



**CITY OF DESERT HOT SPRINGS**

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

**DRAFT MINUTES**

**MAY 30, 2013 - 9:00 A.M.**

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

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**CALL TO ORDER**

The meeting was called to order by Chairman Rick Daniels at 9:05 AM.

**ROLL CALL**

Board Member Yvonne Parks, Secretary Jan Pye, Vice-Chair Kathy Greco and Chairman Rick Daniels were present at the call of roll. Board Member Kate Singer was absent.

**APPROVAL OF CLOSED SESSION AGENDA**

Board Member Parks moved to approve the Closed Session agenda as presented, seconded by Secretary Pye, motion carried 4/0.

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

**CLOSED SESSION PUBLIC COMMENTS**

Mark Homme, Doug Wall Construction Legal Counsel, stressed the importance of arbitration and answered questions.

**CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL**

**Regarding Significant Exposure to Litigation, Pursuant to Gov. Code § 54956.9(d)(2): (One potential case)**

**A claim pursuant to the Government Claims Act (Gov. Code § 810 et al.) or some other written communication has been received from a potential plaintiff (Pacific Custom Pools, Inc.) threatening litigation. This claim is available for public inspection at the Board Secretary's office. (Gov. Code § 54956.9(e)(3).)**

The Foundation Board went into Closed Session at 9:16 AM.

### **RECESS OUT OF CLOSED SESSION**

The Foundation Board recessed out of Closed Session at 9:57 AM.

### **CALL TO ORDER**

Open Session was called to order by Chairman Daniels at 9:57 AM.

### **ROLL CALL**

Board Member Yvonne Parks, Secretary Jan Pye, Vice-Chair Kathy Greco and Chairman Rick Daniels were present at the call of roll. Board Member Kate Singer was absent.

### **APPROVAL OF THE AGENDA**

Secretary Pye moved to approve the agenda as presented, seconded by Board Member Parks, motion carried 4/0.

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

### **FOUNDATION BOARD LEGAL COUNSEL REPORT ON CLOSED SESSION**

Robert Lee, Foundation Board Legal Counsel, reported that the Board decided in Closed Session to adopt the Findings of Fact regarding dispute between General Contractor and Subcontractor.

### **PUBLIC COMMENTS**

None.

### **MINUTES**

#### **Minutes of the DHS Health and Wellness Foundation Board Meeting held on April 17, 2013**

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

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

### **DISCUSSIONS / PRESENTATIONS**

#### **1. Status update on the Community Health and Wellness Center**

Rudy Acosta, Community Health and Wellness Center Construction Manager, reported that the contractual items were essentially completed and he's now working with the new aquatics center operator on opening the pool. He stated that a number of

functional/furnishing items were needed as a result of hiring the new operator. They are for small amounts and he recommends that they not be added to the Doug Wall Construction (DWC) contract. Items include a safe, additional life saving equipment and life guard stations and swimming platforms. He doesn't expect items to exceed \$5,000. He is considering closing off the Kaboom playground with an eight-foot wrought iron fence and gate, which would likely exceed \$10,000. These expenses would be covered by capital funds. He reported that the damaged acid tank lid should be replaced the week of June 3rd. He added that he's working to bifurcate the issue of the T1 line as a straight contractual agreement between the Foundation and Verizon.

Mr. Acosta stated that a second Health Department inspection was scheduled. He reported that the I.T. Department was installing computer equipment necessary to open the cardio gym. He added that the Community Health and Wellness Center Notice of Completion was on the June 4, 2013 City Council agenda for approval and the Boys & Girls Club and Borrego Community Health Foundation sub-leases were on the June 18, 2013 City Council agenda for approval. He stated that DWC expected to pull off site on Wednesday, June 5<sup>th</sup>. He also announced that the aquatics center soft opening was scheduled for June 3, 2013 and the grand opening was scheduled for June 8, 2013.

The consensus of the Board was that the Chairman should authorize expenditures for the necessary items mentioned by Mr. Acosta, separate from the DWC contract.

## **ADMINISTRATIVE CALENDAR**

### **2. Accept Resignation of Board Member Kate Singer and appoint a new Foundation Board Member.**

Chairman Daniels reported that Board Member Singer submitted a Letter of Resignation on May 2, 2013, based on her lack of availability. He said the Council would need to appoint someone to fill the vacancy.

Secretary Pye moved to accept Board Member Kate Singer's resignation, seconded by Board Member Parks, motion carried 4/0.

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

### **3. Appoint a Foundation Board Treasurer.**

Chairman Daniels suggested appointing Finance Director Terrence Beaman.

Board Member Parks moved to appoint Terrence Beaman to the position of Foundation Board Treasurer, seconded by Secretary Pye, motion carried 4/0.

***Passed: For: 4; Against: 0; Abstain: 0; Absent: 0***

### **4. Amend Foundation Board Bylaws regarding change in regular meeting schedule.**

The Board directed Mr. Lee to amend the bylaws, removing the requirement for regular meetings and allowing the Board to hold meetings on an "as needed" basis, and bring back to the Board for approval.

**5. Acceptance of Findings of Fact regarding dispute between General Contractor and Subcontractor**

The Findings of Fact were accepted the Board during Closes Session, as reported by Mr. Lee under “Foundation Board Legal Counsel Report On Closed Session.”

**BOARD MEMBER COMMENTS**

Secretary Pye mentioned the misuse of emergency medical services as it related to Borrego’s Clinic.

**ADJOURN SPECIAL MEETING**

The meeting was adjourned by Chairman Daniels at 10:30 AM.

**Minutes prepared by:**

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Kristie Ramos  
Deputy City Clerk