



# De Luz Community Services District

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BOARD OF DIRECTORS  
MICHAEL ADAMS  
GENE BIANCHI  
BRYAN BUESCHER  
SUSAN EGGE  
STEVE RUBIN

GENERAL MANAGER  
ROB HOLMES

## MINUTES REGULAR MEETING OF THE BOARD OF DIRECTORS OCTOBER 17, 2012 6:00 P.M.

### A. Call to Order & Roll Call

A Regular Meeting of the De Luz Community Services District was held at the De Luz Community Services District Office commencing at 6:00 p.m. on October 17, 2012. Present at the meeting were the following Directors:

Director Adams  
Director Bianchi  
Director Buescher  
Director Egge  
Director Rubin

General Manager Holmes, Assistant Secretary Ruzek, and General Counsel Jackson were also present.

President Rubin led the flag salute.

### B. Sheriff

Deputy Donoho gave the Sheriff's Report for September and updated the Board on October activities. The written report is on file with the District. He reported on another suicide that took place off Via Vueltas. He also stated that they are continuing to monitor speed limits on Sandia Creek Drive.

Director Egge inquired about placing a speed monitor device on Sandia Creek Drive that flashes "your speed" in an effort to slow drivers down. General Manager Holmes will contact the CHP about obtaining the device for District use.

**C. Public Comment**

Property owner Reginald Watts addressed the Board regarding changing speed limits on secondary roads. General Manager Holmes will research the matter and follow up with Mr. Watts directly.

**D. Information Only**

The Board received the September Financial Reports, Statement of Investment Policy, Certified Audit for FY 2011-2012, and CSDA Memorandum for 2013 Committee & Expert Team Participation.

**E. Consent Calendar**

Motion was made by Bianchi, seconded by Buescher, to approve the Consent Calendar.

The motion carried unanimously.

**F. Discussion of Legal Matters**

General Counsel Jackson reported on his research, findings, and process associated with closing off a dedicated public access. He informed the Board that the statute of the Streets and Highways Code limits the power of a municipality to close a road and stated that the District would have to "vacate" the road which would remove it from the District's maintained road system and jurisdiction. The process would involve County of Riverside participation and approval, and public notifications and hearings of the proposed vacation. He also cited two cases where public entities closed off a dedicated public access which resulted in lawsuits. The public entities lost and suffered substantial legal fees.

Counsel cautioned the Board about taking this approach with regards to Camino Gatillo, and suggested an alternative method of implementing a parking ordinance. He stated that he will confer with Riverside County Counsel and General Manager Holmes for their input, and will draft an Ordinance which will be presented to the Engineering Committee.

**G. Rate and Method of Apportionment Presentation - Benefit Fees**

President Rubin reported that this item was removed from the agenda and will go back to the Ad-Hoc Long Range Planning Committee for further review.

H. **Consideration to proceed with the potential formation of a Community Facilities District (CFD)**

This item was removed from the agenda.

I. **Approval of Request for Contribution to Santa Margarita River Watershed Cleanup**

On behalf of the Nature Conservancy, property owner John Rogers submitted a letter of request for donation to the Santa Margarita Watershed Cleanup to be held November 17, 2012.

General Manager Holmes explained the history of the watershed cleanup and District involvement over the years.

Motion was made by Buescher, seconded by Bianchi, to contribute \$750.00 to the Nature Conservancy to be used to offset expenses of the Santa Margarita Watershed Cleanup.

The motion carried unanimously.

J. **Award of Contract: Rehabilitation of a Portion of Camaron Road (De Anza Road to District Boundary)**

General Manager Holmes reported that there were four bids received for this project. The Engineer's Estimate was \$310,000.00 and the low bidder was Peters Paving & Grading, Inc., in the amount of \$278,016.00. However, General Counsel Jackson reported that a bid protest was received from the second low bidder, southland Paving, Inc. They are protesting that Peters Paving & Grading, Inc., did not comply with bid requirements by listing their material suppliers and subcontractors.

Discussion followed and it was the consensus of the Board to reject Peters Paving & Grading, Inc's., bid as non-responsive and award the contract to the second low bidder, Southland Paving, Inc., in the amount of \$298,181.30. Funding for this project will be from Primary Roadway Rehabilitation Funds.

Motion was made by Bianchi, seconded by Adams, to reject the low bid from Peters Paving & Grading, Inc.; award to second low bid from Southland Paving, Inc., and adopt Resolution No. 2012-18:

Awarding a Contract for the Rehabilitation of a Portion of Camaron Road (De Anza Road to District Boundary)

The motion carried unanimously

**K. Acceptance of Project: Rehabilitation to Sandia Creek Drive (w/o De Anza Road); Camaron Road (n/o De Luz Road), and El Prado Road ( n/o Sandia Creek Drive)**

General Manager Holmes reported that the work was performed by Peters Paving & Grading, Inc., for a total cost of \$543,539.75, funded by Primary Zone and Zone IV Roadway Rehabilitation Funds. He explained that the reduction in total cost was due to actual field measured quantities, and recommended that the Board approve the Final Inspection Notice and accept the project as complete in accordance with District Standards and Specifications.

Motion was made by Buescher, seconded by Egge, to accept the Rehabilitation to Sandia Creek Drive (w/o De Anza Road); Camaron Road (n/o De Luz Road), and El Prado Road ( n/o Sandia Creek Drive) as complete.

The motion carried unanimously

**L. Ad-Hoc Long Range Planning Committee Report**

Director Bianchi reported that the Committee has not yet met; however, they scheduled a meeting for October 23, 2012.

**M. Finance Committee Report**

Director Egge reported that at their recent meeting, the Finance Committee reviewed the District claims and the Roadway Rehabilitation spreadsheet. She informed the Board that the recent purchase of the Philips Conference Recorder came in under budget, resulting in a cost savings to the District.

**N. Engineering Committee Report**

Director Rubin reported that at their recent meeting, the Engineering Committee reviewed the current projects and stated they are progressing on schedule.

**O. General Manager's Report**

General Manager Holmes presented his written report which is on file with the District Office. He updated the Board on SCE's progress with moving the power pole on Sycamore Mesa Road; Summer Slurry Seal project will be completed by the end of the month, and the new Project Schedule is ready and will be distributed to the Board next month.

P. **Adjournment**

There being no further business, President Rubin adjourned the meeting at 6:58 p.m.

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Rob Holmes  
Secretary, Board of Directors

ATTEST:



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Steve Rubin  
President, Board of Directors