



Midpeninsula Regional
Open Space District

Board Meeting 15-16

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Grant Community Center
1575 Holt Ave.
Los Altos, CA 94022

Wednesday, June 24, 2015

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

CALL TO ORDER

President Siemens called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:02 p.m.

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Yoriko Kishimoto, and Pete Siemens

Members Absent: Nonette Hanko and Curt Riffle

Staff Present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Real Property Manager Mike Williams

ORAL COMMUNICATIONS

None.

CLOSED SESSION

The Board of Directors convened into closed session at 5:02 p.m. in Room 1 of the Grant Community Center.

- 1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)**
Property: Toepfer Property (San Mateo County Assessor Parcel Number 072-343-110)
Agency Negotiator: Mike Williams, Real Property Manager
Negotiating Party: Dee Toepfer, Property Owner
Under Negotiation: Terms of real property transaction

Real Property Manager Mike Williams left after Item 1 was discussed.

2. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency Designated Representatives: Steve Abbors, General Manager, Kevin Woodhouse, Assistant General Manager, Sheryl Schaffner, General Counsel, Jack Hughes, Liebert Cassidy Whitmore

Employee Organization: Field Employee Association

Planning Manager Jane Mark and Planner III Lisa Bankosh joined the meeting at 6:20 p.m. for Item 3.

3. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9)

M. Mahronich, et al v. Presentation Center, Los Gatos, Inc.

Santa Clara Superior Court Case No. 1-15-CV-276706

ADJOURNMENT

President Siemens adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:02 p.m.

REGULAR MEETING

CALL TO ORDER

President Siemens called the Regular Meeting of the Midpeninsula Regional Open Space District to order at 7:08 p.m. in the Multi-Use Room of the Grant Community Center.

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

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Yoriko Kishimoto, and Pete Siemens

Members Absent: Nonette Hanko and Curt Riffle

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

ORAL COMMUNICATIONS

No speakers were present.

ADOPTION OF AGENDA

Motion: Director Kishimoto moved, and Director Hassett seconded the motion to adopt the agenda.

VOTE: 5-0-0 (Directors Hanko and Riffle absent.)

CONSENT CALENDAR**1. Approve Board Meeting Minutes:**

April 22, 2015

May 6, 2015

May 13, 2015

May 27, 2015

Director Harris requested the minutes for April 22, 2015, Item 4 be modified to express her disappointment with the presentation provided rather than disappointment with the length of the contract with Ralph Heim.

Director Harris stated that the member of the public who spoke at the May 13, 2015 on item 6 should be corrected to David Smernoff rather than David Schwernoff.

2. Approve Claims Report**3. Contract to Implement the Driscoll Ranch Roads Sediment Reduction and Pond Restoration Project at the La Honda Creek Open Space Preserve (R-15-89)****General Manager's Recommendations:**

1. Authorize the General Manager to enter into an agreement with Half Moon Bay Grading and Paving of Half Moon Bay, CA, for a total contract amount not to exceed \$613,566, which includes the project proposal amount of \$533,536 and a fifteen percent contingency amount of \$80,030, to implement the Driscoll Ranch Roads Sediment Reduction and Pond Restoration Project at the La Honda Creek Open Space Preserve.
2. Determine that the recommended action is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Plan for Implementation of the La Honda Creek Master Plan, approved by the Board on August 22, 2012.

4. Approve a Partnership with the County of San Mateo (County) to Provide Habitability Improvements to 900 Sears Ranch Road, in the Town of La Honda, as Part of the County's Pilot Farm Labor Housing Program at La Honda Creek Open Space Preserve (R-15-88)**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 General Manager to partner with the County of San Mateo to provide habitability improvements to 900 Sears Ranch Road Residence at La Honda Creek Open Space Preserve as part of the County's Pilot Farm Labor Housing Program.
3. Authorize the General Manager to negotiate and grant a License/Permit to Rebuilding Together to perform the habitability improvements at the Residence.

4. Authorize the General Manager to amend the lease with AGCO Hay LLC to formalize the requirements of the Farm labor Housing Program between the District and its grazing tenant.

5. Award of Contract to ClientFirst for Development of an Information Systems and Technology Strategic Plan (R-15-86)

General Manager's Recommendation: Authorize the General Manager to enter into a professional services contract with ClientFirst for \$53,452, plus a contingency of \$8,020, for a total amount not to exceed \$61,472, to prepare an Information Systems and Technology Strategic Plan.

6. Approval of Agreement with the County of Santa Clara for the District's Management of Rancho San Antonio County Park and Determination that the Recommended Actions are Exempt from the California Environmental Quality Act (R-15-87)

General Manager's Recommendation:

1. Authorize the Board President to enter into the attached Agreement with the County of Santa Clara (County) for the District's Management of Rancho San Antonio County Park.
2. Authorize the General Manager to extend the agreement for the second five-year period (July 2020 through June 2025) subject to a staff review of the costs to manage Rancho San Antonio County Park.
3. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act as set out in the staff report

7. New Other Power-Driven Mobility Device Policy and amended Trail Use Policies (R-15-93)

General Manager's Recommendation: The General Manager recommends that the Board approve the following recommendations from the Planning and Natural Resources Committee:

1. Adopt the draft "Other Power-Driven Mobility Device Policy"
2. Adopt the amended "Trail Use Policies"

Motion: Director Cyr moved and Director Hassett seconded the motion to adopt the Consent Calendar, as amended.

VOTE: 5-0-0 (Directors Hanko and Riffle absent.)

BOARD BUSINESS

8. Written Communications: Scanlan

Assistant General Manager Kevin Woodhouse described the purpose of the indemnification requirement for groups of twenty or more visiting the District's preserves and explained that large groups or events have more stringent requirements.

Director Siemens inquired regarding whether the District's insurer, CalJPIA, has best practice standards for requiring indemnification.

General Counsel Sheryl Schaffner explained the best practices recommended by CalJPIA is to require indemnification for “special permits,” which special permits can be defined by the District. The District may approve a policy to not require indemnification for this type of special permit; however, the Board must determine the level of risk it is willing to tolerate.

Several Directors suggested that the indemnification policy could be further discussed at the Board Committee level.

General Manager Steve Abbors stated staff could add the referral of the issue to a Board Committee to the next fiscal year’s action plan or could report back to the Board of Directors on current projects that may be delayed if the policy is immediately referred to and studied by staff and a Board Committee.

The Board provided comments regarding the immediacy of studying the indemnification requirement.

Mr. Abbors suggested the letter could be revised to inform Mr. Scanlan that staff and a Board Committee will look at the indemnification issue in the future and thank him for his interest. Mr. Abbors stated that he could follow-up the written response with a telephone call to Mr. Scanlan.

Public hearing opened at 7:33 p.m.

No speakers present.

Public hearing closed at 7:33 p.m.

Motion: Director Cyr moved, and Director Hassett seconded the motion that the draft response be revised regarding the indemnification issue to thank Mr. Scanlan for his interest and inform him that staff and a Board committee will look at the issue in the future.

VOTE: 5-0-0 (Directors Hanko and Riffle absent.)

Motion: Director Kishimoto moved, and Director Harris seconded the motion to refer to the Legislative, Funding, and Public Affairs Committee the issue of permitting and indemnification for formal and informal hiking groups.

VOTE: 5-0-0 (Directors Hanko and Riffle absent.)

7. Overview and CEQA Scoping Session for the Proposed Bear Creek Redwoods Preserve Plan, Including Bear Creek Stables and the Former Alma College Site (R-15-92)

Planner III Lisa Bankosh described the overall planning process for the project including past public meetings, current status and future vision of the Bear Creek Redwoods Open Space Preserves. Ms. Bankosh introduced Alma Du Solier, consultant from Populous, to provide a presentation regarding the planning process and an overview of each of the Preserve Plan elements.

Ms. Du Solier provided an overview of the goals and objectives of each of four preserve plan elements – public use and facilities, natural resources, cultural resources, and maintenance and operations. Ms. Du Solier provided a brief summary of the public input gathered from the meetings and workshops held by the Planning and Natural Resource Committee, through

questionnaires completed, comments provided, and written comments submitted. Ms. Du Solier explained how the process completed thus far factors into the CEQA process and described the focused planning projects within the Public Access Plan, including a proposed multi-use trail, planned pedestrian crossing, proposed staging areas, and potential for events at the site.

Ms. Cathy Garrett, representing landscape architect firm PGA Design, described the Alma College Site Rehabilitation Project first describing the history of the site including former and current structures on the site and fault lines that span the site. Ms. Garrett displayed renderings of the two scheme alternatives for the site, which both provide for safety and security and reflect on the cultural landscape of the site. Scheme A is a more intensive undertaking requiring rehabilitation of the chapel and 1934 library, stabilization of the 1950 library, and removal of other buildings. Scheme B entails stabilization of the 1934 chapel and library and removal of the 1950 library. Finally, Ms. Garrett described potential uses for the site that would be compatible with the site and the District's mission, including creation of an education camp or conference center, potential winery vineyards, historic site interpretive facility, and/or outdoor day use.

Gary Jacobs outlined the CEQA process for this project including the steps to preparing an Environmental Impact Report (EIR) explaining that the project is currently in the scoping stage, which is designed to solicit input and comments on the scope of the EIR, the issues it should examine, etc. Mr. Jacobs outlined the schedule for the CEQA process.

Public hearing opened at 8:53 p.m.

Alex Anderson member of Silicon Valley Mountain Bikers, stated his support for the Stables plan and the regional connection for all users. Mr. Anderson also encouraged the creation of more opportunities for children to be able to use the bike paths safely.

Mike Bushue, member of the Equestrian Trail Riders Action Committee, spoke regarding the size of the equestrian community and stated his desire that other areas be expanded for equestrian use in the future.

Joseph Olds spoke in favor of various user groups getting along and spoke against exclusion of entire user groups.

Peter Hargreaves spoke regarding safety for pedestrians due to visibility limitations on Bear Creek Road. Mr. Hargreaves submitted documents to the Board describing possible options to provide for safe pedestrian crossings.

Jenny Whitman inquired regarding how the CEQA study will affect the current use permit. Ms. Whitman also asked the Board to consider allowing a few horses to remain in the lower area in addition to the potential 60 horses allowed in the stables.

Karen Read inquired if the CEQA process will impact the Bear Creek Request for Proposal schedule.

Melany Moore, President of Summit Riders and Board member of the Friends of Bear Creek Stables, spoke regarding several natural resources and educational resources at the site.

Nancy Cole expressed her concerns that other user groups feel excluded and would like to work on programs to encourage safe usage of the trails by all user groups.

Public hearing closed at 9:14 p.m.

Director Kishimoto inquired regarding if various items would be included in the Environmental Impact Report and Preserve Plan, including Native American sites, dog access, possible lights on the property, water resources study, and impact reducing alternatives.

Ms. Bankosh stated that all suggestions may be included in the Environmental Impact Report and alternatives for the site.

Director Hassett expressed his concerns regarding the potential partnering opportunities described in the presentation and whether these would be appropriate to the mission of the District and worth the potentially high cost.

Ms. Bankosh requested the Board provide direction to staff regarding whether to only present the lower impact Scheme B to the Santa Clara County Historical Heritage Commission.

Director Cyr expressed his support to keeping the designs to a minimalist nature and expressed his desire that trails in the southwest corner of the preserve not be closed because it is a high point that people like to summit.

Director Harris commented on the potential parking areas and whether they are needed at current usage.

Ms. Bankosh stated the accessibility of parking is often a limiting factor for visitor usage. A Visitor Use study will be completed at a later date to determine the level of parking needs.

Director Harris expressed her concerns regarding the availability of partners to rebuild the area and inquired as to the form non-equestrian education would take.

Ms. Laustsen explained that many community members have expressed interest in providing environmental education and 4H educational opportunities for children.

Director Siemens inquired if potential loop trails on the west side of Bear Creek would be included in the EIR

The Board discussed numerous potential changes to the project description and determined the following items by consensus.

Multi-use loop trails will not be considered for the western side of the Bear Creek Redwoods Preserve.

The currently proposed number of horse to be boarded in the Bear Creek Stables will not be increased beyond the proposed 72 horse level.

Pedestrian access at the southwest corner of Bear Creek Redwoods Preserve will be studied.

Only Scheme B for the former Alma College Site will be presented to the Santa Clara County Historical Heritage Commission.

The installation of bike racks at the Preserve will be studied.

Potential alternatives for low impact water usage at the Bear Creek Redwoods Preserve will be studied.

Motion: Director Cyr moved, and Director Hassett seconded the motion to accept the amended description of the proposed Preserve Plan, including a range of potential options for Bear Creek Stables and the former Alma College site, for the purposes of environmental review under the California Environmental Quality Act.

VOTE: 5-0-0 (Directors Hanko and Riffle absent.)

Board recessed at 10:16 p.m. and reconvened at 10:23 p.m. with Directors Cyr, Harris, Hassett, Kishimoto, and Siemens present.

INFORMATIONAL REPORTS

A. Committee Reports

Director Siemens reported the Board Appointee Evaluation Committee met several times.

Director Cyr reported the Real Property Committee met to discuss several properties, which have been forwarded to the full Board of Directors to consider.

B. Staff Reports

Assistant General Manager Ana Ruiz reported on the ongoing permit streamlining efforts with San Mateo County Planning Department. District and San Mateo County staff are proceeding with two streamlining efforts including master permits for multi-phased projects and permits which would cover similar types of projects.

C. Director Reports

Directors Hassett, Cyr, and Harris reported they attended the Special Parks Districts Forum.

Director Cyr described an innovative walkway demonstrated at the Special Parks District Forum.

Several Directors reported that they will be attending the opening of the Coyote Creek Open Space Preserve in the Santa Clara Valley Open Space Authority.

ADJOURNMENT

President Siemens adjourned the Regular Meeting at 10:32 p.m.

Jennifer Woodworth, CMC
District Clerk