



**SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**May 11, 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 Hanko, 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, Senior Real Property Agent Allen Ishibashi

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

**Property:** Fox Creek, LLC (Barth) Santa Clara County APN: 575-11-020

**Agency Negotiator:** Allen Ishibashi, Senior Real Property Agent

**Negotiating Party:** Mr. Florian Barth

**Under Negotiation:** Terms of real property transactions

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.  
(Government Code Section 54956.9(d)(1))**

Name of Case: *County of Santa Clara v. Gullicksen*, Santa Clara County Superior Court  
Case No. 1-09-CV-141882

**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.  
(Government Code Section 54956.9(d)(1))**

Name of Case: *Midpeninsula Regional Open Space v. Michael Rossetta, et al*; Santa Clara County Superior Court Case Number 1-15-CV-289568

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. (Government Code Section 54956.9(d)(1))**

Name of Case: *Midpeninsula Regional Open Space District v. Mount Umunhum Limited Partnership, et al (McQueen)*; Santa Clara County Superior Court Case No. 1-15-CV-289553

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 6:55 p.m.

**REGULAR MEETING – BOARD MEETING**

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 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**

Yvonne Spence spoke in favor of opening the Hawthorns property to the public.

**ADOPTION OF AGENDA**

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

**VOTE: 7-0-0**

**SPECIAL ORDERS OF THE DAY**

- Proclamation for Linda Craig Upon her Retirement
- Introduction of new staff members
  - Josh Hugg, Legislative/External Affairs Specialist

**CONSENT CALENDAR**

Director Kishimoto pulled Item 3 from the Consent Calendar.

**1. Approve Claims Report**

**2. Award of Contract with Harris Design for design, engineering, permitting assistance, and construction administration services for the proposed Alma College Parking Area and new Preserve Entrance at Bear Creek Redwoods Open Space Preserve (R-16-49)**

General Manager's Recommendation: Authorize the General Manager to enter into a professional services contract with Harris Design for \$210,286, and allocate a 15% contingency, for a total contract amount not-to-exceed \$241,829, to complete the design, construction documents, permitting assistance, and construction oversight for the proposed new Preserve entrance, parking area and other associated improvements as part of Phase I Public Access at Bear Creek Redwoods Open Space Preserve.

**3. Authorization to Amend a Contract with Balance Hydrologics, Inc., for Additional Hydrological Studies Conducted for the Water Resources Inventory Project at Bear Creek Redwoods Open Space Preserve (R-16-31)**

Item 3 was heard after Item 4.

Director Kishimoto expressed her concerns regarding the estimated cost to the District related to providing water at the Bear Creek Redwoods Open Space Preserve.

Director Hassett inquired if the funding would be needed if alternate water sources are found.

Assistant General Manager Ana Ruiz explained that all water sources are still being explored, and all related cost figures will be presented to the Board at a future meeting.

Director Siemens requested staff include monthly operating costs for accessing San Jose Water Company water.

Public comment opened at 7:25 p.m.

Melany Moore, member of the Friends of Bear Creek Stables, spoke in favor of creating a safe haven at Bear Creek Preserve for the horses and members of the public.

Public comment closed at 7:27 p.m.

**Motion:** Director Kishimoto moved, and Director Riffle seconded the motion to authorize the General Manager to execute a contract amendment with Balance Hydrologics Inc.'s for a not-to-exceed amount of \$22,000 for a total authorized amount of \$86,840 for a Water Resources Inventory Study at Bear Creek Redwoods Open Space Preserve.

**VOTE: 7-0-0**

**4. Contract Amendment with Pavement Engineering Inc. for design, engineering, surveying, and construction administration for the Mount Umunhum Road Improvement Project (R-16-63)**

General Manager's Recommendations:

Amend a contract with Pavement Engineering Inc. for the Mount Umunhum Road Improvement Project in the amount of \$46,685, for a total not-to-exceed contract amount of \$355,085, for the following additional scope items:

1. Development of County-required encroachment permitting material for the Mount Umunhum Road-Hicks Road intersection improvements;
2. Boundary survey of PG&E easement and private properties;
3. Road improvement at the intersection of the Mount Umunhum flagpole area; and
4. An allowance for construction administration.

Public comment opened at 7:16 p.m.

No speakers present.

Public comment closed at 7:16 p.m.

**Motion:** Director Siemens moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exception of Item 3.

**VOTE: 7-0-0**

**BOARD BUSINESS**

**5. Appointment of Vanessa Buchanan and Steven Johnson as Peace Officers (R-16-29)**

Visitor Services Manager Michael Newburn presented the staff report and introduced new rangers Vanessa Buchanan and Steven Johnson.

Public comment opened at 7:30 p.m.

No speakers present.

Public comment closed at 7:30 p.m.

**Motion:** Director Riffle moved, and Director Cyr seconded the motion to adopt resolutions appointing Vanessa Buchanan and Steven Johnson as Peace Officers.

**VOTE: 7-0-0**

Rangers Vanessa Buchanan and Steven Johnson were sworn in as peace officers and received their badges.

**6. Resolution in Support of Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program (R-16-61)**

Public Affairs Manager Shelly Lewis presented the staff report describing the purpose of Measure AA to fund Bay restoration and flood protection projects. Ms. Lewis outlined the regional distribution of funds proposed under Measure AA and provided examples of District projects the funds could be used to complete.

Mitchell Oster of the Measure AA campaign provided additional information related to the regional location of projects and provided details for where the Directors could access more information regarding the specific projects to be funded by Measure AA.

Members of the Board expressed their support for Measure AA.

Public comment opened at 7:43 p.m.

No speakers present.

Public comment closed at 7:43 p.m.

**Motion:** Director Hassett moved, and Director Hanco seconded the motion to adopt a resolution in support of Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program, which will be on the ballot for the June 7, 2016 statewide direct primary election.

**VOTE: 7-0-0**

**7. Alma College Cultural Landscape Rehabilitation Plan - Tentative Approval (R-16-50)**

Ms. Bankosh provided the staff presentation and explained that while Alma College is not a historic listing, it is registered for preservation as a cultural landscape, which includes requirements related to the buildings in their current arrangement. As a result, the Rehabilitation Plan must meet specific guidelines, including assessing features as they relate to the property as a whole. Ms. Bankosh described the various structures on the site and displayed photographs of their original condition and their current state. Finally, Ms. Bankosh outlined the proposed Rehabilitation Plan vision and goals, which reflect the guidelines for historic culture landscape and the language included in Measure AA related to the rehabilitation of Alma College. Ms. Bankosh described the three phases of the Rehabilitation Plan including proposed funding for the rehabilitation.

Capital Project Manager Aaron Hébert outlined the potential phasing for implementation and estimated costs associated with the Rehabilitation Plan. Mr. Hébert described possible funding sources for implementation, including Measure AA, District general funds, and potential funds from grants or partners, explaining which aspects of the projects were eligible for Measure AA funds according to the approved Expenditure Plan. Mr. Hébert described a cost reduction strategy to help lower costs to the District, such as seeking grant funds, packaging construction

actions under fewer contracts, and phasing the rehabilitation of the cultural landscape. Finally, Mr. Hébert outlined the next steps and tentative schedule for implementation of the proposed Rehabilitation Plan and site opening.

Director Hassett stated his concerns regarding finding a partner to occupy the chapel building and the cost of the structural improvements required for even limited building occupancy.

Ms. Bankosh explained numerous measures and ongoing maintenance will be required to stabilize the chapel building even if people cannot enter the structure.

Director Harris stated her opinion that the project seems more tailored to special interests rather than public use of the preserve.

Director Hanko spoke in favor of staff's work on the project and the General Manager's recommendation. Also Director Hanko spoke in favor of using the site as an educational site and stated a parking lot should be nearer to the site.

Public comment opened at 8:34 p.m.

No speakers present.

Public comment closed at 8:34 p.m.

Director Siemens inquired how quickly the Board would like to move forward with demolition of the buildings in relation to the rest of the Bear Creek Redwoods public access schedule. Director Siemens expressed his opinion that staff time should not necessarily be reallocated to this project at the expense of opening the rest of preserve and other District preserves.

Ms. Bankosh explained that the design and permitting stage could take several years.

Director Cyr stated his understanding that the parking lot and pedestrian crossing would help facilitate the opening of the western area of the preserve. Director Cyr also suggested possibly leaving the building foundations in place, so visitors could see where former buildings were.

**Motion:** Director Hanko moved, and Director Cyr seconded the motion to tentatively approve the proposed cleanup and selective rehabilitation actions that comprise the Alma College Cultural Landscape Rehabilitation Plan, which will be brought back at a later date for final Board approval as part of the Bear Creek Redwoods Preserve Plan and certification of the Environmental Impact Report.

**Friendly Amendment:** Director Harris suggested amending the motion to read: Approve the scope of the Alma College Cultural Landscape Rehabilitation Plan As the project description for CEQA purposes.

Directors Hanko and Cyr accepted the friendly amendment.

**VOTE: 7-0-0**

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Kishimoto reported on the May 3, 2016 Real Property Committee meeting.

B. Staff Reports

Assistant General Manager Kevin Woodhouse reported the property management function of the Real Property department has moved into the Land and Facilities Department. Mr. Woodhouse reported the Santa Cruz Mountain Stewardship Network has hired a new Network Manager and will be having a mixer on June 9<sup>th</sup> for partners to attend and learn more about the organization.

Chief Financial Officer Stefan Jaskulak provided an update on the process for the District's selection of District underwriter, bond counsel, etc. which will be coming to the Board in June for approval. Mr. Jaskulak reported on several new hires and ongoing recruitments for the department.

Assistant General Manager Ana Ruiz reported the Bay Trail Resurfacing Celebration is scheduled for May 20<sup>th</sup> at the Carl Road Trailhead.

Mr. Abbors reported on a recent media day at the Mt. Umunhum summit and recent meetings with numerous elected leaders. Also Mr. Abbors reported on the Santa Clara County Supervisors decision regarding the Mt. Umunhum Radar Tower.

C. Director Reports

The Board members submitted their compensatory reports.

Director Harris reported her attendance at the recent San Mateo County Special District's Association meeting.

Director Riffle reported his attendance at the recent Peninsula Open Space Trust Farmland Future Initiatives event and the Bear Creek Stables Open House on May 3<sup>rd</sup>.

Director Siemens reported his attendance at a recent event held by Santa Clara County Supervisor Joe Simitian.

Director Kishimoto requested staff provide update regarding the Hawthorns property for a future meeting.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:16 p.m.