



Midpeninsula Regional  
Open Space District

April 13, 2016  
Board Meeting 16-08

## **SPECIAL AND REGULAR MEETING**

### **BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**April 13, 2016**

#### **DRAFT MINUTES**

#### **SPECIAL MEETING – CLOSED SESSION**

##### **CALL TO ORDER**

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 6:00 p.m.

##### **ROLL CALL**

Members Present: Jed Cyr, Nonette Hanco, Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Planning Manager Jane Mark, Planner III Lisa Bankosh, and District Clerk Jennifer Woodworth

#### **1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to 54956.9(d)(1): *(one potential case)***

Public comments opened at 6:00 p.m.

No speakers present.

Public comments closed at 6:00 p.m.

The Board convened into closed session.

President Kishimoto adjourned the special meeting at 7:00 p.m.

## **REGULAR MEETING – BOARD MEETING**

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:07 p.m.

### **ROLL CALL**

Members Present: Jed Cyr, Nonette Hanco, Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, Chief Financial Officer/Administrative Services Director Stefan Jaskulak, General Counsel Sheryl Schaffner, Natural Resources Manager Kirk Lenington, Integrated Pest Management Coordinator Coty Sifuentes-Winter, Engineering and Construction Manager Jay Lin, Administrative Assistant Melissa Garcia, Senior Real Property Agent Allen Ishibashi, and District Clerk Jennifer Woodworth

President Kishimoto reported the Board met in closed session and no reportable action was taken.

### **ORAL COMMUNICATIONS**

No speakers present.

### **ADOPTION OF AGENDA**

**Motion:** Director Riffle moved, and Director Harris seconded the motion to adopt the agenda.

**VOTE: 7-0-0**

### **SPECIAL ORDERS OF THE DAY**

- Introduction of new staff members
  - Jay Lin, Engineering and Construction Manager
  - Melissa Garcia, Administrative Assistant

### **CONSENT CALENDAR**

Director Riffle pulled Item 7 from the Consent Calendar.

1. **Approve Board Meeting Minutes:  
March 23, 2016**
2. **Approve Claims Report**

**3. Award of Contract for Bear Creek Redwoods Ponds Assessment and Management Plan (R-16-45)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Balance Hydrologics, Inc. for a not to exceed amount of \$90,000, to assess three ponds and develop a management plan to guide restoration and maintenance actions at Bear Creek Redwoods Open Space Preserve.

**4. Amend the Contract with Tyler Technologies (formerly New World Systems) (R-16-37)**

General Manager's Recommendation: Authorize the General Manager to amend the contract with Tyler Technologies to increase the compensation by \$48,000 from \$317,400 to a total not to exceed amount of \$365,400, to complete the Integrated Accounting and Financial System Payroll Module implementation.

**5. Approval of Right-of-Way Contract with California Department of Transportation (Caltrans) for fee and easement rights for safety improvements along Highway 9 west of the City of Saratoga at the Saratoga Gap Open Space Preserve (Portion of Santa Clara County Assessor's Parcel Numbers 503-42-028 and 503-37-009) and along Highway 84 west of the unincorporated community of La Honda at the La Honda Creek Open Space Preserve (Portion of San Mateo County Assessor's Parcel Number 082-170-040), in exchange for a quitclaim deed for the existing 8 foot by 8 foot concrete tunnel that runs under Highway 84 that connects two District properties within the La Honda Creek Open Space Preserve (APNs: 082-130-130 and 082-170-040). (R-16-38)**

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) for the reasons set out in the staff report.
2. Adopt a resolution authorizing the execution of the Right-of-Way Contract for the exchange of property rights between the District and Caltrans at no cost to the District.
3. Adopt the Preliminary Use and Management Plan for the Highway 84 tunnel undercrossing as set out in the staff report.

**6. Proposed Purchase of the Freudenberg property as an addition to Sierra Azul Open Space Preserve located off of Weaver Road in unincorporated Santa Clara County (Assessor's Parcel Number 558-46-001). (R-16-39)**

Staff Contact: Allen L. Ishibashi, Senior Real Property Agent

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Freudenberg property at a cost of \$540,000.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Indicate the intention to withhold dedication of the Freudenberg property as public open space.

**7. Authorization to Award Contract to Ecological Concerns, Inc. for Invasive Species Management on Four Projects in FY2015-16, FY2016-17, and FY2017-18. (R-16-36)**

Item 7 was heard after Item 9.

Director Riffle inquired regarding the District's ability to ensure that the District's contractors are following the District's pesticide regulations.

Natural Resources Manager Kirk Lenington described several restrictions and regulations included in the contracts signed by the District's contractors. Additionally, District staff seeks to limit pesticide use as much as possible. Typically, staff will initially treat an infestation with pesticide and then follow up with other methods of controlling invasive species, including manual removal.

Integrated Pest Management Coordinator Coty Sifuentes-Winter described numerous state and federal regulations which regulate herbicide treatment, including treatments conducted by District contractors. Additionally, the District has Best Management Practices that govern herbicide use, including biological monitors and spot checks of the herbicide application to confirm proper application. Finally, the District requires contractors to be licensed by the state to be qualified to apply and use herbicide.

Public comment opened at 7:25 p.m.

No speakers present.

Public comment closed at 7:25 p.m.

**Motion:** Director Riffle moved, and Director Hanko seconded the motion to authorize the General Manager to enter into a contract with Ecological Concerns, Inc. of Santa Cruz, California in the amount not to exceed \$373,483 to provide invasive species management services including safe application of herbicides on District Open Space Preserves in FY2015-16, FY2016-17, and FY2017-18.

**VOTE: 7-0-0**

**8. Revisions to Management Partners' Professional Services Contract for Financial and Operational Sustainability Model Study Implementation Support (R-16-40)**

General Manager's Recommendation: Authorize the General Manager to increase Management Partners' Professional Services Contract for Financial and Operational Sustainability Model Study implementation support by \$20,606 to a not-to-exceed amount of \$145,606.

**9. Amendment of Classification and Compensation Plan for the Assistant General Counsel I & II Classifications (R-16-41)**

General Manager's Recommendation: Adopt a resolution amending the District's Classification and Compensation Plan for the Assistant General Counsel I & II Classifications.

Public comment opened at 7:15 p.m.

No speakers present.

Public comment closed at 7:15 p.m.

**Motion:** Director Cyr moved, and Director Hassett seconded the motion to approve the Consent Calendar, with the exception of Item 7.

**VOTE: 7-0-0**

**BOARD BUSINESS**

**10. Measure AA Bond Oversight Committee Appointments (R-16-42)**

District Clerk Jennifer Woodworth explained the voting and appointment process to be used, which was approved by the Board of Directors at the January 13, 2016 Board meeting.

Public comment opened at 7:29 p.m.

No speakers present.

Public comment closed at 7:29 p.m.

The Board of Directors completed the voting process, and Ms. Woodworth tallied the Board member votes. The Board appointed the following to the Measure AA Bond Oversight Committee:

- Paul Betlem
- Carla Dorow
- Elizabeth Eischen
- Denise Gilbert
- John Melton
- Tom Scannell
- Jo Zientek

The Board members then discussed whether to assign the terms of office at random or have the Board members allocate the terms to the Committee members.

Director Riffle suggested the newly appointed Committee members could be consulted to determine if any have a preference of a two- or four-year term.

**Motion:** Director Cyr moved, and Director Harris seconded the motion to distribute terms of office by random assignment.

**VOTE: 6-1-0** (Director Riffle opposed.)

**11. Board Policy Titled “Positions on Ballot Measures and Legislative Advocacy” (R-16-43)**

General Manager Steve Abbors provided presented the staff report describing the draft policy and the process to be used to analyze legislation that affects the District.

Director Harris inquired regarding spending staff time to research legislation which the District opposes.

Mr. Abbors explained that the District's Legislative/External Affairs Specialist will be following legislation on an ongoing basis and providing regular legislative updates to the Board, including recommendations to oppose or support legislation.

Public comment opened at 8:02 p.m.

No speakers present.

Public comment closed at 8:02 p.m.

**Motion:** Director Siemens moved, and Director Harris seconded the motion to approve the "Positions on Ballot Measures and Legislative Advocacy" policy as recommended by the Legislative, Funding and Public Affairs Committee.

**VOTE: 7-0-0**

**12. Resolution in Support of Measure A, Santa Clara County Park Charter Fund Extension (R-16-44)**

Ms. Woodworth presented the staff report describing how funds are raised for the Santa Clara County Park Charter fund and the details of the proposed extension. Ms. Woodworth outlined the distribution of funds proposed under Measure A and provided examples of projects the Charter funds would be used to complete.

Director Hanko inquired if the Charter funds would be used for regional or neighborhood parks.

Santa Clara County Parks Director Robb Courtney explained that the regional park system will remain with the county, and neighborhood parks will remain within the purview of individual cities. Additionally, Mr. Courtney explained charter amendment would be required to allow for the county to work on neighborhood parks.

Director Riffle inquired regarding the effect of the Charter Park Fund Extension passage on the relationship between the District and Santa Clara County Parks.

Mr. Courtney stated his belief that the relationship will only improve based on the passage of Measure A.

Public comment opened at 8:18 p.m.

Garnetta Annable, campaign manager for the Yes on Parks campaign, spoke in favor of the resolution to endorse Measure A and thanked the Board for its continued support of Santa Clara County Parks. Additionally, Ms. Annable encouraged Board members to seek support of the measure in their communities as well.

Public comment closed at 8:21 p.m.

**Motion:** Director Hanko moved, and Director Riffle seconded the motion to adopt a resolution in support of Measure A, Santa Clara County Park Charter Fund Extension on the ballot for the June 7, 2016 statewide direct primary election.

**VOTE: 7-0-0**

### **INFORMATIONAL REPORTS**

#### **A. Committee Reports**

Director Riffle reported on the April 12, 2016 Action Plan and Budget Committee meeting.

#### **B. Staff Reports**

Assistant General Manager Kevin Woodhouse reported the Santa Cruz Mountain Stewardship Network has conducted interviews and selected a candidate for the director of that organization. Additional information will be forthcoming soon. Mr. Woodhouse announced several changes associated with the division of the Operations department into the Visitor Services and Land and Facilities departments, including hiring a new Skyline Area Superintendent and physical relocation of the department offices.

Assistant General Manager Ana Ruiz provided an update on the Ravenswood Bay Trail, including interviewing consultants for the design of the trail. Ms. Ruiz also provided updates regarding the Mt. Umunhum road design and summit designs. Finally, Ms. Ruiz reminded the Board of the Cooley Landing Education Center grand opening on Saturday, April 16, 2016.

Chief Financial Officer Stefan Jaskulak provided an update on the District's transition to the July 1<sup>st</sup> fiscal year start date and implementation of the in house payroll system. Mr. Jaskulak also provided an update on the request for proposal process for the District's selection of District underwriter, bond counsel, etc.

Mr. Abbors reported he met with Assemblymember Mark Stone to discuss the Mt. Umunhum Radar Tower. Also Mr. Abbors reported on the opening of Mindego Hill to the public.

#### **C. Director Reports**

The Board members submitted their compensatory reports.

Director Harris reported her attendance at the Redwood City Chamber of Commerce Progress Seminar and commented on the high quality of the speakers there.

Director Riffle spoke at the recent training of the District's docents and volunteer trail patrol.

Director Hassett thanked staff for their efforts in organizing the Mindego Hill Grand Opening.

Directors Harris, Riffle, Hanko, and Hassett reported their planned attendance for the Cooley Landing Education Center grand opening on Saturday.

Director Kishimoto reported her attendance at recent Santa Clara Valley Water District Water Commission and Santa Clara County LAFCo meetings and reported on recent decisions by those

agencies. Director Kishimoto also spoke at a San Mateo Farm Bureau meeting regarding grazing and hiking and a Los Altos Hills Town Council meeting.

Director Kishimoto also reported her attendance at the Salmonid Restoration Conference.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:54 p.m.

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Jennifer Woodworth, MMC  
District Clerk