



CITY OF DESERT HOT SPRINGS

**SPECIAL MEETING OF THE
HEALTH AND WELLNESS FOUNDATION BOARD**

DRAFT MINUTES

APRIL 17, 2013 - 3:00 P.M.

**CARL MAY COMMUNITY CENTER
CITY COUNCIL CHAMBERS
11711 West Drive, Desert Hot Springs, California**

CALL TO ORDER

The meeting was called to order by Chairman Rick Daniels at 3:03 P.M.

ROLL CALL

Board Members Yvonne Parks and Kate Singer, Vice-Chair Kathy Greco and Chairman Rick Daniels were present at the call of roll. Secretary Jan Pye arrived at 3:15 PM, after the call of roll.

PLEDGE OF ALLEGIANCE

Vice-Chair Greco led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Board Member Parks moved to approve the agenda as presented, motion seconded by Vice-Chair Greco, motion carried 4/0.

Passed: For: 4; Against: 0; Abstain: 0; Absent: 1 (Pye)

MINUTES

**Minutes of the DHS Health and Wellness Foundation Board Meeting held on
March 7, 2013**

Board Member Parks moved to approve the minutes as presented, motion seconded by Vice-Chair Greco, motion carried 4/0.

Passed: For: 4; Against: 0; Abstain: 0; Absent: 1 (Pye)

PUBLIC COMMENTS

None.

ADMINISTRATIVE CALENDAR

1. Substitution of Subcontractor at the Desert Hot Springs Community Health and Wellness Center Project.

Community Health & Wellness Center Construction Manager, Rudy Acosta

Recommendation: Approve Doug Wall Construction (prime contractor) request to substitute the swimming pool subcontractor at the Community Health and Wellness/John Furbee Aquatic Center Project.

Scott Therrien, Pacific Custom Pools Legal Counsel, entered an objection and requested that the Foundation Board recuse itself from the matter because the March 7, 2013 Foundation Board meeting minutes indicated that the Board already approved a substitution of subcontractor.

A discussion ensued.

Chairman Daniels stated that the hearing would proceed and directed Mr. Therrien to provide his concerns in writing to the City Clerk's Office within ten days.

Robert Lee, Foundation Board Legal Counsel, stated that the minutes could be revised, if necessary.

Rudy Acosta, Community Health and Wellness Center Construction Manager, presented the staff report. He stated that correspondence had been received, with each side providing clarification of their positions and he provided copies to the Deputy City Clerk for the official record. In response to Mr. Therrien's point that a previously paid invoice indicated that the work was complete, contradicting the current action, Mr. Acosta said that there were approved change orders that still needed to be reconciled.

Chairman Daniels opened the testimony portion of the hearing.

Marc Homme, Doug Wall Construction (DWC) Legal Counsel, and Doug Wall, DWC Owner, provided testimony on behalf of DWC and answered Board Member questions.

Mr. Therrien, Pacific Custom Pools (PCP) Legal Counsel, and Jim Barger, PCP Owner, provided testimony on behalf of PCP and answered Board Member questions. He submitted a set of documents to Board Members and provided a copy to the Deputy City Clerk for the official record.

Secretary Pye requested a ten minute break in order to review the additional evidence prior to making a decision.

Chairman Daniels called a recess at 5:00 PM.

Chairman Daniels reconvened the meeting at 5:11 PM.

Further discussion ensued.

Chairman Daniels closed the testimony portion of the hearing.

Board Member Parks moved to approve Doug Wall Construction request to substitute the swimming pool subcontractor at the Community Health and Wellness / John Furbee Aquatic Center Project and direct the City Attorney to develop findings, seconded by Secretary Pye, a discussion ensued and motion carried 5/0.

Passed: For: 5; Against: 0; Abstain: 0; Absent: 0

2. Borrego Request for T1 Communication Line Installation

Community Health & Wellness Center Construction Manager, Rudy Acosta

Recommendation: Discuss and provide direction to staff on the Borrego Healthcare Foundation request for a T1 communication line at the Health and Wellness Center.

Mr. Acosta presented the staff report and responded to Board Member questions.

It was unanimously agreed that more information should be brought back to the Foundation Board.

BOARD MEMBER COMMENTS

None.

ADJOURN REGULAR MEETING

The meeting was adjourned by Chairman Daniels at 5:56 P.M.

Minutes prepared by:

Kristie Ramos
Deputy City Clerk