



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, APRIL 14, 2021**

2:00 P.M.

*NOTICE: Coronavirus COVID-19*

*In accordance with Governor Newsom's Executive Orders, members of the Livermore Area Recreation and Park District Board of Directors and staff participated in this meeting via teleconference. In the interest of maintaining appropriate 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, Alexandra Ikeda, Fred Haldeman, Jeffrey Schneider, Jill Kirk, David Weisgerber, Jessie Masingale, Joseph Benjamin, Julie Dreher, Linda VanBuskirk, Lynn Loucks, Megan Shannon, Michelle Newbould, Nancy Blair, Patrick Lucky, Robert Sanchez, Vicki Wiedenfeld

**COUNSEL:** Rod Attebery, Allison Felkins, Neumiller & Beardslee

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

Chair Pierpont called the meeting to order at 2:01 p.m. All Directors were present, via Zoom. Chair Pierpont led the Pledge of Allegiance.

**2. PUBLIC COMMENT:**

Chair Pierpont opened the public comment portion of the meeting.

**Paula Orrell** expressed concern regarding the restriping of pickleball and tennis courts at May Nissen Park without pickleball nets. She suggested the Board place this item on an agenda for further discussion.

**David Lunn** expressed concern that gravel is blocking the Arroyo Mocho bike trail at the Holmes Street undercrossing. He suggested LARPD staff use one of the tractors at the LARPD/City of Livermore Maintenance Service Center to remove the gravel and clear the trail.

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

### 3. PRESENTATION

#### 3.1 YEAR-IN-REVIEW: COMMUNITY SERVICES

Community Services Manager Jill Kirk introduced the item which had previously been presented to the Program Committee in March. After that, the presentation was revised to include all Community Services and to share the proactive response that LARPD provided to the community during the pandemic, between March 2020 to March 2021. The Board then received a statistical presentation on the Community Services COVID-19 Response and its community impact from Community Outreach Supervisor David Weisgerber.

### 4. CONSENT ITEMS:

- 4.1 Approval of the Minutes of the Special Meeting: CIP Workshop of March 31, 2021
- 4.2 Approval of the Minutes of the Regular Board Meeting of March 31, 2021
- 4.3 General Manager's Monthly Update to the Board – April 2021

Director Furst pulled Item 4.3 General Manager's Monthly Update to the Board – April 2021 to correct an error on page 2, third paragraph down, under "Resolution 2710" where it says "'Alameda Local Agency Formation Commission **Non-Enterprise seat.**" Non-Enterprise seat should be changed to say "**Alternate seat.**" In response to a question from Director Boswell regarding page 8 of the General Manager's Monthly Update to the Board, Parks and Facilities Manager Fred Haldeman reported that graffiti in general has not gotten worse during the COVID-19 pandemic; but this incident at May Nissen Park was the worst that he has seen in his years with the District. Two employees working two days were needed for graffiti abatement. This has been reported to the Livermore Police Department.

#### MOTION:

Moved by Director Furst, seconded by Director Faltings, approved the Consent Agenda items, by the following roll call vote:

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

### 5. DISCUSSION AND ACTION ITEMS

#### 5.1 SUNKEN GARDENS PUMP TRACK

Chair Pierpont stated the Board would review and consider approval of the Landscape Architecture, Civil Engineering & Surveying Proposal: M3055 submitted by O'Dell Engineering.

**Recommendation:** The Facilities Committee and staff recommended the Board of Directors approve the proposal submitted by O'Dell Engineering for an estimated

\$56,000 to complete the design phase, up to and including development of construction documents for a “Pump Track”. The design phase will also include an Engineer’s Estimate for the costs to complete the project. Since it is anticipated that this project will be considered a Major Capital Outlay, completion of the design phase will allow the Board of Directors to have the information it needs to decide whether to move this project into the bid phase.

General Manager Fuzie presented the staff report.

In response to questions from Director Furst, GM Fuzie confirmed that items O’Dell listed as “excludes” are listed as such because they will be part of the bid and construction phase.

In response to questions from Director Palajac, GM Fuzie stated that items such as an environmental review, storm water quality control plan, soft costs for construction management and bid assistance, are expected to be listed in the Construction Estimate. Additionally, the District is working with the City Planning Department to ascertain if there are any easements or other restrictions on this portion of the property.

In response to questions from Director Boswell, GM Fuzie advised that the reason the staff recommends investing the \$56,000 is to get an accurate Engineer’s Estimate of total costs. At the completion of this effort, the Board will have the information it needs to decide if the project should be approved to go out to bid. He further confirmed that this project will be AB1600 funded.

In response to questions from Chair Pierpont, GM Fuzie confirmed that the first step with American Ramp Company was to do a public outreach meeting and conceptual scoping of a pump track. They came back with an “all in” project cost.

Chair Pierpont opened public comment.

**Josh Moore**, former professional scooter bar rider, expressed support for the Pump Track project and suggested modernization of the park to include lights, benches, restrooms, and a shaded area with solar panels to power the lights.

**Heather Day**, parent of two school-aged kids, expressed support for the Pump Track project, including the concept of progression for all levels.

**Caroline Robinson**, local skater in Livermore, expressed support for the Pump Track project to be used by a diverse group of skaters, skateboarders, inline skaters, and bikers. She echoed **Josh Moore**’s comments about including lights and restrooms.

**Brandon Vigil**, parent, scooter rider and skateboarder, expressed support of modernizing the skate park and Pump Track project to include lights and bathroom facilities.

**Mitchell Harnett**, semi-professional mountain bike racer and mountain bike coach, expressed support of the Pump Track project, and the importance for the local

cycling community to have a place like this to get together, share their love for cycling and fitness, and have a place to safely practice their skills.

**Mike Ralph** expressed support for the project and shared statistics from social media pages regarding the communities' desire and support for this project which has increased since last year's public outreach meeting.

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

Directors expressed support for this phase of the project.

**MOTION:**

Moved by Director Faltings, seconded by Director Palajac, approved the Landscape Architecture, Civil Engineering & Surveying Proposal: M3055 submitted by O'Dell Engineering for an estimated \$56,000 to complete the design phase, up to and including development of construction documents for a "Pump Track", by the following roll call vote:

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

**5.2 BOARD POLICY NO. 4060 – COMMITTEES OF THE BOARD OF DIRECTORS**

Chair Pierpont stated the Board would review a redlined version of Board Policy No. 4060 – Committees of the Board of Directors and discuss whether it wishes to make any revisions to the policy.

GM Fuzie explained that the Personnel Committee expressed the need to review Board Policy No. 4060 as it related to the Personnel Committee to ensure that the policy is up-to-date, clearly written, and all-encompassing. In doing so, committee members (Boswell and Furst) provided suggestions/recommendations for initial discussion by the full Board. A redlined version of the policy was included with the staff report.

**Recommendation:** Staff recommended that Board Policy No. 4060 – Committees of the Board of Directors be sent back to each standing committee to review and edit the policy as it relates specifically to each individual committee of the board and as an overall board policy to ensure its relevance to these committees moving forward.

Director Furst suggested the following revisions to the policy be considered by the Board:

- On page 1 of the policy, at Item 3, where it says, "The delegated authority shall be for a specific **period of time**. . . "that the Board consider changing the phrase "period of time" to "**item or issue**" rather than "period of time".
- On page 3(e), where it says, "The Board's standing Personnel Committee shall be responsible for hiring **direct employees of the Board of Directors**. . . " who are basically the Legal Counsel and the General Manager. He stated he is not sure it is the responsibility of the Personnel Committee for that, as it

has always gone before the full Board, so this statement should be revised or removed.

The Board directed staff to add both clarifying comments discussed above, and present a redlined version of the policy to each standing committee to review and edit the policy further as needed. The revised policy will then be brought back before the full Board to review and consider approval.

## **6. INFORMATIONAL ITEMS (No Action Required)**

### **6.1 GENERAL FINANCIAL UPDATE**

Administrative Services Manager Jeffrey Schneider provided an update on the status of the District's financial results through March. He summarized that March results came in at \$57k better than anticipated to the mid-year budget. Year-to-date figures were also better than anticipated through March, largely due to the team managing to their plan, above what was expected during the first few months of the second half of the year. Cash basis figures are well above where originally projected to be at the beginning of this fiscal year. These will be updated in preparation for initial FY21-22 budget discussions coming to the Board in June.

### **6.2 COVID-19 PROGRAM UPDATES**

GM Fuzie reported that the District has been receiving numerous phone calls from the public since Governor Gavin Newsom announced on Tuesday that, as long as California meets two specific criteria, California will fully reopen its economy on June 15th. The state must keep the COVID-19 vaccine supply sufficient for everyone 16 and older who wishes to be inoculated and keep hospitalization stable and low. LARPD staff will continue to be diligent in following all health orders, safety guidelines, etc. in a manner that is both respectful to the requests of our customers and that results in a positive outcome.

Chair Pierpont opened the discussion to questions from the board members regarding current programming. He noted the Summer 2021 Activity Guide has just been published and sign-ups will begin next Monday, April 19th.

In response to a question from Director Palajac, Recreation Department Manager Alexandra Ikeda confirmed that LARPD has seen an increased in public requests for information pertaining to rentals of picnic facilities, larger events and weddings. The District continues to work under the guidance of the local Health Officer and CDPH rules pertaining to these activities.

In response to a question from Director Faltings regarding when the Ravenswood Historic Site docent-led tours may resume, GM Fuzie responded that as soon as the Health Officer/CDPH rules will allow these activities, the District will work with the docents and let demand determine the schedule. Director Faltings stated that docents would like to return to two Sundays per month as soon as these tours are allowed to resume.

In response to a question from Director Boswell pertaining to face-to-face Board meetings, GM Fuzie stated that the Board must discuss whether or not they are ready to meet in person, keeping in mind that there are new rules guiding public

access to these meetings. General Counsel Rod Attebery confirmed there is new legislation (AB 339) that proposes to keep the ability to join meetings electronically. The Board will need to make a decision to determine how the District will set meetings while providing an alternative method for public access.

## 7. COMMITTEE REPORTS

- a) Director Faltings reported her attendance at the April 1, 2021 Facilities Committee meeting.
- b) Director Faltings reported her attendance at the April 5, 2021 LARPD Foundation meeting.
- c) Director Furst reported he was unable to attend the April 7, 2021 Livermore Chamber of Commerce Business Alliance meeting due to an incorrect meeting entry code.
- d) Director Furst reported his attendance at the April 7, 2021 Livermore Cultural Arts Council meeting.
- e) Director Furst reported his attendance at the April 13, 2021 Personnel Committee meeting. Staff will reach out to the five candidates for the Personnel Commission and have them provide a detailed CV in addition to the letter of interest they've provided. The next meeting will be on April 20<sup>th</sup> at 2pm. He urged all Board members to review the candidates' CVs and to educate themselves about each of the applicants.
- f) Chair Pierpont reported his attendance, along with Director Palajac, at the April 12, 2021 Ad Hoc Budget Committee meeting wherein they reviewed and discussed the pension obligation bond and unfunded liability issue. This process will come to the full Board for consideration very soon. Director Boswell inquired if discussions will include the District's unaccrued liability issue, and different variations of how to look at that to determine how large that potential liability is. Chair Pierpont confirmed that the discussion will be about timelines and procedural milestones for the Board.

## 8. MATTERS INITIATED/ANNOUNCEMENTS BY THE DIRECTORS

- a) Director Boswell stated the District's Ordinance Nos. 2 and 4 were provided to the Personnel Committee to assist with background information on the Personnel Commission recently. He opined that these documents are very old and neither of them are actually ordinances. Since environmental conditions have changes over the years, he advised that he will put together a proposal for a future board meeting in reference to the Personnel Commission, the Personnel Committee, and the District's Human Resources Department in an effort to streamline processes.
  - District Counsel Rod Attebery asked Director Boswell to call him to discuss this further.
- b) Director Furst suggested that the May Nissen tennis and pickleball court restriping project be placed on either a Facilities Committee or full Board agenda for further discussion in light of the public comments made by Paula Orrell. Discussion ensued between staff, counsel and Directors.
  - GM Fuzie was directed to research the historical record on this item then respond to the Board appropriately.
- c) Director Furst advised the Board that in reference to Director Boswell's comments under Item 8(a) regarding the Personnel Commission, this item is already slated for discussion during an upcoming Board meeting.

**9. MATTERS INITIATED/ANNOUNCEMENTS BY THE GENERAL MANAGER**

The GM Fuzie made the following announcements:

- a) GM Fuzie will forward background information to the Board members relating to the pension obligation bond opportunity and financing process. This topic will be presented to the Board at its April 28, 2021 meeting.
- b) FEMA has contacted LARPD and toured its facilities. LARPD will partner with FEMA to host a vaccination clinic here at the RLCC this coming Thursday, then at May Nissen on Friday and Saturday.

**10. ADJOURNMENT:** The meeting was adjourned at 4:12 p.m.

APPROVED,

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Philip Pierpont  
Chair, Board of Directors

ATTEST:

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