



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

**REGULAR MEETING**

RUSH PARK  
3021 Blume Drive  
Rossmoor, California

**Tuesday, June 13, 2017**

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**A. ORGANIZATION**

- 1. CALL TO ORDER: 7:05 P.M.**
- 2. ROLL CALL:** Directors Casey, DeMarco, Nitikman  
President Maynard  
Director Kahlert had an excused absence
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS—None**

**AT THIS TIME PRESIDENT MAYNARD ANNOUNCED THAT GENERAL MANAGER JAMES D. RUTH HAD AN EXCUSED ABSENCE AND COULD NOT BE PRESENT DUE TO ILLNESS. THE BOARD AND STAFF WISHED HIM A SPEEDY RECOVERY.**

**B. ADDITIONS TO AGENDA GC 54954.2(b)(2):**

- 1. SEAL BEACH PLANNING COMMISSION STAFF REPORT AND RESOLUTIONS RE: LA FITNESS HEALTH CLUB PROJECT**

General Counsel reported the following recommendations:

1. That the Board of Directors by a 2/3 vote of the board members present make a determination that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted, pursuant to Government code section 54954.2(b)(2);
2. That the Board of Directors review their opposition to the LA Fitness Health Club Project in light of the newly available staff report and related documents and communicate that opposition to the Seal Beach Planning Commission prior to the hearing on this matter, in the discretion of the Board of Directors.

Motion by Director Nitikman, seconded by Director DeMarco to approve the addition of Agenda Item B-1. Motion passed 4-0.

**AT THIS TIME PRESIDENT MAYNARD MOVED ITEM B-1 BETWEEN ITEMS H-2 AND H-3 ON THE AGENDA**

**C. PUBLIC FORUM:**

Mr. Haven opined relative to his opposition to the LA Fitness Project. He chastised the RCSD Board for what he perceived as a lack of concern and action on their part. He wanted to know why funds were not contributed by the District to combat the project.

President Maynard stated that Mr. Haven's accusations were unfounded. He argued that the RCSD cared very much about their constituents but had no jurisdiction over The Shops at Rossmoor property as it was located in the City of Seal Beach. He presented an overview of historical facts pertaining to the issue, which included the RCSD Board's approval of Resolution No 16-06-28-01 Strongly Opposing the LA Fitness Project, meeting with City Officials and the developer, as well as the many meetings and public forums the RCSD had facilitated on the subject. Mr. Haven apologized for the misunderstanding.

General Counsel opined that the RCSD was a special district with limited powers and jurisdiction and as such, could not contribute funds toward legal action as it would amount to a gift of public funds.

Resident Diane Rush further opined relative to the LA Fitness Project citing issues with traffic, crime, safety, quality of life and parking overflow.

**D. REPORTS TO THE BOARD:**

**1. RECEIVE AND FILE THE REPORT OF THE TREE COMMITTEE**

The Tree Committee reported after thorough review the committee and staff concur that the Sycamore tree located at 3212 Ruth Elaine Drive should not be removed and the County should be notified accordingly. District Tree Consultant Mary Kingman disagreed with the County Building Inspector's conclusion that the tree needed to be removed and instead recommended a correction and sidewalk repair. Her report stated that the tree was healthy no safety issue had been identified.

Discussion ensued relative to County versus RCSD jurisdiction for tree removal. It was the understanding of the Tree Committee that the County could only remove trees that posed a safety hazard. President Maynard requested that District staff do some research in order to verify this conclusion and send a letter to the County opposing the removal of the tree located at 3212 Ruth Elaine Drive, citing tree removal precedent and jurisdiction between the County and the Rossmoor Community Services District.

The report was received and filed. Motion by President Maynard seconded by Director DeMarco to draft a letter to the County opposing the removal of the tree located at 3212 Ruth Elaine Drive, citing tree removal precedent and jurisdiction between the County and the Rossmoor Community Services District. Motion passed unanimously 4-0.

**2. RECEIVE AND FILE THE REPORT OF THE GENERAL MANAGER RE: COUNTY OF ORANGE ENGINEERING DEPARTMENT PROPOSAL FOR RESTRIPING OF BRADBURY ROAD IN ROSSMOOR**

Recommendation to receive the report of the General Manager regarding the status of the County of Orange Engineering Department’s Bradbury Road Restriping Proposal.

Discussion ensued relative to the history and rationale behind the restriping of Bradbury Road and the County timeline for restoration and road improvements, to include a new bike lane. It was the consensus of the Board and community that they were happy with the County’s proposed improvements. The report was received and filed.

**E. CONSENT CALENDAR:**

**1a. MINUTES REGULAR BOARD MEETING—May 9, 2017**

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

Motion by Director Nitikman seconded by Director Casey to approve the items on the Consent Calendar as submitted. Motion passed unanimously 4-0.

**F. PUBLIC HEARING—None**

**G. RESOLUTIONS:**

**1. RESOLUTION NO. 17-06-13-01 APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018**

Approved by roll call vote Resolution No. 17-06-13-01 by reading the title only and waiving further reading as follows:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2017-2018.

Motion by Director Nitikman seconded by Director Casey to approve Resolution No.17-06-13-01 by reading the title only and waiving further reading. Motion passed by roll call vote 4-0.

**ORDINANCES—None**

**H. REGULAR CALENDAR:**

**1. REPORT OF THE GENERAL MANAGER RE: RECOMMENDATION TO APPROVE THE 2016 UPDATE OF THE FIVE-YEAR FISCAL PLAN**

Recommendation to receive the report of the Budget Committee recommending approval of the 2016 update of the District’s Five -Year Fiscal Plan.

HTGroup gave a presentation to the Board regarding the Five-Year Fiscal Plan. The Budget Committee reported. Discussion ensued relative to the reasons behind various data point fluctuations pertaining to historical averages and comparisons.

Motion by Director DeMarco seconded by Director Casey to receive the report of the Budget Committee recommending approval of the 2016 update of the District's Five -Year Fiscal Plan. Motion passed 4-0.

**2. REPORT OF THE BUDGET COMMITTEE RE: FY 2016-2017 ESTIMATES TO CLOSE, CIP FUND 40 BUDGET AND 3-YEAR PROJECT LIST; PROPOSED FY 2017-2018 PRELIMINARY BUDGET AND SALARY PLAN**

Recommendation to receive the reports of the CIP and Budget Committees, set date of public hearing and provide direction regarding the formulation of FY 2017-2018 Final Budget.

The Budget Committee reported. Discussion ensued relative to the scheduling challenges of holding a Budget Workshop. It was the consensus of the Board that July 5, 2017 would work best.

Motion by Director DeMarco seconded by Director Casey to receive the reports of the CIP and Budget Committees FY 2016-2017 estimates to close, CIP fund 40 budget and 3-Year Project List; Proposed FY 2017-2018 Preliminary Budget and Salary Plan, direct the General Manager to schedule the Budget Workshop for July 5, 2017 at 5:00 p.m. regarding the formulation of FY 2017-2018 Final Budget and set the date of public hearing to Tuesday, July 11, 2017. Motion passed 4-0.

**ITEM B-1 ADDITIONS TO AGENDA GC 54954.2(b)(2): SEAL BEACH PLANNING COMMISSION STAFF REPORT AND RESOLUTIONS RE: LA FITNESS HEALTH CLUB PROJECT WAS ACTED UPON AT THIS TIME**

General Counsel opined relative to the following:

1. The Need to Take Immediate Action.
2. Reaffirming the District's Opposition to the LA Fitness Health Club Project

Discussion ensued relative to the EIR, traffic, crime, parking and public safety concerns. Directors DeMarco, Nitikman and Casey stated that they would be in attendance at the next Seal Beach Planning Commission Meeting on June 19, 2017. General Counsel cautioned that if all three would be in attendance, only one of the Directors should speak on behalf of the District so as not to be perceived as a Brown Act violation.

Motion by Director Casey, seconded by Director DeMarco to direct General Counsel to work with the General Manager to draft a letter for submission to the Seal Beach Planning Commission and Seal Beach City Council reaffirming the District's Opposition to the LA Fitness Health Club Project, including the EIR and the Conditional Use Permit and enclosing RCSD Resolution No.16-06-28-01 in opposition to the project entitled "A Resolution of the Board of Directors of the Rossmoor Community Services District Strongly Opposing the Decision of the Seal Beach Planning Commission to Approve the LA Fitness Health Club Project in the Shops at Rossmoor in Seal Beach, CA and Requesting that the Decision be Overturned by the Seal Beach City Council for the Reasons Stated Herein". Motion passed 4-0.

**3. DISCUSSION AND POSSIBLE ACTION RE: ROSSMOOR RESIDENT REQUEST FOR EXTENDED HOURS FOR USE OF RUSH PARK AUDITORIUM**

Recommendation to approve resident's request for extended hours for use of the Rush Park auditorium for a 70<sup>th</sup> Anniversary Celebration, of 150 participants, on Saturday, October 21, 2017 from 12:00 noon until 10 p.m.

Discussion ensued relative to whether the approval of additional hours would set a precedent. Administrative Assistant, Liz Deering stated that the request for additional hours was a rare occurrence and she did not believe it established any precedent.

Motion by Director DeMarco seconded by Director Nitikman to approve resident's request for use of the Rush Park auditorium for a 70<sup>th</sup> Anniversary Celebration, of 150 participants on Saturday, October 21, 2017 from 12:00 noon until 1:00 p.m. Motion passed 4-0.

**4. DISCUSSION AND POSSIBLE ACTION RE: CITY OF LOS ALAMITOS REQUEST FOR ADDITIONAL FUNDING FOR JFTB JULY 4<sup>TH</sup> FIREWORKS CELEBRATION**

Recommendation to authorize General Manager to contribute the original \$6,200 in funds, plus additional funds in the amount of \$2,500 to the 30<sup>th</sup> Annual 4<sup>th</sup> of July Fireworks Spectacular event at the Joint Forces Training Base (JFTB).

Los Alamitos Recreation Director, Corey Lakin reported to the Board regarding challenges he faced in securing funding for this year's Fourth of July Fireworks event, the increasing restrictions imposed by the Joint Forces Training Base and permitting requirements. This year they would not be allowed to collect parking fees and there was a reduction in the allowable vendors and food trucks. Discussion ensued relative to the request for additional funding.

Motion by Director Nitikman seconded by Director Casey to contribute the original \$6,200 in funds, plus additional funds in the amount of \$2,500 to the 30<sup>th</sup> Annual 4<sup>th</sup> of July Fireworks Spectacular event at the Joint Forces Training Base (JFTB) while stipulating that the additional contribution of \$2,500 was on a one-time basis only. Motion passed 4-0.

**5. ISDOC BY-LAW AMENDMENTS: APPROVAL OF THE PROPOSED BY-LAWS OF THE ORANGE COUNTY SPECIAL DISTRICT SELECTION COMMITTEE AND AUTHORIZE THE DISTRICT'S BOARD PRESIDENT OR AUTHORIZED ALTERNATE TO SIGN AND SUBMIT BALLOT**

Recommendation to approve the proposed By-Laws of the Orange County Special District Selection Committee and authorize the District's Board President or designated alternate to sign and submit ballot stating same.

Brief discussion ensued relative to signatures. Motion by Director DeMarco seconded by Director Nitikman to approve the proposed By-Laws of the Orange County Special District Selection Committee and authorize the District's Board President or designated alternate to sign and submit ballot stating same. Motion passed 4-0.

**6. DISCUSSION AND POSSIBLE ACTION RE: APPROVAL OF CONTRACT REASSIGNMENT TO KAROLINA SOLTANI, A NATURAL PERSON, DBA MOTIV**

## **FITNESS, LONG BEACH BOOT CAMP, FOR FITNESS INSTRUCTION AT RUSH PARK**

Recommendation to approve Shannon Paul's request to terminate her contract for Fitness Instruction at Rush Park and authorize the General Manager to enter into a new agreement with Karolina Soltani, a natural person, DBA Motiv Fitness, Long Beach Boot Camp, to provide fitness instruction at Rush Park.

Discussion ensued relative to when the old contract terminated and the new contract began, whether the General Manager had met Ms. Soltani and whether or not she was currently providing instruction on District Property. Liz Deering replied that she was uncertain as to whether the General Manager had met with Ms. Soltani, however, she was sure if the meeting had not already taken place, it was scheduled. General Counsel, Tarquin Preziosi replied that Shannon Paul's contract would terminate immediately and Karolina Soltani's contract would commence once the documents were signed by both parties.

Motion by Director Nitikman seconded by Director DeMarco to approve Shannon Paul's request to terminate her contract for Fitness Instruction at Rush Park and authorize the General Manager to enter into a new agreement with Karolina Soltani, a natural person, DBA Motiv Fitness, Long Beach Boot Camp, to provide fitness instruction at Rush Park. Motion passed 4-0.

### **I. GENERAL MANAGER ITEMS—None**

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

Director Nitikman requested that staff send out an e-blast reminder to the community regarding the Monday, June 19<sup>th</sup> Seal Beach Planning Commission Meeting. He further requested that staff follow up with research on the County Tree Removal Jurisdictional Issue and draft a letter to the County opposing the removal of the Sycamore tree on Ruth Elaine.

Director DeMarco stated that school was out this week and urged motorists to be careful and exercise extra caution with children and pedestrians. He reminded everyone to attend the District's first movie/concert event of the summer this Friday, June 16<sup>th</sup> at Rush Park with musical performances by *'Elm Street Band'* and featuring the movie *'Sing'*. Finally, Director DeMarco stated that he was very pleased with the completion of the Montecito Road Lighting Improvement Project. The LED Lights looked much whiter and brighter. He requested that the contractor attend the next regular board meeting to educate the residents on the new lighting and explain to them how to go about requesting lighting directional and brightness adjustments and maintenance.

Director Casey echoed Director DeMarco's satisfaction with the Montecito Road Lighting Improvements. He opined relative to the JFTB's new restrictions on the City of Los Alamitos' ability to charge for parking at the Fourth of July Fireworks Spectacular, stating that the additional funds could be used to offset the loss of sponsors. He also opined relative to what he perceived was a degeneration of the Nextdoor Community website from its original intended use as a positive resource. He encouraged the community to conduct themselves in a more civilized and neighborly way when they use Nextdoor. Finally, he urged everyone to attend the Seal Beach Planning Commission Meeting on June 19, 2017 and opine regarding the LA Fitness Project.

President Maynard thanked everyone for their attendance tonight. He also congratulated the Los Alamitos Girls Softball Team for achieving National Championship status. He concluded by reminding drivers to be more vigilant now that kids were out of school.

**K. CLOSED SESSION—None**

**L. ADJOURNMENT:**

Motion by Director Casey, seconded by Director DeMarco to adjourn the regular meeting at 9:55 p.m.  
Motion passed 4-0.

**SUBMITTED BY:**

**James D. Ruth**

**General Manager**