

**LIVERMORE AREA RECREATION AND PARK DISTRICT**

**MINUTES**

**REGULAR MEETING OF THE  
BOARD OF DIRECTORS**

**WEDNESDAY, APRIL 9, 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, Lea Blevins, Jim Brandenburg, Lora Cohen, Michael Kyle, John Lawrence, Mike Nicholson and Gretchen Sommers

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

Meeting was called to order by President Goodman at 7:02 p.m. All Directors were present except Director Kamena.

**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 March 26, 2008

**3.2 COMMUNICATIONS:**

3.2.1 General Manager's Monthly Report (#61/9)

President Goodman asked if Directors wished to remove any item from the Consent Agenda. No items removed. On a motion by Director Faltings, seconded by Director Wilson, approved the Consent Agenda, passing 3-0. Director Furst abstained, as he was not present at the March 26, 2008 meeting. Director Kamena was absent.

**4. CONSENT AGENDA RESOLUTIONS: None.**

**5. BIDS AND PUBLIC HEARINGS:**

**5.1 ORDINANCE ESTABLISHING NEW DISTRICT RULES AND REGULATIONS**

President Goodman stated that Ordinance No. 8, establishing new Rules and Regulations Governing the Use of District Parks and Facilities, was introduced at the March 26, 2008 meeting, and that the Board will conduct a public hearing on adoption of the Ordinance this

evening. He reported that the title of the ordinance was read at the March 26 meeting, and that a full reading of the entire ordinance was validly waived. President Goodman directed staff to enter into the minutes of this meeting the Certificate of the Clerk of the Board of Directors attesting to the fact that a summary of the Ordinance and Notice of Hearing on the adoption of the ordinance was published in the newspaper and that the entire text of the ordinance was available to the public at the LARPD District Office and on the LARPD website. President Goodman asked if staff wished to present a report.

General Manager Barry stated that the legal requirements for publication and posting had been fulfilled. He stated that staff is recommending approval of Ordinance No.8, establishing new Rules and Regulations Governing the Use of District Parks and Facilities, and rescission of Resolution No. 785, which established the current Rules and Regulations, as well as all amending resolutions.

He said that, if the Board approves Ordinance No. 8 tonight, it will be effective in 30 days, as will the rescission Resolution No. 785 and all amending resolutions. Mr. Barry stated that staff will arrange for publication in the newspaper and posting of the ordinance within 15 days of adoption, as is legally required.

President Goodman invited questions from the Directors.

Director Furst inquired about Section 1003(p), regarding the prohibition of use of sleds, wagons, pony carts or other devices pulled by animals within District facilities. He asked whether pony rides will be forbidden, as he understands there are occasional events at the parks involving pony rides. General Manager Barry replied that this type of activity may be conducted if a permit from LARPD is issued.

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

President Goodman asked for a motion. Director Wilson made a motion, seconded by Director Furst, to adopt Ordinance No. 8, and to adopt a resolution rescinding Resolution No. 785 and all amending resolutions.

President Goodman invited Director discussion. Director Wilson commended Ranger Dawn Soles for the fine job she did compiling the Rules and Regulations.

Director Faltings asked about the procedure for amending the ordinance, should it become necessary. District Legal Counsel Mike Kyle stated that any amendments would be effected by ordinance, whether it was to repeal, revise, or add, and that it would involve the same procedures as for establishment of an ordinance.

President Goodman called the motion. The motion to adopt Ordinance No. 8, and to adopt Resolution No. 2108, rescinding Resolution No. 785 and all amending resolutions, was passed by the following roll call vote:

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

**NOES:** *None*

**ABSTENTIONS:**        *None*

**ABSENT:**                *Director Kamena*

President Goodman directed staff to publish and post the ordinance within 15 days.

Mr. Kyle noted that publication of the ordinance must include the recorded vote.

General Manager Barry commended Mr. Kyle and Ranger/Naturalist Mike Nicholson for their exceptional work in compiling the Rules and Regulations.

**6. OLD BUSINESS:**

**6.1 ROCK GYM**

President Goodman stated that the Board will consider whether to extend the lease of the Rock Gym.

Assistant General Manager John Lawrence reported that staff had met with Mr. Grandfield, the owner of the rock gym, and that Mr. Grandfield is interested in seeing the rock gym continue as a program and is willing to work with the District. Mr. Lawrence stated that Mr. Grandfield will reduce monthly lease amount from \$5,000 to \$4,500, which would decrease the District's annual lease payment by \$6,000. This reduction will be in effect for the period of a two-year lease extension, should the Board decide to enter into that renewal option. He said that Mr. Grandfield will also work with the District on cooperative marketing efforts, and that he provided information to staff regarding rock gym revenue achieved under his management; revenue figures ranged from \$87,000-\$100,000 per year. Mr. Lawrence said that the rock gym brought in \$78,000 during the first year under LARPD management, which included start-up costs, etc. He said that staff estimates that revenue this next year will be \$117,000. Mr. Lawrence referred to a report on the gym, titled "Operational Outline Fiscal Year 2008/2009," prepared by Ranger/Naturalist Sharon Peterson. Mr. Lawrence stated that staff is asking the Board to consider whether it wishes to exercise the two-year lease extension of the rock gym.

General Manager Barry stated that staff supports this program. He said that he is still not excited about the District taking on the subsidy of another new program. Mr. Barry said that his credo has been that there will be no new programs unless they pay for themselves. He noted that this program is different from other LARPD programs because the District is paying rent. He said he feels there are great merits to the rock gym program, and that he would like to see enough fee increases to make the program pay for itself.

President Goodman invited questions from the Board.

Director Faltings asked for and received clarification on the terms of the lease extension.

Director Kamena arrived at 7:17 p.m.

President Goodman asked for and received clarification on the 6-month escape clause.

President Goodman opened public comment.

- 1) Glen Morehead, Fremont, spoke in favor of LARPD's continued operation of the rock gym.

- 2) Diana V., spoke in favor of LARPD's continued operation of the rock gym.
- 3) Dimitri B., Pleasanton, spoke in favor of LARPD's continued operation of the rock gym.
- 4) Carmen and David Best, spoke in favor of LARPD's continued operation of the rock gym

President Goodman closed public comment.

President Goodman asked for a motion. Director Kamena made a motion, seconded by Director Faltings, to extend the lease of the rock gym for two years.

President Goodman invited Board discussion. Directors discussed and commented on the following items: it is clear there is tremendous support for the facility; appreciation for Mr. Grandfield's willingness to work with the District; appreciation for the e-mails that people sent to the President, many voicing support for the rock gym and offering very good marketing suggestions; appreciation for the public comments; concern that people continue to support the rock gym; the President would like to establish an ad hoc committee to work with the District on ways to support the program and market it, and invited interested members of the public to become involved; concern about engaging in a 2-year lease extension, given the tenuous state of the economy, and the need for an escape clause because of this; appreciation for all of the people who came to the meeting to voice their support; belief in the merits of the program; the contention that LARPD's role is not to make money, but that the District cannot lose a lot of money, either; optimism regarding the increasing revenue figures and the apparent renewed commitment to making this program succeed; the need for the whole community to help support the program; appreciation that the program is an alternative sport and fits in with LARPD's diversity of programming; personal positive experiences as a rock gym patron; the recommendation that LARPD non-Ranger recreation program staff be brought in to help the ad hoc committee; the feeling that good will is not enough, and that the gym needs increased attendance and increased income in order to succeed; the recommendation that LARPD's Program Committee develop a plan for regular evaluation of all LARPD programs, both new and existing; the need to continue in an organized and thoughtful manner, with an eye to finances; and the belief that everyone plays a role---Board staff, citizens and the committee.

President Goodman asked those who are interested in participating in an ad hoc committee to provide contact information to staff this evening.

President Goodman called the motion. The motion to extend the lease of the rock gym for two years passed, 5-0.

## **7. NEW BUSINESS:**

### **7.1 ESTABLISHMENT OF FEES TO DEVELOPERS FOR STAFF COSTS**

President Goodman stated that the Board will consider amending the model terms of the Improvement Agreement to provide a fee structure that charges developers for staff and professional expenses, and will consider approving a schedule of planning and inspection fees.

Mr. Lawrence reported that LARPD's current method of collecting and recovering the costs expended for such things as the plan checks, legal fees and inspections involved with capital development projects is not cost effective. He described the District's current method of

recovering costs, noting that it is time-consuming and a bit inaccurate. Mr. Lawrence referred to the staff report, in which a simpler, more accurate process is proposed. He said the new process is based on the actual costs incurred by the District, and is similar to what other agencies do, including the City of Livermore. He said the new process would allow for more accurate budget forecasting by developers and would result in increased recovery of District costs associated with capital projects. Mr. Lawrence said staff recommends that the Board approve amending the model terms of the Improvement Agreement to provide a fee structure that charges developers for staff and professional expenses, as well as approve a schedule of planning and inspection fees.

President Goodman invited questions from Directors.

Director Furst asked for and received clarification on the language of the model improvement agreement. Director Faltings stated that the Facilities Committee reviewed this proposal and recommends that the Board approve it.

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

President Goodman asked for a motion. Director Wilson made a motion, seconded by Director Faltings, that the Board approve a resolution amending the model terms of the Improvement Agreement to provide a fee structure that charges developers for staff and professional expenses, as well as approving a schedule of planning and inspection fees.

President Goodman invited Director discussion. No discussion.

Resolution No. 2109, a resolution amending the model terms of the Improvement Agreement to provide a fee structure that charges developers for staff and professional expenses, and approving a schedule of planning and inspection fees, passed by the following roll call vote:

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

## **8. COMMITTEE REPORTS**

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

1) Director Furst talked about the April 5 dedication ceremony for Holdener Park. He commended staff for organizing the event. He asked staff to prepare for information on a plan and timeline for the official opening of the trails within Holdener Park.

2) Director Furst inquired about the status of the Sycamore Grove Recovery Plan. He said it looks like the trees in Sycamore Grove Park are getting Anthracnose again. He said he would like to see the report.

- 3) Director Furst inquired about the Robertson Park Master Plan. He would like to know when the Board will see it, and what the timeline is.
- 4) Director Furst inquired about the status of District Master Plan.
- 5) Director Wilson inquired about the status of the Sycamore Grove Recovery Plan.
- 6) Director Wilson reported that a group of Directors and senior staff participated in a field trip on March 28 that EBRPD conducted at Brushy Peak and the Vasco Caves. Ms. Wilson inquired about when LARPD plans to develop a trail connecting the back half and the top of Brushy Peak, owned and managed by LARPD, with the EBRPD trail on the front half, which owned and managed by that agency.
- 7) Director Faltings inquired about when the children's class taking place at LARPD will present its production of "Annie." She commended the children who are in the program and requested that staff post the performance date(s) on the LARPD website.
- 8) President Goodman voiced his agreement with Director Furst regarding the Holdener Park dedication ceremony. He complimented the LARPD Ranger and administrative staff for their efforts in presenting a successful event.
- 9) President Goodman invited the public to participate in the April 19 Earth Day event, being held at the Robert Livermore Community Center.

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

- 1) General Manager Barry introduced two new employees, Kate Aasen, Administrative Aide to Assistant General Manager John Lawrence, and Lea Blevins, Public Information Aide.
- 2) Mr. Barry reiterated the invitation to the public to participate in the Earth Day event on April 19 at the RLCC, from 8:30 a.m.-2:00 p.m.
- 3) Mr. Barry invited the public to attend the Emergency Survival Expo event on April 26 at the RLCC, from 10:00 a.m.- 2:00 p.m.

Meeting adjourned to Executive Session at 7:52 p.m.

**11. EXECUTIVE SESSION**

**11.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Section 54957 of the Government Code.

Title: Contract for Legal Counsel

**12. RECONVENE TO OPEN SESSION**

Meeting reconvened to Open Session at 8:30 p.m.

**13. REPORT ON ACTION TAKEN IN EXECUTIVE SESSION**

No action to report

**14. ADJOURNMENT**

Meeting adjourned at 8:31 p.m.

APPROVED,

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Steve P. Goodman  
President, Board of Directors

ATTEST:

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