



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

May 25, 2016

DRAFT MINUTES

SPECIAL MEETING

CALL TO ORDER

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

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

Members Absent: Cecily Harris

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Capital Project Manager Zach Alexander

1. Approval of the Bid Plan Set for the Mount Umunhum Road Improvement Project and Authorization to Release the Request for Bids

Director Harris arrived at 5:25 p.m.

Capital Project Manager II Zachary Alexander provided the staff report describing historic use of Mt. Umunhum Rd., proposed District use of the road, and current condition of the road, including rough surface, lack of signage, and drainage deficiencies. Mr. Alexander described the two options for resurfacing and explained that both are similar in cost, performance, and life expectancy; therefore, staff recommends putting both options out to bid. Mr. Alexander proposed removing debris from the existing drainage inlet structures and install new drainage inlets throughout the roadway which will be able to take in a greater amount of debris and are easier to maintain by District staff members.

Mr. Alexander introduced Paul Curren from Pavement Engineering, Inc. who described the strength of the base layer of Mt. Umunhum Rd., which is in relatively good condition and only needs resurfacing. Mr. Curren described potential falling rock hazards, to be mitigated through preemptive removal of large rocks, use of concrete barriers to contain the material, and installation of rock fences to slow the momentum of falling rocks. Finally, Mr. Curren provided information regarding the current location of guardrails and plans for replacing and maintaining guardrails along Mt. Umunhum.

Director Hassett expressed his concerns regarding frequent resurfacing of Skyline Boulevard that has led to increased road noise on that road and asked if the same would occur on Mt. Umunhum Rd.

Mr. Curren explained most resurfacing is done by a chip-seal method and may be resurfaced often due to a poor road base, which is not a problem for Mt. Umunhum Rd. due of its structurally sound base layer.

Director Harris inquired regarding how public safety departments would respond to accidents on Mt. Umunhum Rd.

Visitor Services Manager Michael Newburn explained the California Highway Patrol or other local enforcement agencies would respond to accidents similar to their current process for responding to the lower area of Mt. Umunhum Rd.

Director Harris expressed her concerns regarding Board review and approval of design plans and as-built designs.

General Counsel Sheryl Schaffner explained Board review and approval of the plans is currently being done as the Board has not delegated this authority to the General Manager or his staff to approve. Additionally, Board review and approval provides additional design immunity for the District.

Mr. Alexander described various safety improvements to be implemented, including new signs, roadway striping, and replacement and installation of guard rails.

Director Kishimoto inquired whether speed limit signs would reference a specific District ordinance to enforce.

Mr. Newburn explained the District's ordinance does set a 25 mile per hour speed limit for District roads. Staff will research this further based on design and feasibility.

Director Hassett expressed his concerns regarding the District's ability to enforce speed limits.

Public comment opened at 6:20 p.m.

No speakers present.

Public comment closed at 6:20 p.m.

Mr. Alexander also stated staff recommends use of a double chip seal installed on the roadway to extend the life of the road and provide a rougher surface to encourage slower speeds and improve safety for cyclists.

Director Kishimoto recommended staff contact local cycling groups to inform them of the planned road surface.

Directors Hassett and Harris stated their understanding that staff has researched the roadway surface and expressed concerns that consulting with outside groups at this point in the project may derail the timeline.

Director Hanko stated that she did not believe cyclists would be concerned with the surface and would be pleased the road was now available for use.

Director Riffle referred back to Mr. Curren who stated cyclists were considered when creating the road design.

Mr. Curren also stated there are no design standards regarding cyclist use.

Motion: Director Siemens moved, and Director Harris seconded the motion to:

1. Approve the Mount Umunhum Road Improvement Project Design and Bid Plan Set.
2. Delegate to the Engineering and Construction Manager the authority to approve any necessary changes to the Project Design and Plans, and Direct that the “As Built” Designs Come Back to the Board for Final Approval.
3. Authorize the General Manager to advertise the Request for Bids for the Mount Umunhum Road Improvement Project.

VOTE: 7-0-0

SPECIAL MEETING – CLOSED SESSION

Public comments opened at 6:40 p.m.

No speakers present.

Public comments closed at 6:40 p.m.

2. 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

3. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

(Government Code Section 54957(b)(1))

Title of Employees: General Manager

President Kishimoto adjourned the closed session at 7:13 p.m.

REGULAR MEETING – BOARD MEETING

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:15 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, Integrated Pest Management Coordinator Coty Sifuentes-Winter, Engineering and Construction Manager Jay Lin, Real Property Manager Mike Williams, Visitor Services Manager Michael Newburn, Land and Facilities Manager Brian Malone, Budget and Finance Analyst II Nicole Gonzales, Administrative Assistant Jordan McDaniel, Planner III Lisa Bankosh, 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 Cyr moved, and Director Hanko seconded the motion to adopt the agenda.

VOTE: 6-0-0 (Director Siemens absent)

Director Siemens arrived at 7:16 p.m.

SPECIAL ORDERS OF THE DAY

- Introduction of new staff members
 - Jordan McDaniel, Administrative Assistant
 - Nathan Greig, GIS Technician will be introduced at an upcoming Board meeting

CONSENT CALENDAR

Director Siemens pulled Item 3 from the Consent Calendar.

Director Harris pulled the May 11, 2016 minutes from the Consent Calendar.

1. Approve the Minutes for the April 27, 2016 and May 11, 2016 Board meetings

Director Harris requested her statement regarding the Alma College Rehabilitation Plan on page six of the minutes be stricken from the record.

General Counsel Schaffner stated that since the statement does not give Board direction nor is it a Board action, it can be stricken from the record.

Motion: Director Hanko moved, and Director Cyr seconded the motion to approve the May 11, 2016 Board minutes with Director Harris's statement removed.

VOTE: 7-0-0

2. Approve Claims Report

3. Contract Amendment with PGA Design, Inc., for Additional Design, Engineering, Permitting, and Construction Administration Services for the Sears Ranch Parking Area at La Honda Creek Open Space Preserve (R-16-65)

General Manager's Recommendation: Authorize the General Manager to execute a contract amendment with PGA Design, Inc., for additional services related to the Sears Ranch Parking Area Project in the amount of \$31,315, for a total not-to-exceed contract amount of \$81,195

Director Hassett expressed his concerns that the opening of the La Honda preserve is being delayed.

Planner III Lisa Bankosh explained the opening of the preserve is not being delayed.

Director Siemens inquired why gravel was being used instead of asphalt.

Ms. Bankosh explained staff considered the rural ranchland setting, anticipated use, and drainage characteristics when deciding to use gravel for this project. As the project moves forward, it will be reviewed by the Planning and Natural Resources Committee and Board of Directors before being constructed.

Motion: Director Siemens moved, and Director Riffle seconded the motion to approve Item 3.

VOTE: 7-0-0

Public comment opened at 7:23 p.m.

No speakers present.

Public comment closed at 7:23 p.m.

Motion: Director Cyr moved, and Director Harris seconded the motion to approve the Consent Calendar, with the exception of the May 11, 2016 minutes and Item 3.

VOTE: 7-0-0

BOARD BUSINESS

4. Proposed Fiscal Year 2016-17 Budget & Action Plan Initial Review (R-16-68)

General Manager Steve Abbors provided introductory comments regarding the proposed FY2016-17 budget and action plan.

Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, and Chief Financial Officer/Administrative Services Director Stefan Jaskulak summarized the six major District programs and associated subprograms describing several key projects within each program.

Director Hanko requested clarification regarding the Highway 17 crossing.

Mr. Woodhouse explained the wildlife crossing is planned for under Highway 17 and the Bay Area Ridge Trail crossing may be over Highway 17.

Director Hassett spoke in favor of the removal of the eucalyptus trees along Page Mill Road.

Land and Facilities Manager Brian Malone provided an update regarding the eucalyptus tree removal, including public outreach efforts and additional fire --- removal.

Director Kishimoto requested additional information regarding the archaeological resource survey, including if it will include work with Native Americans.

Natural Resources Manager Kirk Lennington explained that a majority of the work will be working with items previously collected from the preserves.

Director Kishimoto requested additional information regarding the budget for the Coal Creek Trail.

Ms. Ruiz explained that the FY2016-17 budget for this project is for an assessment of the trails current condition, so staff may begin negotiations with San Mateo County regarding what work needs to be completed.

Director Riffle suggested the public outreach and partnership program should possibly be discussed at a future Board retreat or be a part of a future Board discussion.

Several directors commented on the increased diversity among preserve visitors.

The Board by consensus directed staff to develop a Board ad hoc committee regarding diversity, including community engagement and asked the item to be agendized for a future Board meeting agenda.

Director Hassett stated the La Honda Master Plan included restoring the Skyline Tree Farm and inquired if that was still the policy.

Land and Facilities Manager Brian Malone stated he will look into this matter, and stated much of the restoration work has been completed.

Director Hassett stated this item may need to be reevaluated at a future date once the Master Plan is reviewed.

Director Siemens expressed his concerns regarding the farm labor housing project at La Honda Open Space Preserve that it is more extensive than originally proposed.

Mr. Malone stated the District had been approached by San Mateo County regarding farm labor housing, and District staff identified a location. Staff has since then been in conversations with County staff regarding the allocation of the costs.

Board members suggested further discussion of housing at an upcoming retreat or Board meeting, including staff housing and farm labor housing.

Real Property Manager Mike Williams provided additional information regarding the farm labor housing at La Honda OSP.

The Board directed staff to modify the action plan description of this project to restate the purpose of the Farm Labor Housing project in the Property Management subprogram to read "Assess Housing options for Sears Ranch Farm Labor Housing Residence" and restate the scope to remove demolition of the existing residence and construction of new housing.

Mr. Jaskulak presented the Chief Financial Officer's Report providing an overview of the budget for the District's operating expenditures, capital expenditures, land and associated costs and debt service. Mr. Jaskulak compared the FY2016-17 budget to the FY2015-16 budget and described key factors that led to budget increases. Mr. Jaskulak described the expenditure trends for the previous and upcoming budget years and projected revenue for FY2016-17, including property taxes, Measure AA, and grant funding. Finally, Mr. Jaskulak described the fiscal impact of proposed additional staff positions through FY2018-19.

Director Kishimoto inquired regarding salary, pension, and healthcare costs.

Mr. Jaskulak provided additional information regarding the District's current costs and unfunded liability and provided information related to paying down that unfunded liability.

Item 4 was continued to after Item 5 at 9:20 p.m.

The Board returned to Item 4 at 9:41 p.m. after discussing Item 5.

Mr. Woodhouse described the proposed new positions for FY2016-17 and FY2017-18. Mr. Woodhouse explained 12 new positions are proposed for approval and budgeting for FY2016-17 and an additional 6 new positions for FY2017-18, which will be approved but not budgeted at this time. Mr. Woodhouse described the relation of the new positions to the Financial and Operational Sustainability Model Study and summarized the positions proposed to be added.

Finally, Mr. Woodhouse commented on the fiscal impact and sustainability of the proposed positions.

Director Kishimoto requested additional information regarding the proposed Grants Specialist.

Mr. Jaskulak explained the Grants Specialist will track, confirm compliance, and seek out new grant opportunities, in addition to completing grant applications.

The Board members expressed their positions regarding the proposed Grants Specialist position.

Director Harris expressed her concerns regarding Board approval of the proposed positions for FY2017-18 before they are being budgeted.
Public comment opened at 10:16 p.m.

Warren Jenkins, Open Space Technician and Vice-President of the District Field Employees Association, represented the Field Employees Association spoke in favor of the proposed staffing growth.

Public comment closed at 10:17 p.m.

Director Kishimoto requested clarification regarding the water system at Bear Creek Redwoods and the FY2017-18 projection for the project.

Ms. Ruiz provided additional information about the project.

Director Kishimoto suggested removing the \$1,785,000 estimate for this project as a projection for the FY2017-18 budget.

Motion: Director Kishimoto moved to:

1. Recommend adoption of the budget and action plan as proposed at the June 22, 2016 regular Board meeting with the following modifications:
 - Restate the purpose of the Farm Labor Housing project in the Property Management subprogram to read “Assess Housing options for Sears Ranch Farm Labor Housing Residence” and restate the scope to remove demolition of the existing residence and construction of new housing.
 - For FY2017-18, remove the \$1,785,000 projection for MAA 21-3 project, the water system at Bear Creek Redwoods from the budget.
 - Remove the Grants Specialist position from the proposed FY2016-17 budget.
2. Confirm an Action Plan and Budget Committee meeting is not needed for June 7, 2016.

Motion fails for lack of a second.

Motion: Director Riffle moved, and Director Hassett seconded the motion to:

1. Recommend adoption of the budget and action plan as proposed at the June 22, 2016 regular Board meeting with the following modifications:
 - Restate the purpose of the Farm Labor Housing project in the Property Management subprogram to read “Assess Housing options for Sears Ranch Farm Labor Housing Residence” and restate the scope to remove demolition of the existing residence and construction of new housing.

- Remove the \$1,785,000 estimate for water system at Bear Creek Redwoods from the budget.
2. Confirm an ABC meeting is not needed for June 7, 2016.

VOTE: 7-0-0

5. Consideration of the Controller’s Report on the Proposed Fiscal Year 2016-17 Budget (R-16-69)

Controller Mike Foster provided the Controller’s report outlining projected expenditures for operating and capital expenses. Mr. Foster reported the tax revenue continues to grow and stated the District’s staffing plans through FY2017-18 are affordable and sustainable. Going forward, Mr. Foster suggested refinancing of the 2007 bonds, prepayment of CalPERS unfunded liability, and increase the committed reserves by \$10 million. Mr. Foster provided his FY2016-17 cash projection, 30-year cash flow projection, and projected Measure AA tax rate for the life of the bonds.

Public comment opened at 9:40 p.m.

No speakers present.

Public comment closed at 9:40 p.m.

Motion: Director Riffle moved, and Director Siemens seconded the motion to approve the Controller’s report on the Fiscal Year 2016-17 Budget.

VOTE: 7-0-0

The Board returned to Item 4 after Item 5 was heard.

INFORMATIONAL REPORTS

A. Committee Reports

No committee reports.

B. Staff Reports

No staff reports.

C. Director Reports

The Board members submitted their compensatory reports.

Director Hassett commented on the opening of the District’s new online store.

Director Siemens reported his attendance at the District’s Wingding event.

Directors Cyr and Kishimoto reported their attendance at the Bay Area Open Space Counsel Annual Conference.

Director Harris reported her attendance at a recent aquatic conference in Monterey focused on invasive species.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:35 p.m.

Jennifer Woodworth, MMC
District Clerk