



Midpeninsula Regional  
Open Space District

June 8, 2016  
Board Meeting 16-13

## **SPECIAL AND REGULAR MEETING**

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

Shoup Park Garden House  
400 University Avenue  
Los Altos, CA 94022

**June 8, 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, 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, Engineering and Construction Manager Jason Lin, Planning Manager Jane Mark, Senior Planner Meredith Manning District Clerk Jennifer Woodworth

#### **1. Selection of Preferred Option for the Mount Umunhum Radar Tower and Authorization to Receive Outside Funds (R-16-75)**

Assistant General Manager Ana Ruiz provided the staff report.

Director Riffle requested additional information regarding the process to be used if District decided to alter the Tower at a future date.

Ms. Ruiz explained that any alteration to the tower would require a permit from Santa Clara County, which would include review by the Santa Clara County Historical Heritage Commission.

Director Kishimoto inquired regarding the process to be used to receive any donations or funds to be used for the Tower.

Ms. Ruiz explained that any donations received would be kept separate from the general fund and would only be spent on the Tower.

Director Riffle inquired if any limits could be placed on donations by those who donate funds.

Ms. Ruiz explained the District would determine how to utilize any donations for maintenance of the Tower.

Public comments opened at 5:20 p.m.

Jean Wilke expressed his concern regarding spending any public funds on maintaining the tower. Additionally, Mr. Wilke stated that if people are donating money, the Tower should be torn down, and the mountain returned to its natural state.

Bob Wallace spoke in favor of keeping the Tower as a monument to stupidity and using the Tower as a museum to demonstrate the waste of taxpayer money the Tower and its purpose were.

Sam Drake of the Umunhum Conservancy spoke in favor of the General Manager's recommendation and expressed interested in working with the District in the future to preserve the Tower for future generations.

Lester Earnest spoke in favor of including information at the site outlining the purpose of the SAGE Air Defense System and the fact that the system did not and could not have worked.

Melany Moore spoke in favor of retaining the Tower and thanked the Board for choosing to retain it.

Public comments closed at 5:33 p.m.

Director Riffle requested additional information regarding use of the Tower as a museum.

Ms. Ruiz explained the "Retain and Seal" option would have no public access to the interior of the building, so it could not be utilized as a museum.

Director Hanko spoke in favor of recognizing the whole history of Mt. Umunhum at the summit.

Director Hassett spoke regarding the recommendation of the Santa Clara County Historical Heritage Commission and expressed his concerns regarding the use of public funds from San Mateo County constituents to maintain the Tower. Director Hassett also spoke in favor of the "Retain and Seal" option and the receipt of donations to offset costs to maintain the Tower.

Director Riffle spoke in favor of the General Manager's recommendations.

Director Harris spoke in favor of the General Manager's recommendations; however, stated that she does not want staff time to be expended to actively seek out public and private funds.

Director Cyr spoke in favor of the General Manager's recommendations.

Director Siemens spoke in favor of the General Manager's recommendations and spoke in favor of seeking grant funds from the Santa Clara County Historic Heritage Commission to help fund maintenance of the Tower.

President Kishimoto spoke in favor of the General Manager's recommendations and spoke regarding the responsibility and liability the District will take on associated with keeping the Tower.

**Motion:** Director Siemens moved, and Director Hanko seconded the motion to:

1. Approve the "Retain and Seal" Option for the Mount Umunhum Radar Tower.
2. Rescind the Partnership Guidelines for the Mount Umunhum Radar Tower that were approved by the Board on January 8, 2014 to establish formal funding agreements.
3. Authorize the General Manager to receive public and private funds for the Radar Tower as donations to fund future repairs and maintenance activities.

**VOTE: 7-0-0**

President Kishimoto adjourned the special meeting at 5:51 p.m.

## **REGULAR MEETING – BOARD MEETING**

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 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, Controller Mike Foster, Visitor Services Manager Michael Newburn, Senior Real Property Agent Allen Ishibashi, Senior Management Analyst Lisa Tulee, 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: 7-0-0**

### **CONSENT CALENDAR**

Mike Bushue, a member of the public requested Item 3 be pulled from the agenda.

**1. Approve Claims Report**

**2. Call District Elections in Wards 3, 4, and 7 and Request Election Consolidation Services from Santa Clara and San Mateo Counties (R-16-72)**

General Manager's Recommendations:

1. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – Santa Clara County, Wards 3 and 4.
2. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – San Mateo County, Ward 7.
3. Reconfirm Board Policy 1.07 (*Board Elections*) regarding a maximum of 200 words per candidate statement and payment of candidates' statements and, if required by the respective county, translations of candidates' statements pursuant to the Elections Code of the State of California, in those wards where two or more candidates have qualified to appear on the ballot.
4. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District authorizing not listing any unopposed candidate for election on the November 8, 2016 ballots of Santa Clara and San Mateo Counties.

**3. Selection of outside consultants to comprise the District Bond Team and Approval of Proposed Financing Schedule (R-16-73)**

Item 3 was heard after Item 5.

Public comments opened at 7:02 p.m.

Mike Bushue requested additional information regarding the bond issuance and hiring of a new bond team.

Controller Mike Foster explained a new bond team was recruited as part of the replacement effort of the District's former bond counsel, and the increased cost is largely based on complying with additional requirements of the Securities and Exchange Commission. Mr. Foster provided additional information regarding the Request for Proposals process, including interviewing numerous teams to select the best fit for the District with the applicable experience.

Public comments closed at 7:08 p.m.

**Motion:** Director Hassett moved, and Director Harris seconded the motion to:

1. Authorize the General Manager to enter into the following Agreements related to the District's Bond Team, formed to initially assist the District with the anticipated August 2016 financing, and then extending advisement services for a term of up to six years (three years, with one three-year renewal at the option of the District):

Role	Selected Firm	Dollar Value of Contract
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Bond Counsel	Orrick	\$210,000
Disclosure Counsel	Schiff, Hardin, LLP	\$70,000
Financial Advisor	Backstrom McCarley, Berry & Co., LLC	\$130,000
Underwriter Services	Morgan Stanley	This contract may come forward in the form of a Bond Purchase Agreement at time of a negotiated Bond Refunding, but anticipated to be approximately \$145,000 paid as Cost of Issuance from Bond Proceeds.

2. Authorize the General Manger to direct staff to take the actions described in the Proposed Schedule for the 2016 Refunding of the Financing Authority's Series 2007A Revenue Refunding Bonds, so as to obtain significant future cash savings.

**VOTE: 7-0-0**

**4. Proposed Purchase of the Fox Creek Fund, LLC (Barth) property as an addition to Sierra Azul Open Space Preserve located off of Hicks Road in unincorporated Santa Clara County (Assessor's Parcel Number 575-11-020) (R-16-74)**

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Barth property at a cost of \$295,000.
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 Barth property as public open space.

**5. Authorization to Purchase Security Fencing Panels, Posts and Hardware Associated with the Mount Umunhum Environmental Restoration and Public Access Project (R-16-76)**

General Manager's Recommendation:

Authorize the General Manager to purchase Omega II Fence Systems welded-wire, no-climb security fencing panels, posts and hardware for a not-to-exceed amount of \$100,000.

Public comment opened at 7:01 p.m.

No speakers present.

Public comment closed at 7:01 p.m.

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

**VOTE: 7-0-0**

**BOARD BUSINESS**

**6. Appointment of Jay Marvin as a Peace Officer (R-16-70)**

Visitor Services Manager Michael Newburn presented the staff report and introduced new seasonal ranger Jay Marvin.

Public comment opened at 7:12 p.m.

No speakers present.

Public comment closed at 7:12 p.m.

**Motion:** Director Hanco moved, and Director Siemens seconded the motion to adopt a resolution appointing Jay Marvin as a Peace Officer.

**VOTE: 7-0-0**

Ranger Jay Marvin was sworn in as a peace officer and received his badge.

**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 Harris reported her attendance at a Women's in Community Leadership meeting.

Directors Riffle, Cyr, Hassett, and President Kishimoto reported their attendance at the recent viewing of the film "Here and Now" and commented on the high quality of the film.

President Kishimoto provided additional information regarding Native Americans who lived on District land and a recent study completed by the Golden Gate National Recreation Area related to Native American heritage sites.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:22 p.m.

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Jennifer Woodworth, MMC  
District Clerk