



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

February 24, 2016

DRAFT MINUTES

SPECIAL MEETING

CALL TO ORDER

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 5:02 p.m.

ROLL CALL

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

Members Absent: Larry Hassett

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 Gretchen Laustsen, Planner III Lisa Bankosh, and District Clerk Jennifer Woodworth

1. Bear Creek Stables Site Plan (R-16-20)

Planning Manager Jane Mark summarized the previous public meetings held by the Board and its Committees, including neighborhood outreach meetings and California Environmental Quality Act scoping meetings.

Assistant General Manager Ana Ruiz explained that the Board is not being asked at this meeting to choose one of the three alternatives being presented or one of the previously two alternatives presented to the Board of Directors.

Planner III Gretchen Laustsen presented the staff report outlining three potential new alternatives for site design for the Bear Creek Stables: (1) Phased implementation Plan for Site Design Alternatives A; (2) Phased Implementation Plan for Sign Design Alternatives B; and (3) New Minimal Site Design Alternative C. The Board may direct staff to develop the three new

alternatives in addition to the previously developed Alternatives A and B. Ms. Laustsen described the stakeholder feedback received through previously held public meetings, including maintaining the current character of the stables and the current number of horses being boarded at the site.

Ms. Laustsen described the main differences between Phased Implementation of Alternatives A and B, including number of horses boarded, order of magnitudes costs, and administrative facilities. Ms. Laustsen outlined the public/private cost allocation for improvements to the site based on whether the site tenant would pay costs and costs to be paid by the District, and a potential business model for the site tenant. Ms. Laustsen described a new Alternative C, specifically the inclusion of top priority safety improvements and resource protection measures for the site to allow for continued operation of the stables and minimal public access.

Public comments opened at 6:12 p.m.

Lyndall Erb, member of Friends of Bear Creek Stables and Bay Area Barns and Trails, spoke in favor of Alternative C and stated some public programs are already run from the barn on site and can continue without a lot of infrastructure. Ms. Erb also spoke in favor of moving the project forward quickly.

Frank Bakonyi spoke in favor Alternatives A and B and creating a vision for the site. Mr. Bakonyi spoke in favor of selecting a tenant that will seek out alternative funding. Mr. Bakonyi spoke in favor of having two onsite residences for caretakers and stated that the stables have been a functioning operation for 105 years.

Allison Docker resident of Los Gatos requested a breakdown of costs for the projects and spoke in favor of making improvements to the site because this will help reduce the turnover. Ms. Docker also stated that additional funds could be secured for the improvements.

Anika Nelson spoke of the beautiful nature of the site and spoke in favor of making upgrades to the site, which would help bring more people there.

Public comments closed at 6:23 p.m.

Director Siemens inquired regarding the detailed breakdown of the business model for the site for Alternatives A and B, including how rent would be paid to the District.

Ms. Laustsen explained that those details would be worked out as part of a long term lease for the site.

Director Harris inquired regarding interested tenants for Alternatives A and B.

Ms. Laustsen stated staff and the consultant are aware of potential tenants that would be interested in Alternatives A and B.

Director Kishimoto inquired regarding the costs of analyzing the three new alternatives.

Ms. Lausten stated that due to many similarities among the options, staff recommends analyzing all three new alternatives.

Director Riffle spoke in favor of keeping horses on the site, providing public access and access to the boarders, and speaking with potential tenants to further analyze the business model. Finally, Director Riffle spoke in favor of creating a vision for the site but continue to seek alternative revenue sources to move that vision forward.

Director Siemens spoke in favor of pursuing Phased Alternative B because it allows for necessary improvements and environmental restoration to be completed through a phased approach.

Director Hanko spoke in favor of pursuing Alternative C, which will preserve the stables' current character and make necessary improvements. A future Board of Directors may pursue heavy use of the site in the future.

Director Kishimoto spoke in favor of Alternative B due to its greater emphasis on public access.

Senior Real Property Agent Elaina Cuzick stated the Board may at a later time determine whether the District desires to dictate the exact business model or if the Board prefers to allow a future tenant to design their own business model in order to be profitable and meet District requirements, such as providing public access, etc.

Motion: Director Siemens moved, and Director Cyr seconded a motion to direct the General Manager to develop the following additional three alternatives for Board consideration at a subsequent public meeting:

- i. Phased Implementation Plan for Site Design Alternatives A that phases in the improvements based on level of priority and available funding. Phase I improvements would focus on necessary safety and environmental protection improvements to provide a safe environment for boarders, their horses and the public, and protect the site's natural resources. Remaining improvements would be programmed into future annual District and tenant work plans pending funding, available capacity, and other priority needs, resulting in phased budgeting and phased expenditures.
- ii. Phased Implementation Plan for Site Design Alternatives B that phases in the improvements based on level of priority and available funding. Phase I improvements would focus on necessary safety and environmental protection improvements to provide a safe environment for boarders, their horses and the public, and protect the site's natural resources. Remaining improvements would be programmed into future annual District and tenant work plans pending funding, available capacity, and other priority needs, resulting in phased budgeting and phased expenditures.
- iii. New Minimal Site Design Alternative C that only identifies the necessary safety and environmental protection improvements to provide a safe environment for boarders, their horses, and the public, and protect the site's natural resources, therefore limiting the total cost of implementation.

Friendly Amendment: Director Riffle offered a friendly amendment to direct staff to further evaluate the revenue potential for the various alternatives.

Director Siemens and Director Cyr accepted the friendly amendment.

VOTE: 6-0-0 (Director Hassett absent.)

President Kishimoto adjourned the special meeting at 6:54 p.m.

REGULAR MEETING – BOARD MEETING

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 p.m.

ROLL CALL

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

Members Absent: Pete Siemens

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, Resource Management Specialist I Matt Chaney, Resource Management Specialist I Amanda Mills, Public Affairs Manager Shelly Lewis, and District Clerk Jennifer Woodworth

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 6-0-0 (Director Hassett absent.)

SPECIAL ORDERS OF THE DAY

- Matt Chaney, Resources Management Specialist I, Natural Resources Department
- Amanda Mills, Resources Management Specialist I, Natural Resources Department

CONSENT CALENDAR

Director Harris pulled Item 1 from the Consent Calendar.

**1. Approve Board Meeting Minutes:
February 10, 2016**

Item 1 was heard after the consent calendar.

Director Harris expressed her desire that more defined requests for Board consensus be included for the format for future Board retreats.

Motion: Director Harris moved, and Director Cyr seconded the motion to approve the minutes of February 10, 2016.

VOTE: 6-0-0 (Director Hassett absent.)

2. Approve Claims Report

3. Appointment of District Auditor for FY2015-16 (R-16-13)

Controller's Recommendation: Appoint Chavan & Associates as the District's auditor for FY2015-16 and authorize the General Manager to execute an engagement letter agreement in the amount of \$16,500.

4. Special Legal Services Contract relating to Real Property Issues (R-16-19)

General Manager's Recommendation: Approve Amendment 1 to the contract with Price, Postel & Parma, LLP, for Special Legal Services relating to Real Property for a revised total not-to-exceed amount of \$150,000.

5. Award of Contract for Research on Sudden Oak Death Preventative Methods and Root Diseases (R-16-17)

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Phytosphere Research for a not to exceed amount of \$76,500 for monitoring of treatment methods to suppress the spread of Sudden Oak Death in Open Space Preserves, assisting native plant nurseries in developing clean propagation practices, and inspecting prior planting sites in Open Space Preserves.

Motion: Director Siemens moved, and Director Cyr seconded the motion to approve the Consent Calendar, with the exception of Item 1.

Public comment opened at 7:11 p.m.

No speakers present.

Public comment closed at 7:11 p.m.

VOTE: 6-0-0 (Director Hassett absent.)

BOARD BUSINESS

6. Award of Contract for Highway 17 Wildlife Passage Structures and Bay Area Ridge Trail Crossing: Conceptual Design and Feasibility Study (R-16-18)

Resource Management Specialist III Julie Andersen provided the staff report stating that wildlife in the Santa Cruz Mountains are unable to safely pass through the mountains due to development in the area. Ms. Andersen described research done as part of the District's Resource Management Grants Program, which determined that wildlife crossings in the Santa Cruz Mountains have led to numerous mountain lion, deer, and other wildlife deaths due to vehicular collisions. Ms.

Andersen also described an existing gap in the Bay Area Ridge Trail that could be closed through the creation of a new crossing and potential trail alignment.

Public comment opened at 7:41 p.m.

No speakers present.

Public comment closed at 7:41 p.m.

Director Siemens

Motion: Director Riffle moved, and Director Harris seconded the motion to authorize the General Manager to enter into a contract with TrailPeople located in Benicia, California for a not to exceed amount of \$120,000. This is for the conceptual design and feasibility study for the wildlife and Bay Area Ridge Trail crossings at Highway 17 in Los Gatos near Bear Creek Redwoods, Sierra Azul, St. Joseph's Hill, Felton Station and El Sereno Open Space Preserves.

VOTE: 6-0-0 (Director Hassett absent.)

INFORMATIONAL REPORTS

A. Committee Reports

Director Harris reported on the February 16, 2016 Real Property Committee meeting.

Director Harris additionally provided comments regarding electric bikes and dogs being allowed on the Bay Trail due to differing regulations for the involved agencies.

Director Riffle reported on the February 23, 2016 Real Property Committee meeting.

B. Staff Reports

District Clerk Jennifer Woodworth reported on the interview and selection process for the members of the Bond Oversight Committee. The interviews are scheduled for March 2, 2016, and appointment of the Committee members is currently scheduled to occur at the April 13, 2016 Board meeting.

Assistant General Manager Ms. Ruiz reported the Santa Clara County Historical Heritage Commission met on February 18th to discuss the potential listing of Mt. Umunhum Radar Tower on the historical listing. The Commission voted to recommend historical listing of the Radar Tower to the Santa Clara County Board of Supervisors. Ms. Ruiz provided an update on the recruitment of the Engineering and Construction Manager. Finally, Ms. Ruiz reported that the City of East Palo Alto will be installing and maintaining a trash bin at the Cooley Landing Education Center parking lot to address trash being left at the site.

Assistant General Manager Kevin Woodhouse provided an update on partnerships for the Stevens Creek fish passage, which now include the Friends of Stevens Creek Trail, Santa Clara Valley Water District, and City of Sunnyvale. Mr. Woodhouse reported a meeting with Mt. Umunhum neighbors will occur tomorrow night to receive input regarding patrol and safety concerns for the area. Mr. Woodhouse provided an update on the Santa Cruz Mountain

Stewardship Network, including recruitment for a Network Director. Finally, Mr. Woodhouse provided an update on implementation of the Financial and Operational Sustainability Model.

Chief Financial Officer Stefan Jaskulak reported on information technology upgrades to software, infrastructure, and hardware as well as updating the GIS program. Mr. Jaskulak reported that the FY2016-17 budget is being developed, and an internal team has been created to issue and review four RFPs related to the District's bond program.

General Counsel Sheryl Schaffner reported on an upcoming litigation mediation session that will be before in the Board in closed session following the Measure AA Bond Oversight Committee interviews. Also staff will be bringing forward a minor modification to *Improvements on District Lands* policy to delegate to the General Manager to administer the District's eviction process rather than requiring the Board to weigh in on a case by case basis.

General Manager Steve Abbors reported he has asked staff to meet with potential Bear Creek Stables tenants before the item comes to the Board again to work on cost effective business models for the site. Mr. Abbors provided an update regarding the Historical Heritage Commission's meeting related to the Mt. Umunhum Radar Tower.

C. Director Reports

The Board members submitted their compensatory reports.

Director Siemens reported that he presented at the Saratoga City Council to provide an update on Measure AA projects.

Director Harris reported that she continues to see increased visitation when she visits Pulgas Ridge in addition to seeing numerous dogs off leash and dog waste on the trail. She suggested increased patrol of the area and potential installation of a trash can there.

Director Kishimoto reported that she will be attending the Salmonid Conference in May in Fortuna, CA.

INFORMATIONAL MEMORANDA

- Summary of Plan for Grand Opening of Mt. Umunhum Summit

Public Affairs Manager Shelly Lewis provided a brief overview of the events planned for the Grand Opening of the Mt. Umunhum Summit.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:33 p.m.

Public comments opened at 8:33 p.m.

No speakers present.

Public comments closed at 8:33 p.m.

The Board of Directors convened into closed session at 8:33 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: 4150 Sears Ranch Road, La Honda, CA, San Mateo County Assessor's Parcel Numbers 083-361-080, 083-361-110, and 078-290-050

Agency Negotiator: Michael Williams, Real Property Manager

Negotiating Party: Ara Croce, Representative for Cunha Trust

Under Negotiation: Terms of real property transaction

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

ADJOURNMENT

President Kishimoto reported the Board met in closed session, and no reportable action was taken. President Kishimoto adjourned the special meeting at 9:35 p.m.

Jennifer Woodworth, MMC
District Clerk