

Special Board Meeting

Minutes

September 26, 2013

The regular meeting of the Board of Directors was convened by Chair Steve Hoagland at 6:30 p.m. at the Ambrose Community Center, 3105 Willow Pass Road, Bay Point, CA.

1. Opening Ceremonies:

Roll Call: Board Members Present: Hoagland, Mason, Dawson, Cendaña-Torlakson
Board Members Absent: Garcia
Staff Present: De Lorenzo, Rodrigues
Audience Present: Approx. 20

2. Pledge of Allegiance:

The Pledge of Allegiance was led by Chair Hoagland.

3. Approval of Agenda

The closed session was moved to after Board Matters.

Motion: Move to approve the agenda moving Item 4, Closed Session, to after Board Matters.

Motion: Mason **Second:** Cendaña-Torlakson

Action: Voice Vote: 4ayes/1 absent (Garcia)/Motion Passed

4. General Manager's Report:

The Interim General Manager, John De Lorenzo gave reports on the following:

1. Apologized to the public and the Board for inadvertently violating the Brown Act. He said the Master Plan Committee is a standing committee and as such their meetings should have been posted. He stated that from now on they will be noticed and posted. Mr. De Lorenzo provided the Board and public with a written summary of the meetings of the Master Plan Committee.
2. The General Manager appointment – Mr. De Lorenzo stated that he had selected 5 applicants for interviews and explained the process for the interviews.
3. Re-seeding of Lynbrook Park and closure of the park for rehabilitation
4. An arborist inspected the trees at Ambrose Park and had some safety issues, gave suggestions
5. Gave Director Mason credit for knowing the Brown Act and that we had violated it.
Mr. Michael Kerr had noted to Mr. De Lorenzo that there are no updates on the Master Plan pool project on our website and the Board agreed it should be updated.
6. Lynbrook well project –Luhdorff & Scalmanini agreed to redo the bid documents and we are hoping for more local companies to bid. Director Mason stated that there is a fresh water drinking fountain and Mr. De Lorenzo said that was included in the plans.
7. Thanked the Board for directing him to negotiate with D&H Landscaping for a lower raise in their rates. They agreed to 2.5% instead of 5%.

5. Public Communications:

Trina Hudson said the General Manager gave an awesome report. She made comments on RJM Design Group including being unhappy with their bad attitude and bad treatment of the community and hoping the District will hire a new company. Debra Mason addressed the General Manager's message in the District newsletter including the Board's responsibility for the closure of the pool, letting the previous General Manager do nothing for four years, the need for them to admit they were wrong, letting go of vendettas and personal agendas and not letting the Chair run this District.

6. Board Matters:

a. **Consider recommendation to enter into design engineering services agreement for rehabilitation of Ambrose Park pool.** Mr. De Lorenzo stated that because the public seemed to want the pool project done as soon as possible Mast Plan Committee did not do the typical request for proposal process but asked two firms for bids. He explained that one company, Arch Pac, had refurbished Sullenberger pool in Pittsburg and pools in Martinez and the Mt. Diablo School District and he was impressed with the work. RJM already having knowledge of the District pool also submitted a proposal. He made comments on reasons for needing a professional design firm, the interviews with both companies, references on the companies, his views on each company and his view that either company would do a good job for the District, understanding the public's view on RJM but still believing they are the best ones for the job. He recommended RJM Design with the committee concurring and stated that RJM's proposal was for \$141,925 plus any reimbursable expenses. Debra Mason made remarks on recommending RJM when the public was vocal about not being happy with them, too late for RJM leaving a positive experience with the community, shock at the report when in May RJM gave a list of reasons not to renovate the pool including a cost of \$3.7 million, RJM now saying it's no big deal and being perfectly happy with the county's report for minor changes after making it sound like it was a deathtrap, unnecessary disparaging remarks about the pool and park, inappropriate comments about our County Supervisor withholding money from the District when the District sued the county for park dedication funds which held up the project, the Board and previous General Manager making the bad decision to go out to bid for the project when the community and City of Pittsburg warned them that there wasn't enough money and not allowing them to fail us like the last time. Debra Mason read a statement from Vicki Zumwalt because she couldn't attend the meeting. She asked why we would hire RJM who has proven to be untruthful and disrespectful to the residents whom you are serving, the company who they already awarded a large sum of taxpayer's money to for an unacceptable plan for a splash pool and not being foolish enough to hire a company that has shown no good faith effort to submit a plan that your constituents want. Marcia Ravizza made comments on a letter to RJM signed by many residents asking that Mr. Courtney not be sent back to Bay Point, secret meetings, Brown Act violations, kickbacks, why RJM isn't withdrawing when the community doesn't want them and already paying them a quarter million dollars. Mike Kerr thanked Mr. De Lorenzo for his research and made comments on this not being the right forum to discuss this as they can only make comments, appreciating that they are given more than three minutes, too big an issue after saving the pool, still no community workshop for their input on the project, the pool being closed more than a year so now any code violations that would have been grandfathered now cannot be causing a lot of extra expense, the splash park being kept secret when the Master Plan called for a large pool, already spending \$600,000 for a pool closed for three years and it would be sad if we award this to RJM after the disservice they have shown. Jovana Vasquez stated that even though we are tired of waiting and tired of talking about it, we have to take the time to get what we want. Helene Schwarzenberger made comments on feeling run over and ignored, looking to Habitat for Humanity and PG&E for possible solar, one company doing the buildings and another for the pool and respectfully requesting that the Board listen to the public. John Wilson thanked the previous speakers and made comments on the experience we had here with RJM, unhappy with the remarks and treatment and recommended not using RJM. Charles Tremaine thanked Mr. De Lorenzo for his due diligence and made comments that the weight of past baggage can't be ignored, not agreeing with the design and the need to meet with the public and explain the difference in the plans. Kevin Briggs commented that he doesn't live here but as a deputy sheriff he has a vested interest in this community and with a background in pool construction was appalled at RJMs actions. At this point the Chair asked the Board members for their comments. Director Mason reiterated what everyone was saying and made comments on being disappointed with the misrepresentation of facts such as the stated \$100,000 cost of running the pool, flexibility on the WW funds timeline, the first two public meetings being good but the last two should have been workshops with written ideas from the public, believing the new General Manager should be involved in the decision, telling the design companies what we want and then have them present their designs. Director Dawson made comments on the proposals, Arch Pac not being as professional as they could have, RJM being more professional but too bad they left a bad taste in our mouths, being willing to give them another try if they send someone else or him coming to a meeting and apologizing and the General Manager doing a professional and excellent job. Director Cendaña-Torlakson thanked Mr. De Lorenzo for his research and helping them understand and made comments on RJM being vague at the May meeting, wanting a copy of their power point presentation, agreeing with Mr. Kerr about looking for another company, not knowing they were being considered again until the board packet, Arch Pac being a different relationship and listening to the public's comments she was going toward Arch Pac. Director Hoagland made comments on being part of both companies interviews, understanding what people are saying, Arch Pac having overruns in the Pittsburg and Martinez pool jobs, very uncomfortable with them. Mr. De Lorenzo made some final comments on the pool construction bid exceeding the budget by \$250,000 and how that sometimes happens when going out to bid, with \$1.5 million available we won't get everything we want but future funds may be available, after hearing what the people had to say about RJM he is concerned that they could ever be

successful here. He stated that what's even more important is the disconnect he hears between the community who attended the Board meetings and the Board and he's not quite sure why that is, but that's a bigger issue than who the Board selects as their pool design firm. We can still go through the Request for Proposal process. There was a short discussion.

Motion: Move to start the process of Requests for Proposals for the rehabilitation of Ambrose Park Pool.

Motion: Hoagland **Second:** Cendaña-Torlakson

Action: Roll Call Vote: 4 ayes/1 absent (Garcia)/Motion Passed

b. Consider recommendation to increase park and ball field rental fees. Mr. De Lorenzo stated they had surveyed other facilities for current rental fees and his proposal would simplify rental categories and adjust to more market rates. Director Hoagland stated it was well thought out and asked if it included Lynbrook Park as well. Mr. De Lorenzo said he meant to include Lynbrook Park and please make sure it is included in the motion. There were comments on signs with phone numbers for rental, portable toilets for the fields without restrooms, and hard to regulate if groups just show up to use the fields.

Motion: Move to accept and adopt the new fee schedule presented for rental of District ball fields adding Lynbrook Park.

Motion: Mason **Second:** Dawson

Action: Roll Call Vote: 4 ayes/1 absent (Garcia)/Motion Passed

c. Consider recommendation to restructure class instructor agreements/fee structure for use of District facilities and for District to begin accepting credit cards, debit cards and checks for payment.

Mr. De Lorenzo stated that currently we have an unorthodox relationship with our instructors and explained the current agreements. He explained his proposal for a new process, taking control of maximizing spaces for revenue. He proposed that the new contracts with instructors will start at the new fiscal year on July 1st of 2014 which will also give us time to set up the process for accepting credit cards, debit cards and checks. He stated that we have to take control of the classes instead of the instructors having the control. There were a couple of questions and comments.

Motion: Move to accept and adopt the proposed class instructor agreements and fee structure for use of District facilities and approve acceptance of credit cards, debit cards and checks for payment beginning with the new fiscal year starting July 1, 2014.

Motion: Cendaña-Torlakson **Second:** Mason

Action: Roll Call Vote: 4 ayes/1 absent (Garcia)/Motion Passed

d. Set November 7, 2013 at 6:30 p.m. as date of Board budget workshop. Director Mason stated he would feel more comfortable with the new General Manager attending. Director Cendaña-Torlakson said she would also like to have the new General Manager attend as well as Mr. De Lorenzo.

Motion: Move to set November 7, 2013 at 6:30 as the date of the Board budget workshop with the new General Manager and the Interim General Manager in attendance.

Motion: Cendaña-Torlakson **Second:** Dawson

Action: Voice Vote: 4 ayes/1 absent (Garcia)/Motion Passed

8. Closed Session:

The Chair adjourned to a closed session regarding:

PUBLIC EMPLOYMENT

(Pursuant to California Government Code Section 54957)

Title: General Manager

The Chair reconvened the meeting and reported that there was no action to report.

12. Committee Reports and Board Comments and Items for Next Agenda:

Director Mason requested that the format of the agenda that he had suggested be on the next agenda to clarify why he had asked for the change. He also asked for a closed session with our legal counsel to go over his billing process and said since this is not a service we should not be billed for it and Mr. De Lorenzo said he would talk to him about it. Director Dawson said she would like to ask Director Mason to give them a snapshot of his training sessions in Napa at the next meeting. It was noted that the classes aren't until after our next meeting and it was agreed he would give a report at the December meeting. Director Cendaña-Torlakson stated that the Personnel Committee was doing well with Mr. De Lorenzo's help and thanked him. She also said she is looking forward to the Budget Workshop. She stated that the Garden Club had a social and they are having more members join and since there is no November meeting there should be more recipients of the Yard of the Month awards at the December meeting.

13. Closing Ceremonies:

a. Adjournment.

Motion: Move to adjourn the meeting.

Motion: Cendaña-Torlakson **Second:** Dawson

Action: Voice Vote: 4 ayes/1 absent (Garcia)/Motion Passed

Approved by the Board of Directors on _____

Signature of Board Member