

**EL DORADO HILLS COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR MEETING**

February 9, 2006

MINUTES

CALL TO ORDER

President Justin Masters brought the regular meeting to order on Thursday, February 9, 2006, at 7:00 p.m. Directors Larry Brilliant, Joe Chinn, David Trapani and Constance Wyatt were present. Also present were General Manager Wayne Lowery, Assistant General Manager Sandi Kukkola, Parks Director Kent Oakley, Recreation Director Marni Francisco-Cady, Recreation Coordinator Rebecca Velasquez, Accounting Technician Sherry Shannon, Executive Assistant Charlene Ambrose, DRC Clerk Debbie Kossick and DRC Committee member Jeff Haberman was present. Approximately 26 members of the public were present.

ADOPTION OF AGENDA

The following changes to the Agenda were recommended:

Item 4 is to be placed under Community Comment.

Item 24 is to be placed under Consent Calendar.

Item 28 is to be moved up to follow Item 23.

Motion No. 1. President Masters moved and Director Chinn seconded the motion to approve the agenda with the 3 changes: Item 4 is to be placed under Community Comment, Item 24 is to be placed under Consent Calendar, Item 28 is to be moved up to follow Item 23. Motion carried 5-0-0.

PRESENTATIONS & ANNOUNCEMENTS

- A. Rebecca Velasquez, Recreation Coordinator for KydZonE, was presented with a plaque in recognition of her performing the Heimlich maneuver on a child who was choking on a piece of hard candy. Marni Francisco-Cady, Director of Recreation, presented the award.
- B. Joe Chinn, Board Director, was presented with a service award for recognition of serving as Board President from June 2004 through January 19, 2006.
 - 1. Jennifer Bailey, Network Environmental Services (NES), reporting results of recent tests for naturally occurring asbestos in the Community Park. Jennifer Bailey, Industrial Hygienist, reviewed the summary report for Air Monitoring for Naturally Occurring Asbestos, NES Project Number 05-269 at El Dorado Hills Community Services District Community Center softball fields.

2. Vicki Barber, Superintendent of the El Dorado County Office of Education, presentation of report by R.J. Lee Company's analysis of the U.S. Environmental Protection Agency report of naturally occurring asbestos in El Dorado Hills. Dr. Barber requested participation by the District in the amount of \$1,000, which would come from the Administration Department's Professional Services Account for sharing costs with El Dorado County Office of Education, El Dorado Irrigation District and the County of El Dorado for consultant Wayne Berman to provide an independent analysis of the R. J. Lee review of the U. S. Environmental Protection Agency report on naturally occurring asbestos in El Dorado Hills.
3. Jose Henriquez, Executive Officer, El Dorado Local Agency Formation Commission (LAFCo), introductions. Jose Henriquez went before the Board of Directors to introduce himself and offer support to the District by LAFCo, and is looking forward to a mutually beneficial working relationship.

COMMUNITY COMMENT

4. Clay Heil, 3757 Mossridge Way, concern with overuse of Kalithea Park and impact of park activities on surrounding neighbors. Mr. Heil would like the District to regulate park rentals to rules not guidelines and have a method to enforce the rules.

Paul Raveling spoke on behalf of the County Transportation Commission as well as Sheriff Neves traffic control.

Buzz Nunn reported on Vision Coalition Federal Government Grant approval for substance abuse programs. He commented on the slow development on District issues and suggested the District use loans to expedite building Administration offices.

Gabe DeRosa advocates current roofing materials and does not agree with amending CC&R policy on roofing materials.

President Masters directed General Manager Lowery to follow up.

REVIEW OF WRITTEN COMMUNICATIONS

5. None received.

COMMUNITY SERVICES DISTRICT CALENDAR

6. February-March 2006 Calendar of District Events and Activities.

Lowery reviewed key events in the coming weeks.

CONSENT CALENDAR

One item was moved to the consent calendar, Item 24.

Lowery recommended one item be pulled from the consent calendar, Item 14.

Motion No. 2. Director Chinn moved and Director Trapani seconded the motion to approve Consent Calendar Items 7) Minutes of January 12, 2006 and January 19, 2006; 8) Ratify cash disbursements through January 31, 2006; 9) Approve Finance Report for November 30, 2005; 10) Approve Resolution 2006-07 Approving the FY 2006-07 Contract with Shilts Consultants, Inc. in the Amount of \$18,815 and up to \$850 for Customary Out-of-Pocket Expenses to Prepare the Annual Engineer's Report for the Landscaping and Lighting Districts and CC&R Assessments; 11) Approve Resolution No. 2006-08 Amending Resolution 2005-31 Establishing Board Stipend and Travel Reimbursement Policy; 12) Approve \$1,000 from Administration Department Professional Services Account for sharing costs with El Dorado County Office of Education; El Dorado Irrigation District and County of El Dorado for consultant Wayne Berman to provide an independent analysis of the R. J. Lee review of the U.S. Environmental Protection Agency report on naturally occurring asbestos in El Dorado Hills; 13) Receive and file summary of the CC&R Enforcement activity for calendar year 2005; 15) CC&R Citizen Advisory Committee recommending board approve third and final notice for non-compliance for Darlene Bowser and Robin Hoagland; 24) Approve director meetings, training programs and events

Item 14 was pulled from consent calendar. Motion carried 5-0-0.

GENERAL BUSINESS

16. Review items pulled from Consent Calendar for action.

14) Board's CC&R Committee (Brilliant/Masters) recommending reappointment of two standing members of the Design Review Committee for second terms: Haberman and Diebels.

Director Trapani suggested it be more appropriate to discuss this item in conjunction with the two upcoming agenda items regarding the roofing issues, items 17 and 18. Director Brilliant suggested the Board proceed with the recommendation and see how it goes from there. Director Trapani is an advocate for term limits.

Motion No. 3. Director Brilliant moved and Director Chinn seconded the motion to approve the reappointment of two standing members of the Design Review Committee for second terms: Jeff Haberman and Carrie Diebels. Motion was carried 4-1-0 (Director Trapani No)

17. Waive second reading and approve CC&R policy and guidelines establishing criteria for determining harmony and conformity when approving roofing materials in the design review process.

Mr. Lowery provided an overview of this agenda item, recommending that the Board waive second reading and approve CC&R policy and guidelines establishing criteria for determining harmony and conformity when approving roofing materials in the design review process. (The first reading was January 12, 2006, Agenda Item No. 15)

President Masters opened the meeting for public comment. Six members of the public provided comment.

President Masters closed public comments at 8:40 pm and opened the meeting for Board comments.

Director Trapani reminded the Board members that the roofing materials have been changed by the District in the mid 1990's from comp only to wood shake and concrete tile. Courts liberally construe CC&R interpretation in favor of the property owner. He expressed concerns on proposed amendments regarding criteria, referencing input from the DRC in item No. 5 on the bottom of page 78.

Director Trapani further stated the Board is to make a total review of the DRC's decisions referencing item in question page 81, No. 5 Appeal – Standard of Review.

Director Brilliant asked that he and President Masters, as members of the Board's CC & R Committee, be given an additional 30 days for careful review of this sensitive issue and give everybody an opportunity to speak on it.

President Masters does not agree with p. 81 suggested by the DRC – (Appeal – Standard of Review) and is in favor of the 30 day recommended extension for review by the Board's CC & R Committee. He asks that DRC members re-review some of their comments to the policy wording.

Motion No. 4. Director Brilliant moved and Director Wyatt seconded the motion to send policy to the Board's CC&R Committee for a meeting February 21, 2006, then place on the agenda for approval at the March 9, 2006 Board Meeting. Motion carried 5-0-0.

18. President Masters recommending reconsideration of Board's January 12, 2006 deadlock position which denied the Muriel Crouse, 1055 St. Andrews Drive (Stonegate Village), appeal of CC&R Design Review Committee denial of application to install Gerard Shakes roofing material.

President Masters asked General Manager Lowery to review the history. Lowery reminded President Masters it was he who asked for the reconsideration. General Manager Lowery

overviewed Sturgis Parliamentary Procedures for any board member 's ability to bring an item back for reconsideration, if vote is a majority vote. Director Chinn stated this is a different procedure than what has been used in prior board meetings. Director Brilliant stated that the Roberts Rules of Order have been followed and suggests we conform to Roberts Rules. President Masters questioned this. Director Chinn relayed the Board has voted 3 times on this appeal. Director Trapani thought it has been voted on 2 times.

Motion No. 5. Director Wyatt moved and Director Masters seconded the motion to reconsider the Board's January 12, 2006 deadlock position which denied the Muriel Crouse, 1055 St. Andrews Drive (Stonegate Village), appeal of CC&R Design Review Committee denial of application to install Gerard Shakes roofing material. A role call vote was requested and confirmed as follows. Director Chinn No, Director Wyatt Yes, Director Brilliant No, Director Trapani Yes, President Masters Yes. Motion carried 3-2-0.

Director Wyatt commented on item 18, motions for reconsideration. She feels a full Board vote is important to the future of all of El Dorado Hills. She wanted to be present to listen to all of the comments on this issue.

President Masters opened the meeting to take public comment. He asked for short new comments. There being none, public comment was closed.

President Masters advised if action is approved the reconsideration of the Crouse appeal may commence. Board comment provided by Director Wyatt was as follows. She is impressed with the two types of roofing material currently approved and does not see steel as harmony and conformity by adding this third product. She is not impressed with appraisal as ultimately the determination is taste.

Motion No. 6. Director Chinn made a motion to deny the appeal of CC&R Design Review Committee denial of application to install Gerard Shakes roofing material. Director Wyatt seconded motion. A role call vote was requested and was as follows. Director Wyatt Yes, Director Chinn Yes, Director Trapani No, Director Masters No, Director Brilliant Yes. Motion carried to deny the appeal 3-2-0.

19. Public Hearing: Hold Public Hearing and Adopt Resolution No. 2006-09 accepting the final engineer's report, establishing the Blackstone Landscape and Lighting Assessment District #28 and directing auditor of El Dorado County to levy and collect assessments for Fiscal Year 2006-2007.

President Masters asked Lowery to give an overview. President Masters opened the public hearing. There being no comment he closed the public hearing.

Director Wyatt departed the meeting approximately 9:30 pm.

Board members commented on consumer price index issues. It was suggested the item be brought back after speaking to a consultant. Director Brilliant recommended standardization. Public hearing will be re-opened. This item will be placed on an upcoming Board agenda.

**Motion No. 7. Director Brilliant moved and Director Trapani seconded the motion to place this item on the March 9, 2006 agenda: continue Public Hearing and Adoption of Resolution No. 2006-09 accepting the final engineer's report, establishing the Blackstone Landscape and Lighting Assessment District #28 and directing auditor of El Dorado County to levy and collect assessments for Fiscal Year 2006-2007.
Motion carried 4-0-1 (Wyatt absent)**

20. Fiscal year 2005-06 midyear budget review and approval of recommended changes for balance of year.

Director Trapani recommended this important item go to next meeting. President Masters also recommended the fiscal year 2005-06 midyear budget review and approval of recommended changes for balance of year go back to the Board's Admin Finance Committee. Director Brilliant concurred that more time is needed to look at this. Director Trapani also felt the Board's Admin Finance Committee should review and make recommendations.

Director Chinn asked what implications exist if this is delayed 30 days and how it would affect project bids. Lowery recommended items 20 and 21 should be put together. Board's Administration & Finance Committee should review and then a special Board meeting be conducted before March 9, 2006 regular Board meeting.

Public comment was opened. Two comments were heard by citizens of Promontory, drop the lights in order to save \$200k; play structure is used to baby-sit for those playing in the ball fields.

Public comment was closed. The meeting was opened for Board comment. Director Brilliant and Director Chinn relayed the district operates with high and prudent standards. A Special Board Meeting was scheduled for March 2, 2006, 7 pm to address the midyear budget.

21. Approve low bids on the following construction projects

- a. Approve proposal by RT English Construction, Inc., in the amount of \$91,476 for the Community Park Pavilion renovation project according to plans and specifications prepared by E. M. Kado Associates, AIA, Inc. dated December 14, 2005 and authorize a 10% project contingency of \$9,148.

Board gave direction to send item a. to Board's Admin Finance Committee.

- b. Reject all bids for The Community Park Playground Renovation Project and suspend construction of project indefinitely.

Motion No. 8. President Masters moved and Director Chinn seconded the motion to reject all bids for the Community Park Playground Renovation Project and suspend construction of project indefinitely. Motion carried 4-0-1 (Wyatt absent).

- c. Accept low bid proposed by Hemington Landscape Services Inc. in the amount of \$6,323,969 for the Promontory Community Park Phase I project according to plans and specifications prepared by Stantec Consulting Group, dated December 7, 2005, contingent on securing Board approved alternate funding for project by March 31, 2006 (60 days) and authorize a 10% project contingency of \$632,397.

Board gave direction to send item c. to Board's Admin Finance Committee.

22. Approve 2005 Community Service Awards

Director Brilliant suggested a lifetime service award be given to Bill Kriz and an Adult Community Service award be given to Bob Pedersen.

Motion No. 9. Director Brilliant moved and Director Chinn seconded the motion to approve 2005 Community Service Awards as stated. Motion carried 4-0-1 (Wyatt absent).

23. Discuss and provide direction to staff to develop an information sign in the Community Park at the corner of Harvard Way and El Dorado Hills Boulevard.

It was recommended the Boy Scouts be given another project rather than the sign.

24. (Previously late agenda item 28.) Local Agency Formation Commission (LAFCo) soliciting nominations for Alternate Special District Commissioner. Nominations are due by March 17, 2006 and nominees must be a member of a governing board of an independent special district within El Dorado County. Selected Commissioner serves balance of current vacancy until January 2007.

No Board action was taken

BOARD COMMITTEE REPORTS

25. Summary of Director Meetings

Reports of Committees:

- a. Administration & Finance (Brilliant/Chinn; January 5 & 23, 2006)
- b. Utilities Committee Brilliant/Trapani; January 18, 2006)
- c. Parks & Recreation (Masters/Trapani; January 24, 2006)
- d. CC&R Committee (Brilliant/Masters; February 1, 2006)

GENERAL MANAGER REPORTS

None

BOARD OF DIRECTORS COMMENTS & FUTURE AGENDA ITEMS

Director Brilliant – asked for a status on Senior Citizen audit.

Director Chinn – requested Planning Department report on Serrano: How much money is contributed to Park Impact Fees? How many park facilities are constructed versus the CSD standard?

President Masters -

- a. Status of Joint Maintenance of youth sports fields as schools.
- b. Need funding to match donations for Windsor Point Park development.
- c. Wants better written reports to Board on Board Committee activities.

CLOSED SESSION

The Board went into closed session at approximately 11:10 p.m.

President Masters asked if there were public comments on closed session items. No public comment. Masters closed the public session and entered closed session.

26. Closed session under California Government Code §54956.9, conference with legal counsel regarding anticipated litigation in three cases.

El Dorado Hills Community Services District v. James and Irma Lyons

El Dorado Hills Community Services District v. Jim Kay-Ping Chu and Richard Kudo

El Dorado Hills Community Services District v. John Grundman

Notice to counsel was given in all three instances.

27. Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance, or dismissal of an employee. Position: General Manager.

President Masters re-opened the Regular Meeting and reported that staff and counsel were given general direction but no specific action was taken.

ADJOURNMENT

President Masters adjourned the meeting at approximately 11:50 p.m.

APPROVED: _____
Justin Masters
EDHCSD Board of Directors

DATE: _____

ATTEST: _____
Wayne A. Lowery, General Manager
Secretary to the Board of Directors

DATE: _____