in site improvements at Federal discount rate after 36 months
2. Will pay back \$140,000 over 36 months fully amortized if receives some use of LARPD recreation facilities for school teams

LVJUSD

1. Current rent for the Charter School stays at \$0.11/sq. ft. increases to \$.22/sq. ft. next year and increases to \$.34/sq. ft. in following year

City

1. Assists LARPD financially in marketing Friendship Center

Mr. Barry referred to a second supplemental memorandum (B), recommending that, if the Friendship Center closes, LARPD retain the full-time Director position to work on finding a suitable solution to relocating the program.

Director Kamena reported on the meeting from his perspective as a participant. He said he was pleased with the tenor and conduct of the meeting participants. He said he had no doubt that all were sincere in their efforts and hopes to try to solve a common problem, a community problem, not just an LARPD problem. He said he believed that all options were discussed and explored.

President Goodman invited Director questions. Directors asked for clarification on the following: former City library building on So. Livermore Avenue; reasoning for Charter School asking LARPD to forgive a \$75,000 loan as part of one of the options discussed at this morning's meeting; how Pleasanton and Dublin might fit into the picture since these cities are outside of LARPD's jurisdiction.

President Goodman echoed Director Kamena's sentiments regarding this morning's meeting.

President Goodman opened public comment.

- 1) Carolyn Gary spoke in support of keeping the Friendship Center open.
- 2) Barbara Hempill spoke in support of keeping the Friendship Center open.
- 3) Marie Abbott, 181 Trevarno Road, Livermore, said the community needs to support this type of program, and spoke in support of keeping the Friendship Center open.

- 4) Larry Sampson spoke about a location behind City Council Chambers as a potential site for the program, and spoke in support of keeping the Friendship Center open.
- 5) David Stegman, Danville, spoke in support of keeping the Friendship Center open.
- 6) Paul Gerdes, Germaine Way, Livermore, David Stegman, Danville, spoke in support of keeping the Friendship Center open.
- 7) David Dalke, spoke of the importance of valuing and taking care of seniors.
- 8) J. Michael Miller, 635 Laurelwood Court, Livermore, apologized for his aggressive behavior over the past couple of weeks. He said that he did not have full knowledge of the situation, and that his intentions were honorable. He stated that he has fundraising ideas. He stated that he is willing to donate \$10,000 to start an annual concert or music festival to raise funds on behalf of the Friendship Center.
- 9) Dennis Gambs, President of TVADCP, spoke in support of keeping the Friendship Center open and expressed appreciation for the Board's efforts.
- 10) Bill Batchelor, President of the Charter School Board of Directors, echoed Director Kamena's and President Goodman's sentiments regarding the meeting this morning. He addressed the subject of costs for portable buildings. He said the Charter School is willing to pick up the cost of the portables for which LARPD is paying the lease.

President Goodman closed public comment.

Directors asked for clarification on the terms being offered by Mr. Batchelor. Mr. Batchelor replied that the amount of the three portables currently in use which the Charter School is willing to pay for, is \$17,000.

President Goodman asked for a motion. Director Kamena made a motion, seconded by President Goodman, that LARPD suspend the Friendship Center program at the Sonoma site as of July 1, 2008, and that the District use the \$75,000 that it is due from the Charter School to pay a staff member whose job is entirely devoted to finding a permanent solution/site for the Friendship Center.

President Goodman invited Director discussion. Directors discussed the following: the benefits the District has enjoyed of a School District site that was rent-free and safe, with good drop-off points and parking; client attendance numbers; disadvantages of operating on a site that one does not own; likely difficulty of attracting clients if there is no permanent solution; the level of subsidy that LARPD gives to the program--\$63,000 to \$80,000 this past year; financial implications if LARPD elects to accept the Charter School options offered this morning; the need for LARPD to carefully consider how to use the money it has; the variety of programs offered by LARPD; state budget crisis and the state's stealing of local governments' property taxes, especially special districts; the \$5 to \$6 million in tax dollars taken from LARPD by the state each year via ERAF and the fact that over \$60 million in property taxes has been taken from LARPD since the early 1990's; idea of a staff person devoted to finding a way to permanently locate the program; churches as potential program sites; the fact that our culture does not value its seniors; that this program is a community service and a community program, not LARPD's program; review of the terms

of today's meetings; questioning the apparent lack of commitment of the cities of Livermore, Pleasanton and Dublin to support the program; the fact that LARPD is being asked to bear the financial brunt of the needs of the community, which it cannot do; the fact that LARPD does, indeed, care a great deal for the seniors; the necessity for LARPD to have a balanced budget; City of Livermore's lack of commitment to support this program; LVJUSD's participation by giving LARPD free rent; appreciation for people attending tonight's meeting; advice to the community to go to City Council meetings of Livermore and Dublin and Pleasanton and tell *them* their concerns; profound sense of sadness in having to make this decision; request that \$100,000 be left in the District budget so that the Friendship Center can possibly continue; feeling of encouragement inspired by the citizens who have come forward and brought ideas; the hope that voting to suspend program tonight will lead to a better program.

President Goodman called the motion. The motion to approve Resolution No. 2117, suspending activity at the Charter School site as of July 1; devoting \$75,000 from the District budget as salary for a staff member whose prime purpose is to reopen a new Friendship Center; and approving the retention offer to current Friendship Center staff members, passed by the following roll call vote:

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

NOES: *None*

ABSTENTIONS: *None*

ABSENT: *None*

7. **NEW BUSINESS:** None.

8. **COMMITTEE REPORTS**

9. **MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS**

1) Director Wilson thanked the East Bay Regional Park District for conducting a helicopter ride over the past weekend to survey EBRPD and LARPD lands. She said that she and Director Furst participated.

2) Director Furst echoed Director Wilson's appreciation.

3) Director Faltings invited the public to attend the Livermore Scottish Highland Games to be held at Robertson Park on May 17 and 18. She said that our honorary chieftain is from the Birnam Highland Games in Scotland, and he will be at the Farmers' Market tomorrow promoting the local event.

4) President Goodman said he had received a letter from a gentleman concerned about the sound system at the Robert Livermore Community Center. He said the gentleman works for an agency for people with hearing impairments, and that he had asked that those using microphones speak closer to the microphones and speak more loudly. President Goodman said that staff is looking at the sound system. He added that the RLCC does have assistive hearing devices in the building.

10. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER

- 1) General Manager Barry said that he will be out of town this weekend and will not be able to attend the Scottish Games.

Meeting adjourned to Executive Session at 8:43 p.m.

11. EXECUTIVE SESSION

11.1 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 9:25 p.m.

13. REPORT ON ACTION TAKEN IN EXECUTIVE SESSION

No action to report.

14. ADJOURNMENT

Meeting adjourned at 9:26 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