



Livermore Area
Recreation and Park District
An independent special district

LIVERMORE AREA RECREATION AND PARK DISTRICT
REGULAR MEETING of the BOARD OF DIRECTORS
DRAFT MINUTES

WEDNESDAY, OCTOBER 27, 2021

2:00 P.M.

NOTICE: Coronavirus COVID-19

In accordance with the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), as amended by Assembly Bill 361 (2021), members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference (Zoom). In the interest of maintaining proper social distancing, members of the public also participated in this meeting electronically.

DIRECTORS PRESENT: Directors James Boswell, David Furst, Jan Palajac
Vice Chair Maryalice Faltings, and Chair Philip Pierpont

DIRECTORS ABSENT: None

STAFF MEMBERS PRESENT: Mathew Fuzie, Allie Ikeda, Fred Haldeman,
Jeffrey Schneider, Jill Kirk, David Weisgerber, Jessie
Masingale, Julie Dreher, Linda VanBuskirk, Megan
Shannon, Michelle Newbould, Nancy Blair,
Patrick Lucky, Robert Sanchez

GENERAL COUNSEL: Rod Attebery, Allison Felkins with Neumiller & Beardslee

OTHERS PRESENT: The Swenson Group Jeff Swenson
All Covered David Traube
Maureen Sullivan
David Helms
Tucker Hawkinson
Cari Ferguson
Spohn Ranch Skateparks Vince Onel
O'Dell Engineering Samir Khanna
(Public Members) Beth Wilson,
Mike Singleton, Michelle Boss, Caroline Robinson, Ryan
Day, Heather Day, Joshua Church, Stacey Swanson,
Mike Ralph, Mitzine Wright, Ursula Goldstein, Nathan Mar

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

Chair Pierpont called the meeting to order at 2:00 p.m. All Directors were present via Zoom. Chair Pierpont led the Pledge of Allegiance.

2. PUBLIC COMMENT:

Beth Wilson addressed the Board about lighting at the Bothwell Arts Center. She explained that many groups use this site and are grateful that it is there and that LARPD is taking care of it; however, the street lighting, primarily on G Street where most user groups park, is inadequate and some lights are covered by large trees that have grown up around them. It is pitch dark at night. The sidewalk is also uneven. She encouraged the General Manager to meet with the City Manager and discuss the lighting to decide what is to be done to remedy the situation.

Ursula Goldstein, second violin section leader with the Livermore Amador Symphony, agreed with Beth Wilson's comment above. The group meets at the Bothwell Arts Center every Tuesday evening, and she expressed concern that the lighting, especially on G Street, may become a liability issue, not only for LARPD, but for LVPAC and also for the symphony.

Caroline Robinson addressed the Board regarding the lack of bathrooms at playgrounds. Additionally, she spoke as a member of the Livermore Commission for the Arts and as a local skater/skate instructor regarding connecting the Sunken Gardens Pump Track project with the Livermore Arts Commission. The Arts Commission would like to add more sculptures in the city, and this project would be nice for a utilitarian art sculpture that is skateable. Cross funding may be available. (GM Fuzie gave Ms. Robinson his contact information.)

3. PRESENTATION

3.1 STRATEGIC IT / SECURITY REVIEW

The Board received a presentation from Business Services Manager Jeffrey Schneider along with the District's Information Technology (IT) consultants, The Swenson Group and All Covered. The presentation focused on cyber-security, including work completed since the onset of their relationship with LARPD in October 2019 as well as future security-related efforts.

This was information only and no Board action was taken.

Director Palajac left the meeting at 2:54 p.m. due to technical difficulties.

Director Palajac returned to the meeting at 2:54 p.m., but dropped off the call at 2:55 p.m.

Director Boswell left the meeting at 2:55 p.m.

4. CONSENT ITEMS:

4.1 Approval of the Minutes of the Regular Board Meeting of October 13, 2021.

4.2 Resolution No. 2725 reappointing Keith Beck to the Personnel Commission for the remainder of Commissioner Resong's term of January 2019 to January 2023.

MOTION:

Moved by Director Furst, seconded by Chair Pierpont, approved the Consent Agenda by the following roll call vote:

AYES: *Directors Faltings, Furst, and Chair Pierpont*
NOES: *None*
ABSTENTIONS: *None*
ABSENT: *Directors Palajac (technical difficulties) and Boswell*

5. DISCUSSION AND ACTION ITEMS:

5.1 SUNKEN GARDENS PUMP TRACK

The Board reviewed and discussed the Preliminary Cost Estimate and Landscape Improvement Plans submitted by O'Dell Engineering. General Manager Mathew Fuzie announced that Mr. Samir Khanna with O'Dell Engineering was present on the webinar should the Board have questions. Also present was Vince Onel with Spohn Ranch Skateparks.

*Director Palajac returned to the meeting at 3:16 p.m.

The Preliminary Cost Estimate total is \$701,684,80. Alternate Site Amenities of \$245,472.00 listed options such as benches, shade structure, steel edging and artificial turf that represent slightly better quality. Mr. Khanna explained that if any add-ons were included, those would be subtracted from the corresponding item in the base bid. The soft costs have already been contracted, so the only unknowns are any permit fees or construction fees, but all design and construction document fees are already in place and contracted. The overall cost would likely be between \$700-\$800k overall. GM Fuzie advised that the pump track is an amenity that the community does not currently have, and AB 1600 funding is available for the project. BSM Schneider added that sufficient AB 1600 funds have been included in LARPD's plans for this project in our submission to the City as well as in our own Capital Improvement Plan.

General Counsel Rod Attebery announced that there are three comments in the chat.

Chair Pierpont opened public comment. General Counsel Rod Attebery read comments from the Zoom chat feature into the record:

- a) **Stacey Swanson** has indicated, "I am in support of the Pump Track; however, I would prefer to see nearly $\frac{3}{4}$ of a million dollars spent in an underserved/unserved area."
- b) **Mike Ralph** indicated, "The Preliminary Cost Estimate PDF attachment can be found on the Board Agenda page."
- c) **Heather Day** indicated, "I am so happy to hear this discussion. I definitely continue to support the pump track. I don't know that we need all of the non-track extras, but the track itself should be awesome. I hope discussion can move forward."

Michelle Boss, a Livermore resident, stated she is a supporter of this project, if LARPD can work it out financially, as there is definitely a need for this in the area.

She added that she is developing a project in south Livermore, and offered to help LARPD by providing free, clean dirt.

Mike Ralph thanked the Board for hosting the meeting. He reported that there are literally over 1,000 people in the community who want this project to come together as evidenced on the social media side of the bike park project, which Mr. Ralph coordinates.

Chair Pierpont read a comment in the chat feature from **Josh C**, stating, “Yes to pump tracks! Many cities and towns in Northern California are seeing the benefits of a pump track – Santa Cruz, Watsonville, recently Oakland to name a few. They offer a much-needed outlet for kids that don’t find their niche in traditional sports settings and provide a rare opportunity for families to enjoy the action together (unlike something like soccer).”

There were no more speakers, and the public comment period was closed.

Chair Pierpont thanked Mr. Khanna and Mr. Onel for providing clarification about the add alternates, site amenities, and cost estimates.

DIRECTION:

Board members expressed support for the project and its potential, giving direction to staff to move forward with obtaining more detailed information for presentation to the Facilities Committee, then the full Board with a budget proposal.

5.2 GRAZING POLICY

The Board reviewed and discussed the District’s Policy No. FAC-16-2514 “Grazing on District Parklands”. GM Fuzie reported that the policy was approved in 2016 and recently reviewed by the Facilities Committee at its October 7, 2021 meeting where it was confirmed that the policy is good and may be implemented as written.

DIRECTION:

No further revision to the Grazing Policy is required at this time; however, staff was directed to confirm that the policy is in line with the District’s Ordinance No. 8. Section 1001 – Grazing states “It shall be unlawful to allow horses, cattle, sheep, goats or any other animal to graze in any District Facility or Parkland.” GM Fuzie confirmed that staff will work on revising/correcting Ordinance 8.

5.3 PERFORMANCE EVALUATION PROCESS REGARDING GENERAL MANAGER AND DISTRICT LEGAL COUNSEL

The Board discussed its responsibility to conduct annual performance reviews of the General Manager and Legal Counsel and the need to clarify measurable ways to conduct the evaluation processes.

Director Boswell returned to the meeting at 3:57 p.m.

DIRECTION:

- a) Chair Pierpont announced that an Ad Hoc Committee will be formed for the GM Review, consisting of Directors Faltings and Furst, to set specific, measurable Goals & Objectives associated with the General Manager's Employment Agreement. Once established, the Ad Hoc Committee will report to the Board as soon as possible.
- b) Staff is directed to calendar reminders for the Board in June prior to the GM review, and at least three months in advance of the expiration date of the Legal Counsel agreement.
- c) The General Manager will coordinate the Legal Counsel review with feedback from LARPD staff annually.
- d) The procedure for evaluating the General Manager and Legal Counsel may be done in Open Session. The performance review/evaluation should be done in Closed Session.
- e) The Board must determine whether or not an ad hoc committee is necessary to determine the method and criteria for evaluation of General Counsel. This item will be discussed further at the next Board meeting in November.

6. INFORMATIONAL ITEMS (No Action Required)

6.1 GENERAL FINANCIAL UPDATE

GM Fuzie reported that the District is doing well financially, remaining under budget, generally. The public is responding well to LARPD's current offerings.

The Board of Directors had no comments or questions. This was information only and no Board action was taken.

6.2 COVID-19 PROGRAM UPDATES

GM Fuzie reported that once the FDA approves vaccinations for ages 5–11-year-olds, LARPD will partner with the City and the Livermore Valley Joint Unified School District to hold some vaccination clinics here at the RLCC specific to that age group, as well as boosters for the teachers.

The requirement of indoor masking remains an issue for programming and affects many of our recreation programs and rentals. The process to lift that requirement is lengthy but could happen as soon as four weeks after immunizations begin for ages 5-11, i.e., sometime in December at the earliest. We continue to watch that closely.

The Board of Directors had no comments or questions. This was information only and no Board action was taken.

7. COMMITTEE REPORTS:

- a) Director Palajac reported her attendance at the October 19, 2021, Livermore Downtown, Inc. meeting.
- b) Director Palajac reported her attendance, along with Director Furst, at the October 21, 2021, Program Committee meeting.
- c) Chair Pierpont reported his attendance, along with Director Boswell, at the October 18, 2021, Finance Committee meeting.

- d) Chair Pierpont reported his attendance, along with Vice Chair Faltings, at the October 21, 2021, Intergovernmental Liaison Committee meeting with the City of Livermore and the Livermore Valley Joint Unified School District.

8. DIRECTORS' ANNOUNCEMENTS:

- a) Director Faltings announced that LARPD will be hosting two upcoming events with opportunities for the LARPD Foundation to staff a table and promote Foundation membership:
Pool Pumpkin Patch & Splash: 10/30, 3-6pm at the Robert Livermore Aquatic Center.
Movie In The Park: 10/30/21, 6:30-9pm Featuring Hocus Pocus.
- b) Director Furst asked for clarification from General Counsel regarding the process and time frame involved when a Director asks to have an item placed on the Board agenda, and what, if any, ramifications there are if that does not happen. General Counsel Rod Attebery spoke about the District's current Board policy and will follow-up regarding the question of ramifications.

9. ANNOUNCEMENTS BY THE GENERAL MANAGER:

GM Fuzie made the following announcements:

- a) The first staff-to-staff meeting was held today about the Master Lease Agreement with the City of Livermore. The highlight of the discussion is that both parties feel that it should be an evergreen agreement with check-ins and with a step-out period should either party decide they want to disengage in the future. This process has begun.
- b) LARPD has been discussing the development of an ROP program with the school district (LVJUSD) to run the café located in the Recreation Center during the summer. The concept of providing students a quasi-jobs program in a learning environment in the food service industry is a win-win partnership.
- c) District facilities did surprisingly well during the storm. Some tree damage occurred within Sycamore Grove Park, but overall, we received more benefit out of that storm than detriment.

10. ADJOURNMENT: The meeting was adjourned at 4:22 p.m.

APPROVED,

Philip Pierpont
Chair, Board of Directors

ATTEST:

Mathew L. Fuzie
General Manager and
Ex-officio Clerk to the Board of Directors

/lvb