



**MINUTES  
BOARD OF DIRECTORS  
ROSSMOOR COMMUNITY SERVICES DISTRICT**

**REGULAR MEETING**

RUSH PARK  
3021 Blume Drive  
Rossmoor, California

**Tuesday, April 11, 2017**

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**A. ORGANIZATION**

**1. CALL TO ORDER: 7:02 P.M.**

**2. ROLL CALL:** Directors Casey, Kahlert, DeMarco, Nitikman  
President Maynard

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS—None .**

**B. ADDITIONS TO AGENDA—None**

**C. PUBLIC FORUM:**

RHA President Beverly Houghton announced the 2017 Rossmoor Community Festival sponsored by RHA and cosponsored by RCSD would be held on Sunday, May 7<sup>th</sup> from 10 a.m. to 4 p.m. She gave an overview of the newest entertainment, attractions, vendors and food trucks as well as traditional favorites like the car show and dog parade. This year's title sponsor was OptiCare Medical Group. She encouraged everyone to attend.

Diane Rush stated she was a member of the Coalition Against LA Fitness and opined in opposition to the LA Fitness Health Club Project in the Shops at Rossmoor. She reported that the Coalition had addressed several city councils at meetings regarding the project and made its opposition to the increased noise, traffic, parking and safety issues known. She further opined that the EIR document was faulty and contained inaccurate and contradictory data, charts and tables that were misleading. She relayed her experience as a former resident of Anaheim who lived across from a fitness center who was negatively impacted by the noise, trash and increased crime. She also pointed out that there were already several LA Fitness Centers in very close proximity to the proposed Seal Beach location in addition to many other workout facilities such as 24hr Fitness. She added that the amount of members had been minimized by the developer whose only concern was for the shareholders.

Resident Zoe also opined against the LA Fitness Health Club Project. She stated that while she was not directly affected by the project, since she didn't live near the Shops at Rossmoor,

however, she could relate because her street was already being used as an alternative thoroughfare for parents driving their children to Weaver Elementary School. She predicted that other residential streets would soon suffer the same fate as motorists tried to bypass the traffic obstacles on the main highways in order to reach their destinations on time. Although her children were already grown, she felt a need to be an advocate for the safety of the children in the neighborhood, as this practice would increase speed and traffic on residential streets and create parking issues. She also stated that the developer's mitigation proposals were merely a band aid to the bleed. The space could be better utilized with another business besides a big corporate gym that would attract at least 24,000 members, which was the membership of their closest competitor, 24hr Fitness.

**D. REPORTS TO THE BOARD—None**

**E. CONSENT CALENDAR:**

**1a. MINUTES REGULAR BOARD MEETING—March 14, 2017**

**2. REVENUE AND EXPENDITURE REPORT—FEBRUARY 2017**

Motion by Director Nitikman seconded by Director Casey to approve the items on the Consent Calendar as submitted. Motion passed unanimously 5-0.

**F. PUBLIC HEARING—None**

**G. RESOLUTIONS—None**

**ORDINANCES—None**

**H. REGULAR CALENDAR:**

**1. DISCUSSION AND POSSIBLE ACTION RE: AUTHORIZATION TO RENEW AGREEMENT WITH CITY OF BREA IT SOLUTIONS FOR COMPUTER SERVICES AND MAINTENANCE.**

Recommendation to authorize the General Manager to execute a renewed three-year Agreement with the City of Brea to maintain the District's computer system and equipment. General Manager Ruth stated that the District had a long standing and very satisfactory relationship with Brea IT Solutions and he was pleased with their level of service and response time.

Discussion ensued relative to cost increases, service levels, website hosting fee and upgrade options and email provider service migration. Motion by Director Nitikman seconded by Director Casey to authorize the General Manager to execute a renewed three-year agreement with City of Brea IT Solutions for Computer Services and Maintenance. Motion passed 5-0.

**2. DISCUSSION AND POSSIBLE ACTION RE: RESIDENT REQUEST TO WAIVE RENTAL FEES FOR USE OF THE RUSH PARK AUDITORIUM FOR A COMMUNITY MEETING RE: PROPOSED LA FITNESS HEALTH CLUB IN THE SHOPS AT ROSSMOOR IN SEAL BEACH.**

Recommendation that the Board deny the resident request for a fee waiver as any deviation from current District policy could raise issues of inconsistency in the application of District policy, in addition to fairness, equity and preferential treatment. Furthermore, the request could have potential legal implications and would set an undesirable precedent.

The General Manager reported relative to the staff recommendation which was to deny the request because it constituted a gift of public funds and there was no District Policy in place for fee waivers. He opined that if the Board allowed an exception for Mr. Pearce it would set an undesirable precedent and would open the door to similar requests from other renters. He referred to the list of existing facility rental non-profit patrons, i.e. the Rossmoor Homeowners Association, various church groups, Scout Groups, educational groups and many other patrons who arguably provided an equal benefit to the community but still paid fees according to the District's policy and fee schedule. The General Manager added the District already provided resident discounts, non-profit and long-term user discounts. Another option for Mr. Pearce would be a no cost permit to gather for the use of unreserved outdoor park space.

General Counsel discussed the requirements of the Community Services District Law and the prohibition against gifts of public funds. General Counsel stated that the Community Services District Law requires that prior to granting a fee waiver request, that the Board have in place a policy governing fee waiver requests, and quoted the provisions of section 61123(d) of the Government Code, which state: "A board of directors may authorize district employees to waive the payment, in whole or in part, of a fee authorized by this section when the board of directors determines that payment would not be in the public interest. Before authorizing any waiver, a board of directors shall adopt a resolution that specifies the policies and procedures governing waivers."

Discussion ensued relative to staff and General Counsel's recommendation. It was the consensus of the Board that while Mr. Pearce's efforts in organizing the LA Fitness Coalition were to be commended, the Board agreed with staff that there were many worthwhile groups that also served a public purpose, yet paid the applicable rental fees. The Board further opined that such an exception would set an undesirable precedent with administrative pitfalls and potential legal consequences.

Motion by Director Nitikman seconded by Director Casey to agree with staff recommendation to deny resident request to waive rental fees for use of the Rush Park Auditorium for a community meeting regarding the proposed LA Fitness Health Club in the Shops at Rossmoor in Seal Beach. Motion passed 5-0. President Maynard suggested Mr. Pearce work with District staff in securing a permit for one of aforementioned low/no cost alternatives. Mr. Pearce declined.

### **3. DISCUSSION AND POSSIBLE ACTION RE: RECOMMENDATION OF THE CIP COMMITTEE FOR REPLACEMENT OF ROSSMOOR PARK SECURITY LIGHT POLES**

CIP Committee recommendation to receive the report of the CIP Committee and approve the recommendation to accept the bid from Express Energy Services in the Amount of \$14,123.00 to replace the security light poles at Rossmoor Park.

The General Manager reported that on Thursday, March 30 the Capital Improvement Committee met to consider replacing the security lighting poles at Rossmoor Park and to review the two proposals received from Express Energy Services and West Coast Electric. One

of the poles was severely damaged from a recent storm and is covered by insurance. The deductible for this pole is \$1,000. While investigating the damaged pole, it was discovered the other five poles were also damaged due to rust and erosion which is a safety hazard. The CIP Committee, composed of Ron Casey and Bill Kahlert, reviewed the consultants' proposals, and after considerable discussion of the attached project detail and bid documents, have recommended to the Board of Directors that the District accept the proposal from Express Energy Services.

Discussion ensued relative to the rust and storm damage to the poles, bid specs and pole replacement options, life expectancy and durability and LED Lighting. Motion by Director Casey seconded by Director Kahlert to receive the report of the CIP Committee and approve the recommendation to accept the bid from Express Energy Services in the amount of \$14,123.00 to replace the security light poles at Rossmoor Park. Motion passed 5-0.

#### **I. GENERAL MANAGER ITEMS:**

The General Manager reported on the Rossmoor Park Security Lighting and the District's cooperative effort with Doc Rivers with Express Energy Services and the Edison Company and the bids received for replacing the light poles. Regarding the Foster Road Bike Route, he had submitted the Board's Resolution to Supervisor Michelle Steel opposing the removal of parking restrictions along the Foster Road Bike Route. The Bike Route itself would remain. He briefly discussed the County Traffic Study.

He reported that he and President Maynard met with Seal Beach City Manager, Planning & Public Works Directors along with representatives John Miller and Martin Potts from AEW to discuss the status of mitigation issues concerning the LA Fitness Health Club Project at the Shops at Rossmoor and its impact on Rossmoor Residents. Staff forwarded minutes of the meeting to the board for its review.

The Montecito Road, Rush Park, Foster Park and Kempton Park should be ready for the CIP Committee and Board for the May Board Meeting.

The General Manager provided an overview of his meeting with Dr. Kropp and Dr. Barke from LAUSD. He stated that the District had agreed that our Board Liaison Committee (Directors DeMarco & Kahlert) would meet with Dr. Kropp and Dr. Barke on a quarterly basis to discuss issues of mutual interest and concern and enhance our communication. The next meeting will be hosted by RCSD and is tentatively planned for June 7<sup>th</sup> at 4 p.m. Subsequent meetings would rotate between our facilities.

He further reported that he had received responses to President Maynard's request for RCSD Board members to commit to attending alternate HOA Meetings. Director Casey responded that he was committed to three meetings.

He announced the following upcoming RCSD Summer Program Events for Movies and Concerts in the Park: The July 15<sup>th</sup> Summer Movie—Inside Out/Concert—Big Sandy and Shakespeare in the Park performances—Saturday, July 23<sup>rd</sup> & Sunday July 24<sup>th</sup>. File Depot was the August Sponsor.

#### **J. BOARD MEMBER ITEMS:**

Director DeMarco thanked President Maynard for reporting to the Board on the LA Fitness Developer meeting. He thanked the General Manager and staff for their participation as well. He remarked that the Montecito Road Lighting Improvement Project, although a lengthy process, would be well worth the invested time and energy since it would conserve energy, reduce costs and increase safety on that road. He stated that the County still needed to improve the reflective quality of the Montecito Road striping. Director DeMarco commented that he was still concerned about the fate of the Foster Road Bike Route parking restriction removal as it ultimately came down to a vote of the County Board of Supervisors. He requested that the General Manager contact Tim Whitacre and keep the RCSD Board informed regarding Supervisor Michelle Steel's opinion on the issue, since it would influence the County Board of Supervisors decision.

Director Casey opined relative to the recent San Bernardino elementary school shooting. He encouraged all to be ever more vigilant in their surroundings—wherever they may be. He had concerns that the addition of the LA Fitness Center would bring even more traffic, crime and uncertainty to the community and urged citizens to be aware. He thanked President Maynard for his involvement in meeting with the LA Fitness Club Project Developers and Seal Beach City Manager. He agreed that Seal Beach needs to find a solution to the parking situation and observed many unused parking spaces near the Toys-R-Us location. Finally, he encouraged everyone to attend the upcoming Rossmoor Community Festival on May 7<sup>th</sup>.

Director Nitikman requested that the General Manager confirm the jurisdictional boundaries on Montecito Road with the Seal Beach City Manager so they would know definitively which areas were considered unincorporated County and which area was the City of Seal Beach. The General Manager agreed. Director Nitikman stated that the District was due for a new fee study; typically fees were reviewed every two years. The General Manager agreed and stated that staff had already begun the preparation and research for the fee study. Finally Director Nitikman wished all of his Jewish friends a Happy Passover and his Christian friends a Happy Easter.

Director Kahlert wished everyone a happy Spring Break and urged students to be safe.

President Maynard thanked everyone who attended the meeting tonight. He encouraged the public to attend the Rossmoor Community Festival on May 7<sup>th</sup> and support the local vendors and food trucks and have fun. He thanked the all the residents who were speaking out on the LA Fitness Project in the Shops at Rossmoor and urged them to keep speaking out. He echoed Director Kahlert's reminders to be careful and stay safe during the holiday and spring break. Finally, he had questions relative to the conversion to LED Lighting. The General Manager replied that the output of each LED Light was equivalent to 150 watt standard bulb, and consumed a lot less energy than a standard 75 watt bulb.

**K. CLOSED SESSION—None**

**L. ADJOURNMENT:**

Motion by Director Casey, seconded by Director DeMarco to adjourn the regular meeting at 8:35 p.m.  
Motion passed 5-0.

**SUBMITTED BY:**

**James D. Ruth**

**General Manager**

[RCSD Meeting Minutes –April 11, 2017](#)

