



Midpeninsula Regional
Open Space District

DRAFT

Meeting 10-03

**SPECIAL AND REGULAR MEETING
BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

JANUARY 27, 2010

MINUTES

SPECIAL MEETING

I. ROLL CALL

President Mary Davey called the Special Meeting to order at 6:00 p.m. She called the Roll Call.

Members Present: Pete Siemens, Jed Cyr, Mary Davey, Cecily Harris (arrived at 6:20 p.m.), Larry Hassett

Members Absent: Nonette Hanko, Curt Riffle

Staff Present: Steve Abbors, Sue Schectman, Duncan Simmons, Tina Hugg, Sandy Sommer, Ana Ruiz, Mike Williams

II. CLOSED SESSION

The Closed Session commenced at 6:00 p.m. and concluded at 6:55 p.m.

REGULAR MEETING

III. ROLL CALL

President Davey called the Regular Meeting to order at 7:00 p.m., and asked for the Roll Call

Members Present: Pete Siemens, Jed Cyr, Larry Hassett, Mary Davey, Cecily Harris and Curt Riffle

Members Absent: Nonette Hanko

Additional Staff Present: D. Sanguinetti, B. Congdon, R. Jurgensen, A. Duong, G. Baillie, K. Lenington, C. Beckman, D. Danielson, T. Walz, E. Wright

President Davey stated that there were no reportable items from the Closed Session item number 1.

IV. ORAL COMMUNICATIONS – There were none.

V. ADOPTION OF AGENDA

Motions: Director Hassett moved to add Agenda Items number 13 and 14 to the Consent Calendar. Director Cyr seconded the motion. The motion passed 6 to 0. Director Hassett moved approval of the Agenda as amended. Director Riffle seconded the motion.

Discussion: Director Riffle asked about the procedure of asking questions of staff prior to a Board meeting. S. Schectman stated that if such questions are distributed to a majority of the Board prior to a meeting, this could be a public document. S. Abbors said he appreciates getting questions in advance of meetings.

Vote: The motion passed 6 to 0.

VI. ADOPTION OF CONSENT CALENDAR

Item 1 – Approve Minutes of December 2, 2009 and December 16, 2009: Director Cyr corrected grammar on page 3, paragraph 3 of the Minutes of December 2, 2009. He also suggested adding the purpose of the party Director Hassett reported on under Director Reports on Page 4 of the December 2, 2009 Minutes. Director Riffle corrected the proper name from “Moore” to “Mora” on page 5 of the December 16, 2009 Minutes.

Item 2 – Approve Revised Claims Report: No comments.

Item 3 – Approve Written Communications: There were none.

Item 4 – Approval of Change in Staff Participation in the State Disability Insurance Program: No comments.

Item 5 – Annual Seasonal Trail Closures Informational Report: Director Riffle asked if this report needed to be on the Consent Calendar. D. Sanguinetti and S. Abbors gave the historical reasons this report is presented. S. Schectman said it is the Board’s decision to discontinue, and she said she would check with the District’s Land Use Regulations. Director Siemens gave further historical reasons this report is presented and said he would agree if it became an “FYI”. President Davey said that if S. Schectman finds it is appropriate per the regulations, then future reports could be presented as an “FYI”.

Item 6 – Approval of the Five Star/Nature Restoration Trust Restoration Program (Five Star/NRT) Grant Application for the Pond DR06 Repair Project Located Within the Driscoll Ranch Area of La Honda Creek Open Space Preserve: No comments.

Item 13 – Appointment of Stephen E. Abbors as the Executive Director of the Midpeninsula Regional Open Space District Financing Authority for Calendar Year 2010: Added to Consent Calendar by motion.

Item 14 – Appointment of Regular and Alternate Representatives to the California Joint Powers Insurance Authority (CalJPIA) Board of Directors: Added to Consent Calendar by motion.

Motion: Director Hassett moved adoption of the Consent Calendar to Approve the Minutes of December 2 and 16, 2009, as amended; Approve the Revised Claims 10-02; Agenda Item 4 - Approval of Change in Staff Participation in the State Disability Insurance Program; Agenda Item 5 - Annual Seasonal Trail Closures Informational Report; Agenda Item 6 - Approval of the Five Star/Nature Restoration Trust Restoration Program (Five Star/NRT) Grant Application for the Pond DR06 Repair Project Located Within the Driscoll Ranch Area of La Honda Creek Open Space Preserve; Agenda Item 13 - Appointment of Stephen E. Abbors as the Executive Director of the Midpeninsula Regional Open Space District Financing Authority for Calendar Year 2010; Agenda Item 14 - Appointment of Regular and Alternate Representatives to the California Joint Powers Insurance Authority (CalJPIA) Board of Directors. Director Cyr seconded the motion. The motion passed 6 to 0.

VII. **BOARD BUSINESS**

A. **Agenda Item 7 – Appointment of Elizabeth Wright as Peace Officer – (Report R-10-17)**

D. Sanguinetti introduced Elizabeth Wright as the District's newest Ranger, and he gave background information about her. He said she finished at the top of her class in the Academy.

Elizabeth Wright thanked D. Sanguinetti for the introduction and said she is proud to work for the District. She introduced her family members in the audience.

D. Sanguinetti gave E. Wright the Peace Officer Oath. He said she would be working with D. Danielson's group at the Skyline Field Office.

Motion: Director Cyr moved that the Board adopt Resolution No. 10-02 of the Board of Directors of the Midpeninsula Regional Open Space District Appointing Elizabeth Wright as a Peace Officer. Director Harris seconded the motion. The motion passed 6 to 0.

B. **Agenda Item 8 – Proposal to Discontinue the Dog Permit System at Long Ridge Open Space Preserve – (Report R-10-06)**

G. Baillie presented the staff report and gave a summary of the purpose of discontinuing the trail Dog Permit System. He said that normal trial period supposed to be one year; however, the trial period had lasted eight years for the dog permit system at Long Ridge.

Director Hassett said that the kiosk does serve as a reminder to the public about where dogs are allowed. He said he would like to revisit the subject after a year to see if violations increased. G. Baillie said that staff does keep violation statistics by Preserve.

Director Riffle said he was in favor and said a future topic for discussion would be to increase education to dog users to improve compliance. S. Abbors said that staff is developing an environmental ethics program as a campaign to educate preserve users. Director Riffle suggested that having dog trail patrol volunteers in the area would be

helpful. Director Harris said she was pleased to hear about the environmental ethics program. She said the District should find a way to reward good behavior.

Motion: Director Riffle moved approval to discontinue the trial Dog Permit System at Long Ridge Open Space Preserve and continue to allow dog access in the designated dog access area. Director Siemens seconded the motion. The motion passed 6 to 0.

C. **Agenda Item 9 – Approval of an Amendment to the Contract with Northgate Environmental Management, Inc., in the Amount of \$150,000 to Provide Environmental Services to Support Site Cleanup Activities at the Former Almaden Air Force Station and Determination that the Recommended Actions are Exempt from the California Environmental Quality Act – (Report R-10-22)**

K. Lenington reviewed the staff report and the scope of the project at Mt. Umunhum. He showed photographs of the area and gave some historical background information. He showed slides of buildings showing exposed contaminants and said that the District asked the federal government for funds to help abate and cleanup the base. He said the District is asking Northgate to reassess the funds needed to do the work. There are three phases of work, which can overlap in time: (1) Site Planning; (2) Site Clean up and Demolition; and (3) Continuing Project Funding. K. Lenington reviewed each phase of work.

Director Hassett said he was worried about spending too much money studying the project. K. Lenington said that was understandable and staff want to avoid that. He said they are at the very beginning stages of the planning process and they need to evaluate alternatives. Director Hassett asked if Northgate will prioritize the work to be done up to the \$3.2 million. K. Lenington said that the Corps of Engineers (Corps) is now a partner on the project under the “Support for Others Program”. He said the Corps will evaluate the site to determine clean up of the site and demolition of the buildings. Northgate will not tell the Corps what to do.

Director Hassett asked if the kick off event is a social event. K. Lenington said that the kick off event is a significant component of Northgate’s scope of services. They want to get the public’s interest in the site and are looking to schedule the event in May.

Director Hassett asked about the difference between the internal staff project manager and Northgate and why Northgate’s scope of services does not have a project manager job imbedded in it. K. Lenington said the District decided to have a staff person in-house to facilitate with the public outreach, to oversee the Corps work, to oversee the Northgate contract, and to work with the Board. Director Cyr asked if a current staff employee would be the project manager. K. Lenington said the project manager position is being recruited for and explained why. Director Cyr expressed concern about the steep learning curve for a new employee.

Director Cyr asked if there will be a conflict with the Corps to analyze contaminants in a building or buildings the District is asking Northgate to do. K. Lenington said that when Northgate does the contaminant analysis, the District will share information with the Corps.

Director Siemens asked about the hazardous material services that K. Lenington answered to his satisfaction. Director Siemens said he was concerned about the kick-off event and asked if the District could save money by not demolishing a structure at the event, and he noted that \$3.2 million will not clean up everything. K. Lenington agreed and said the District could save money by not showing a demolition of a building at the kick-off event, adding that they need to get the site planning done and once it is done, the Corps can do the work. Director Siemens asked if they could have a phased site plan. K. Lenington said that the majority of the buildings on the site needed to be evaluated. The Corps asked the District to do the CEQA and NEPA processes. Northgate will help gather information, but they won't write the CEQA and NEPA documents. Director Siemens asked if there are rules on how to keep track of the money spent and K. Lenington said there are.

Director Harris asked if there would be a specific ad hoc committee for the project. She also asked if there would be a community stakeholder group. K. Lenington said the same ad hoc committee reviewing the Master Plan for Sierra Azul and Bear Creek Redwoods would work on the Mt. Umunhum site clean up project.

Director Hassett said he disagreed with Director Siemens about the kick off event and thought there could be considerable public support and potential financial support. Director Siemens said he is in favor of the kick-off event, but does not know if it is necessary to demolish a building at the event.

S. Abbors gave some closing remarks stating that this is a very complicated project. He reviewed several points regarding the public's knowledge of the project, and he gave further information about the in-house Project Manager position.

Director Siemens said that the Board's level of interest is very high for this project. President Davey said it is important what the public perceives about the project.

Motion: Director Siemens moved that the Board determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in the report; and to amend the contract with Northgate Environmental Management, Inc. for an additional \$150,000, for a total amount not to exceed \$205,000, to provide environmental services to support site cleanup activities at the former Almaden Air Force Station in the Mt. Umunhum area of Sierra Azul Open Space Preserve. Director Cyr seconded the motion. The motion passed by a vote of 6 to 0.

D. Agenda Item 10 – Consideration of Amendments to the District's Policy for Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing of Services and Supplied – (Report R-10-24)

S. Schectman reviewed the staff report. She said the General Manager met with the department managers, discussed what purchasing and bidding procedures would help staff be more efficient in getting their projects done, and recommended increasing the amount when a project requires bids from \$1,000 to \$3,000. She said the amended policy would require two verbal quotes between \$3,000 to \$5,000 and three quotes between \$5,000 and \$25,000.

Director Siemens suggested adding language to state that members of the Board are not issued credit cards. S. Schectman said that the policy before them was for staff and that the best place to add that language was to the Board's Expense Policy. President Davey said it would be nice to have that statement in both policies. S. Schectman stated this would be added to the Policy before the Board as well.

Motion: Director Siemens moved to approve and adopt the amendments, including a statement that the Board of Directors are not issued credit cards, to the District's Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy. Director Harris seconded the motion.

Discussion: Director Hassett asked if the District has credit cards and S. Abbors said staff does have District credit cards.

Vote: The motion passed 6 to 0.

E. Agenda Item 11 – Appointment of Standing and Ad Hoc Board Committee Members for 2010 – (Report R-10-11)

President Davey explained there was a new Strategic Planning Committee and asked if the Board if they had any questions. S. Abbors said that S. Sommer would oversee this group, and it is important to District staff to have valuable feedback from the Board. Director Hassett said he was concerned about the difference between this committee and the recently formed Facility Maintenance Committee. S. Abbors gave examples about the differences between the two committees. There was further discussion between the Board and staff about what role the Strategic Planning Committee would have. President Davey said that the District's Mission Statement was the beginning purpose of the Strategic Plan. Director Harris recalled a retreat last January and asked if that was an annual event. S. Abbors said it was the kick-off for the Strategic Planning process.

Director Hassett asked if a Mt. Umunhum Committee needed to be formed to support the Almaden Air Force Station project. S. Schectman reviewed the Rules of Procedure and said that the Board can assign tasks to committees and could assign the Mt. Umunhum cleanup project to the Sierra Azul and Bear Creeks Redwood Master Plan Committee.

Motion: Director Cyr moved to assign the task of the Mt. Umunhum project to the Sierra Azul and Bear Creeks Redwood Master Plan Committee. Director Siemens seconded the motion. The motion passed 6 to 0.

Motion: Director Cyr moved that the Board approve the addition of the Strategic Planning Committee. Director Siemens seconded the motion. The motion passed 6 to 0.

Motion: Director Cyr moved approval of the President's recommendations for appointments to the Board Standing and Ad Hoc Committees, as amended by previous motions, appointments of Board representatives to other bodies, and termination of Ad Hoc Committees whose tasks have been completed as contained in the report, including the determination of compensation status for attendance at Board Committee meetings. Director Hassett seconded the motion. The motion passed 6 to 0.

F. Agenda Item 12 – Appointment of District Representatives to the Governing Board of the Midpeninsula Regional Open Space District Financing Authority – (Report R-10-13)

Motion: Director Cyr moved approval of the President's appointments of Directors Pete Siemens and Larry Hassett to serve on the Governing Board of the Midpeninsula Regional Open Space District Financing Authority along with the by-laws requirement that the Board President and Treasurer also serve on the Board. Director Hassett seconded the motion. The motion passed 6 to 0.

VIII. INFORMATIONAL REPORTS

COMMITTEE REPORTS

Board Appointee Ad Hoc Committee: Director Riffle said that they met on January 20, 2010, and he said that the mid-term evaluation will occur in December.

Administration and Budget Committee: Director Riffle said that the staff was well prepared for their meeting on January 26, 2010. There was a lot of work to do. He said it was a packed meeting with representatives from the District's employee group. The next meeting will be on January 28, 2010.

STAFF REPORTS

D. Sanguinetti said that the Thornewood Open Space Preserve parking lot was closed due to five down trees and that staff had cleared the area and the lot is reopened. He confirmed that a body was found at the El Corte de Madera Open Space Preserve. He said that three 55-gallon containers had been illegally dumped and that staff had cleared the site, and he explained the cost. He reported on a possible airplane crash at a District preserve in the Skyline area, but said he thought it may have been a hoax.

R. Jurgensen thanked Director Siemens for the work he has been doing at the Nature Center. He said there was a front page San Jose Mercury article about Sudden Oak Death. He pointed out in the late "FYIs" a memo on the District's coffee book project and that they will announce the photo contest winners in the next District newsletter. Director Riffle asked if the content of the coffee book could be put or used on the website. R. Jurgensen said it could. Director Harris asked if there will be a writer. R. Jurgensen said that they are looking to combine the writer with the publisher and that they are not looking for elaborate text. Director Siemens suggested having a CD or DVD included with the book so that people would have the option to download the book on the personal computers.

A. Ruiz said that they are at the end of the recruitment of the Mt. Umunhum project manager, they have checked references and have made a verbal offer. She said staff is planning an on-site meeting on February 19, 2010 for the Use and Management Committee to review Shilling Lake management recommendations. Director Riffle asked what the status of the Rancho San Antonio discussion is and he asked for a Hicks Creek Ranch area update. S. Abbors gave an update on both.

S. Schectman said that M. Williams asked her to report on the Fogarty settlement. She said that M. Williams and D. Simmons had spent two years to close the settlement and that today all of the documents were signed and escrow would close next week.

S. Abbors said that the Volunteer Recognition Event would take place on Saturday, August 28, 2010 from 11:00 a.m. to 3:00 p.m. at Rancho de Guadalupe. He said that with the employee association's participation in the ABC meeting, he has asked D. Sanguinetti to create a "Budget 101" training. Director Riffle said he would like to participate. S. Abbors reviewed his meeting with Audrey Rust. He said all of the staff had come together on the Budget and Action Plan process, adding that this is a transitional year and it will be a good template for the future.

President Davey said that Ms. Rust nominated the District for a Sustainable Award. S. Abbors said that the District received an honorable mention.

A. Duong reminded the Board about the Cooley Landing meeting on Friday, January 29, 2010. She asked about availability for the proposed February 19, 2010 Use and Management Committee meeting and Directors Hassett and Siemens said they are not available.

DIRECTOR REPORTS

Director Siemens turned in his compensable meeting list to the Clerk. He said he spent time at the Nature Center and that it was exciting working there during the recent stormy weather.

Director Hassett turned in his compensable meeting list to the Clerk. He said that when he took a flying lesson and flew around the Skyline area; he was instructed to stall the engine intentionally and that may be how an airplane was misidentified as crashing at a preserve.

Director Cyr turned in his compensable meeting list to the Clerk.

Director Harris turned in her compensable meeting list to the Clerk. She thanked the staff for moving the seats at the Board table so she can see the screen.

Director Riffle said he agreed with Director Harris about the new seating arrangement. He turned in his compensable meeting list to the Clerk. He said he was on an advisory board for the Bay Restoration Authority and attended his first webinar. He thanked D. Sanguinetti and staff for keeping the Woods Trail open during the rainy weather and said there were lots of people using the trail. He said he would be participating on a docent led equestrian ride on January 30, 2010.

President Davey turned in her compensable meeting list to the Clerk. She said she attended the Bay Area Open Space Council meeting and one of the subjects was about global warming and it was a very instructive meeting. On January 26, she visited Cooley Landing with G. Basson and said G. Basson was a wonderful escort.

IX. ADJOURNMENT

President Davey adjourned the Special and Regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:25 p.m.

Lisa Zadek, Recording Secretary