

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

**July 15, 2008**

**MINUTES**

**CLOSED SESSION**

President Bill Vandegrift brought the regular meeting to order on Tuesday, July 15, 2008 at 6:00 p.m. Directors Larry Brilliant, Justin Masters, and Tony Rogozinski were in attendance. Rob Vomund was absent. Also present were Assistant General Manager Sandi Kukkola and General Manager Wayne Lowery.

President Vandegrift announced that the board was entering closed session and asked if there were public comments on closed session items. Hearing none, Vandegrift closed the public session and the board entered closed session.

- A. **Closed session under California Government Code §54956.8, conference with real estate negotiator prior to the purchase, sale, exchange or lease of real property in the El Dorado Hills Business Park.**
- B. **Closed session under California Government Code §54957, regarding the appointment, employment, evaluation of performance or dismissal of an employee: General Manager.**
- C. **Closed session under California Government Code §54956.9, conference with legal counsel regarding potential litigation: One case.**

**CALL TO ORDER**

President Bill Vandegrift brought the regular meeting to order at 7:01 p.m. announcing that the Board had just completed closed session. Directors Larry Brilliant, Justin Masters, Tony Rogozinski were in attendance. Rob Vomund was absent. Also present were Executive Assistant Charlene Ambrose, Recreation Director Marni Francisco-Cady, Director of Finance Allison Hamaker, Planning Director Dianna Hillyer, Assistant General Manager Sandi Kukkola, General Manager Wayne Lowery, and Parks Director Kent Oakley. Also present were 10 staff members and 43 members of the public.

**ADOPTION OF AGENDA**

**Motion No. 1. Director Brilliant moved and Director Rogozinski seconded the motion to approve the agenda. Motion carried 4-0-1 (Vomund absent).**

## **PRESENTATIONS & ANNOUNCEMENTS**

### **D. President's report on Closed Session Board actions.**

General Manager Wayne Lowery reported that direction was given to staff on item A. real estate negotiation, the board committed to complete the evaluation of the General Manager between now and September on item B., and staff was directed to take to counsel to initiate litigation on item C. regarding the CC&R non-compliance issue.

### **E. Ten year service recognition employee: Mike Grassle, Maintenance Lead, Parks Department.**

Parks Director Kent Oakley honored Mike Grassle by saying Mike has worked for the District since 1998 and is the youngest employee to have received a ten year service pin. Mike works in the athletic field division, is excellent with irrigation and is responsible for the computerized weather station. Mike earned first position when interviewing for the City of West Sacramento but luckily turned the job down to stay with El Dorado Hills CSD a number of years back. He is also a certified irrigation monitor.

### **F. Twenty year service recognition employee: Dan Gothier, Maintenance Lead, Parks Department.**

Parks Director Kent Oakley honored Dan Gothier, also known fondly as Dan-O and Diamond Dan. He has been employed at the El Dorado Hills CDS almost as long as Oakley has, starting in 1988. Dan has the reputation of being asked only once and getting things done. He is a very nice guy who goes above and beyond the call of duty. Oakley sees Gothier as a candidate for moving up the ranks before retiring and presented him with a service pin. Gothier stated he is not going to leave the District anytime too soon. Wayne Lowery also gave Dan his fourth in a series of the District's old five year pins that Dan wears proudly.

### **G. Recognize employee: Kristie Downey, Administrative Assistant, Planning Department; for exceptional effort in assisting with waste diversion education and special activities.**

Planning Director Dianna Hillyer began by stating that Kristie has been her right hand woman for the six years Hillyer has been on staff. She is proud of the fact that Kristie has outstanding effort in educating the community on recycling and waste diversion. Kristie plans and attends all the Community Clean Up days that are held twice a year and even took the initiative to get involved in Serrano's recent Green Day event. Hillyer calls Downey her recycling mentor.

### **H. Recognition of the Stevens Family for volunteer work on the Art Weisberg Park landscape project.**

Recreation Director Marni Francisco-Cady boasted that Robert, Gail, Jonathan and Jordan Stevens recently attended the volunteer project at the Art Weisberg Park and were such an enthusiastic and hard working family that they deserved recognition. She then called them to the podium and presented them with a certificate in a plaque. She also stated that she has a new respect for how hard the parks staff work is, having spent a day in their shoes at the event.

**I. Waste Connections (dba El Dorado Disposal Company) presentation of 2007-08 Annual Report.**

Sue Farris, District Manager of El Dorado Disposal Services, showed a Powerpoint presentation on results of a customer satisfaction survey recently conducted as requested by the two board directors that sit on the board's Franchise Management Committee.

Community Comment was given by:

- Scout Troup Leader Doug Daynes who relayed that due to the Christmas Tree Chipping event at the CSD six boys were able to go to summer camp with the money earned.
- Fred St. Jean/St. Andrews who indicated his neighbors share curbside pick-up containers as needed.

Director Comments were:

- Director Masters asked that coupons for dump services be sent more than annually as they tend to get lost in his household.
- Director Rogozinski stated the closed lids have been enforced on the CSD behalf, and he suggested a Town Hall Meeting to educate the customers as much of the survey relayed community outreach is needed on all the services El Dorado Disposal provides the customers in El Dorado Hills.

**J. The Next Step presentation on June 2008 Focus Group results.**

Jan North Wilcox, Principal of The Next Step, who contracts for the District for community outreach and marketing efforts, gave a presentation on June 2008 Focus Group results of 13 participants feedback.

Director Comments were:

- Director Masters asked how community outreach efforts could be furthered besides the Voice of the Villages CC&R articles.

**K. District Long-Range Financial Forecast.**

Lowery began by giving background to the District Long-Range Financial Forecast giving credit to effort by Interim Finance Director Randy Graham who set up formulas while writing the report so that the information can be updated regularly. He then asked Allison Hamaker, Finance Director, to give the presentation. She reviewed purpose,

assumptions, and content of the report as well as the appendices contained therein. She then offered to answer any questions by the Public or the Board members.

Director Comments were:

- President Vandegrift was pleased with the report that was presented.
- Director Rogozinski said it was a great job and he asked about Landscaping and Lighting pending ruling regarding maintenance costs status and asked when and what impact would that have on the District.

### **COMMUNITY COMMENT**

President Vandegrift welcomed community comment. Comment was given as follows:

John Everett gave the board a written request and asked that the two points: a. salaries out of General Fund and b. LLAD tax assessments having no opportunity to be voted upon. Lowery explained. Everett also mentioned some items he had questions on in the budget planning workshops have not yet been followed up with him in writing. Lowery said that he would follow up.

### **REVIEW OF WRITTEN COMMUNICATION**

1. Sue Farris, District Manager, Waste Connections (dba El Dorado Disposal Service), letter dated June 17, 2008: Requesting a July 2008 hearing date for CPI/Fuel Surcharge increase consideration.
2. Larry Keenan, President, Sterlingshire Home Owners Association, emails dated June 19 & 29, 2008: Promoting increased opportunity for safe bikeways.
3. Al Vargas, Oak Creek Court, letter dated June 20, 2008: Complaint of recreation registration procedures.
4. Rhonda J. Johnson, Vice President, AT&T California Regulatory Affairs, letter dated June 23, 2008: Program change advisory.

### **COMMUNITY SERVICES DISTRICT CALENDAR**

#### **5. July – August 2008 Calendar of District Events and Activities.**

Lowery stated with vacations underway, the board and board committee meeting schedule is light. He also reminded everyone of the upcoming Saturday Night in the Park special event on August 2, 2008 at Community Park.

### **CONSENT CALENDAR**

Items 11, 17, 19 and 24 were requested to be pulled for discussion by Director Brilliant.

**Motion No. 2.** Director Masters moved and Director Rogozinski seconded the motion to approve the consent calendar items with the exception of pulled items 11, 17, 19 and 24 as follows:

6) June 2008 Parks Department Report; 7) June 2008 “The Rec-Check” Recreation Department Report; 8) June 2008 Communications Report Update; 9) Fourth Quarter FY 2008 Balanced Scorecard, 10) Fourth Quarter FY 2008 General Manager’s Balanced Scorecard, 12) District Long-Range Financial Forecast, 13) Approve the minutes of June 10 and 12, 2008 meetings; 14) Approve Cash Disbursements through June 30, 2008; 15) Approve May 31, 2008 Finance Report; 16) Approve the Proposition 218 Annual Certification of Direct Charge for Fiscal Year 2008-09; 18) Approve upcoming board member meetings and/or reports of recent board committees including upcoming schedule of meetings and training programs; 20) Board CC&R Committee (Masters/Vomund) recommending approval of Code of Conduct for Board Appointed Committees (Design Review and CC&R Citizen’s Advisory Committees); 21) Board CC&R Committee (Masters/Vomund) recommending approval of the CC&R Enforcement Guidelines; 22) Board CC&R Committee (Masters/Vomund) recommending approval of the revised Oak Tree Preservation section in the Design Review Committee Guidelines; 23) Review District Conflict of Interest Policy: Policy No. 3010; and 25) CC&R Citizen Advisory Committee and the Board’s CC&R Committee (Masters/Vomund) recommending board approve third and final notice for non compliance for a. John and Sandra Ellis, 2007 Summer Drive, Bass Lake Village, Lot 276; APN: 115-310-161, for failure to restore the evergreen trees and the front yard and b. Tom Reeves, 1115 Oak Tree Circle, Oak Tree Village Unit 1, Lot 21: APN: 125-281-241 for failure to store the utility trailer according to the constraints for the CC&Rs for Oak Tree Village Unit 1. Motion carried 4-0-1 (Vomund absent).

## **GENERAL BUSINESS**

### **26. Approve low bid for Phase 2 construction of Promontory Community Park.**

Parks Director Kent Oakley reviewed the background to this bid process for the project. Nine contractors submitted bids for the project and it is recommended that the Board approve award of the contract to the low bidder Odyssey Co.. Odyssey Co. has a possibility of a problem with one of its subcontractors so he would also request approval of the contract award to go to the second lowest bidder, Hemington Landscape Services, who completed Phase 1 of Promontory Community Park, if the subcontractor is not qualified. The decision would be contingent upon legal satisfaction as well as that

of staff that the bidder is qualified. Oakley stated this process would be accomplished by the end of this week.

Comments were heard from the public as well as the board members and were as follows:

a. James Jory, Promontory Resident along with b. Doug Hathaway, Promontory Resident, asked that the entire park be completed rather than in phases. They said the project award being brought before the board represents the top three issues from the workshops held but not all.

Director of Planning Dianna Hillyer explained that there are two parts to Phase 2 of the project and the construction documents are based on the results of the community workshop that was held October 2007. The Board's Parks and Planning Committee reviews the progress on a monthly basis.

Director Brilliant stated the District has other priorities and has spent over \$11 million dollars in three years on this project. He relayed that Community Park has and is being developed over a 40 year period. He said attempt is being made to get the projects completed.

President Vandegrift asked that there be a compromise and that this project should be kept under budget. He also asked whether staff thought this project satisfies resident expectations from the workshop conducted. The response was yes.

Director Rogozinski stated these issues should have been brought up at the workshop, not at this juncture.

**Motion No. 3. Director Rogozinski moved and Director Brilliant seconded the motion to approve the low bid for Phase 2 construction of Promontory Community Park. Motion Failed.**

Director Masters suggested the motion be re-worded to include the second bidder should be awarded the contract if the sub for the first contractor is not qualified. Legal input was requested and Erin Hollbrook of Thurbon and McHaney Law Practice has reviewed the contract and said the language is contingent upon result being remedied and legal satisfaction as well as that of staff that the bidder is properly qualified.

**Motion No. 4. Director Rogozinski moved and Director Brilliant seconded the motion to approve the low bid from Odyssey Co. for Phase 2 construction of Promontory Community Park and in the event the lowest bidder cannot be properly qualified, the contract be awarded to the second highest bidder, Hemington Landscape Services. Motion carried 4-0-1 (Vomund absent).**

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**27. Approve Serrano Village J Park Dedication Agreement and conceptual design update.**

Wayne Lowery gave the background to the commitment by Serrano to build three Community Parks and this is the third park. Dianna Hillyer went over the revised conceptual plan and asked the board to authorize the general manager to sign the documents to initiate the process.

Kirk Bone of Serrano L.L.C. lead the primary segment of the discussion and fielded questions from the board members who were hesitant to authorize agreements that just came in a week ago. Hillyer stated the Parks and Planning Committee have been reviewing the progress on a monthly basis and legal input was sought today. Director Master's primary concern was the staff hasn't appeared to have had adequate time to review the documents and there being more than one document, his concern is that they may conflict. Director Brilliant's primary concern was that this was not in an L & L and it is a General Fund supported park. President Vandegrift asked whether it would be possible to collect an assessment and if the maintenance would exceed the revenue. Mr. Bone stated assessments could not be collected. Hillyer agreed the cost will exceed revenue. Mr. Bone urged that the first step to approve the design of the park be accomplished tonight so that applications for the project can be submitted by the end of this month. Development agreements and the dedication agreement can be further reviewed by the Parks and Planning Committee and be brought to the Board at the August regular board meeting.

**Motion No. 5. Director Rogozinski moved and Director Masters seconded the motion to approve the layout for Serrano Village J conceptual plan and boundaries. Motion carried 4-0-1 (Vomund absent).**

**28. Approve design plans for**

- a. El Dorado Hills Blvd Streetscape (Riviera & Canterbury Circles; median south of Green Valley Road);**
- b. McCabe Park (formerly St. Andrews Park) rededication;**
- c. Stephen Harris Park, Phase 2.**

Planning Director Dianna Hillyer began by stating that two public workshops were held in June to solicit feedback on all three sites with 40 people attending each of them. Design plans are being requested to be approved on each project.

Public comments were as follows:

1. John Everett/St. Andrews Village – a. permanent restroom at Harris Park is wanted by the families and needs to be negotiated with SMUD under the power lines. b. the parking lot should be moved at Harris Park.
2. Fred St. Jean/St. Andrews Village – supports public restroom although area is close to New York Creek.
3. Kirk Prova/property is adjacent to Harris Park - there is gravel lot abuse, he supports the bathroom.

Director comments:

Director Brilliant asked if the building would be flammable. Regarding the parking lot location, he brought up selling three vacant lots netting \$300K on Riviera Circle and putting in a parking lot across from Tam O'Shanter. He asked what happened since this was brought up in the Board's original discussion on relocating the lot. He also asked if the Parks and Planning Committee have reviewed this. He stated he is always concerned about lighting and he supports the bathroom. Safety concerns were addressed regarding children and adults crossing Tam O'Shanter to get from the proposed parking lot to the park.

President Vandegrift suggested moving forward with the streetscape, the St. Andrews for McCabe rededication and just holding up Stephen Harris design Phase 2 for further evaluation.

President Vandegrift asked the Parks and Planning Committee to explore an easement with SMUD and go back to the community with the results of the discussion. He also asked that financial support be sought by an outside organization for the park amenities if the District agrees to put in the restroom.

**Motion No. 6. Director Rogozinski moved and Director Brilliant seconded the motion to (1) approve design concept for streetscape areas as well as McCabe Park Rededication and (2) send Harris Park back to the Parks and Planning Committee to explore parking on the east side of Tam O'Shanter and permanent restrooms. Motion carried 4-0-1 (Vomund absent).**

**29. Franchise Committee (Brilliant/Masters) reporting on recent meetings with Waste Connections (dba El Dorado Disposal) on proposed consumer price index (CPI) and fuel surcharge rate increase and Franchise Agreement amendments.**

Planning Director Dianna Hillyer stated the Board's Franchise Management Committee has met several times regarding the Franchise Agreement. Customer Satisfaction Survey results were presented earlier this evening by Waste Management. A detailed table outlining both sides of the proposal was prepared by staff. Since then Waste Connections has withdrawn the request for Franchise Term Extension and has asked for a Public Hearing at the CSD.

Director Brilliant said the Committee has not made a recommendation. Waste Connections staff did not show up at the last two meetings. He said Waste Connections has netted \$70K for open lids violations. He would like this matter to go back to the Committee. He said the faster the meeting can be set the faster this can be accomplished.

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Director Masters asked about the charges that were to be applied for additional trash next to the carts and asked whether the fees are assessed properly.

Director Rogozinski asked for a show of hands by the public in attendance that would support the Town Hall Meeting that was proposed earlier. About five hands were raised. He would like to know what the members of the community really want, and what they are willing to pay for. He is uncertain whether all these questions have been answered.

Director Brilliant asked what the difference is between a Public Hearing and a Town Hall Meeting.

Public Comment was heard:

Ron Mittelstaedt, CEO of Waste Connections, Inc., defined the contract in place. He also stated the survey was conducted upon the request of the Sub Committee and Waste Connections performed as requested. He asked that as costs continue to escalate and they are being held up and asked "will the decision be retroactive?"

President Vandegrift said the pros and cons on both sides are enlightening. He also said if a decision is made tonight to postpone and send back to the committee that he would support it.

Community Comment:

Jim Malinovsky of 1-800-Got Junk supports an additional Sub Committee meeting.

Dianna Hillyer asked for clarification as to whether the agreement should still be negotiated. Director Brilliant answered the scope of the franchise agreement and the CPI adjustment and fuel surcharge review should be conducted.

No motion was made.

### **30. Schedule and outline plans for board/management workshop on internal operations for August 2008.**

Wayne Lowery asked when the suggested workshop should take place. Director Rogozinski who requested it said there are opportunities for improvement regarding rules of engagement and budget priorities.

### **31. Review items pulled from Consent Calendar for action.**

#### **11) Fiscal Year 2009 Budget Priorities.**

Director Brilliant did not know if this needed to be approved because there was no staff report. The table was prepared to reflect the balanced scorecard tabulation for this

fiscal year. Lowery explained it is for the board to receive and file and no action is needed.

**17) Recreation Committee (Rogozinski/Vandegrift) recommending approval of Cost Recovery Policy.**

After it having been explained that the Recreation Committee reviewed the section of the policy pertaining to recreation programs as co-written by Recreation Director Marni Francisco-Cady, the board was amenable to approving the policy.

**Motion No. 7. Director Rogozinski moved and Director Masters seconded the motion to approve Cost Recovery Policy. Motion carried 4-0-1 (Vomund absent).**

**19) Approve monument sign with LED reader board design for El Dorado Hills Community Park and authorize General Manager to proceed with soliciting bids for board approval.**

After discussion, a monument sign with an amber LED reader board sign was authorized and general manager was authorized to proceed with soliciting bids for the approved sign.

**Motion No. 8. Director Masters moved and Director Rogozinski seconded the motion to approve monument sign with LED reader board design for El Dorado Hills Community Park and authorize General Manager to proceed with soliciting bids for board approval. Roll call vote: Masters Aye, Brilliant No, Vandegrift Aye, Rogozinski Aye. Motion carried 3-1-1 (Vomund absent).**

**24) Approve policy for cell phone use while driving: Policy No. 2350.170.**

After having been explained further, the policy was approved. Staff will be trained on changes.

**Motion No. 9. Director Masters moved and Director Rogozinski seconded the motion to approve policy for cell phone use while driving, policy No. 2350.170. Motion carried 4-0-1 (Vomund absent).**

**GENERAL MANAGER REPORT**

1. Concern with increased vandalism at Oak Knoll Park. There is gang tagging and hanging out.
2. Reported summer concert series is very popular. Conducted survey 7/11/08 and results will available soon.
3. Updated on pool closure and impeller replacement; kudos to staff for efforts to correct problem.

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**BOARD OF DIRECTORS COMMENTS AND FUTURE AGENDA ITEMS**

1. Director Rogozinski: Would like joint meeting with CSD employees and all five board members to discuss employee issues of concern.
2. Director Masters: Concerned with negative impact of one member of the CC&R CAC regarding other committee members. Fear that committee members may be lost due to derogatory comments. (Dir. Brilliant suggested board conduct a performance review of committee members).
3. Director Vandegrift: Concerned that this evening's meeting was too long (6pm-12am).
4. Director Brilliant: Invited directors to swim meet on 7/19/08. Asked that the Acquisition Committee meet on acquiring EDH Golf Course site. Would like more agenda items to run through board committees before coming to the board.

**ADJOURNMENT**

President Vandegrift adjourned the meeting at 11:50 pm.

**APPROVED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Wm. F. Vandegrift, President  
EDHCSD Board of Directors

**ATTEST:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Wayne A. Lowery, General Manager  
Secretary to the Board of Directors