



Midpeninsula Regional
Open Space District

Meeting 16-18

**SPECIAL AND REGULAR MEETING
BOARD OF DIRECTORS OF THE
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

**SPECIAL MEETING
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
FINANCING AUTHORITY**

Administrative Office
330 Distel Circle
Los Altos, CA 94022

**Wednesday, August 10, 2016
5:00 PM***

REVISED A G E N D A

**5:00 SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA
REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION**

ROLL CALL

- 1. 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

- 2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)**
 - Property:** Santa Clara County Assessor's Parcel Number 517-24-007
Agency Negotiator: Allen Ishibashi, Senior Real Property Agent
Negotiating Party: Marita Quint
Under Negotiation: Fee Title, Trail and Road Easements or Rights

 - Property:** Santa Clara County Assessor's Parcel Number 517-24-020
Agency Negotiator: Allen Ishibashi, Senior Real Property Agent
Negotiating Party: Ann Dunham
Under Negotiation: Fee Title, Trail and Road Easements or Rights

 - Property:** Santa Clara County Assessor's Parcel Number 510-33-006
Agency Negotiator: Allen Ishibashi, Senior Real Property Agent
Negotiating Party: Andrew Gere
Under Negotiation: Fee Title, Trail and Road Easements or Rights

Property: Santa Clara County Assessor's Parcel Number 510-48-002

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Ken Crafford

Under Negotiation: Fee Title, Trail and Road Easements or Rights

Property: Santa Clara County Assessor's Parcel Number 510-48-001

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Oakley Fairview Company

Under Negotiation: Fee Title, Trail and Road Easements or Rights

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

7:00 MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

ROLL CALL

ORAL COMMUNICATIONS

The Board President will invite public comment on items not the agenda. Each speaker will ordinarily be limited to three minutes; however, the Brown Act (Open Meeting Law) does not allow action by the Board of Directors on items not on the agenda. If you wish to address the Board, please complete a speaker card and give it to the District Clerk. Individuals are limited to one appearance during this section.

ADOPTION OF AGENDA

SPECIAL ORDERS OF THE DAY

- Introduction of Staff
 - Amy Schmitt, Senior Administrative Assistant

CONSENT CALENDAR

All items on the Consent Calendar may be approved without discussion by one motion. Board members, the General Manager, and members of the public may request that an item be removed from the Consent Calendar during consideration of the Consent Calendar.

- 1. Approve the Minutes for the July 27, 2016 Board meetings**
- 2. Approve Claims Report**
- 3. Renewal of Investment Authority and Adoption of Annual Statement of Investment Policy (R-16-77)**

Staff Contact: Mike Foster, Controller

General Manager's Recommendation: Adopt a resolution to renew the District Controller's investment authority until August 10, 2017 and approve the District's Revised Statement of Investment Policy.

4. Fiscal Year 2016-17 Annual Claims List (R-16-83)

Staff Contact: Nicole Gonzales, Budget Analyst II and Andrew Taylor, Senior Accountant
General Manager's Recommendation: Approve the Fiscal Year 2016-17 Annual Claims List, including debt service payments.

5. Measure AA Logo (R-16-99)

Staff Contact: Shelly Lewis, Public Affairs Manager
General Manager's Recommendation: Approve the Legislative, Funding, and Public Affairs Committee's recommendation for Measure AA logo design, with the addition of "funded by" and "2014 Open Space Bond" wording.

6. Resolution Approving a Second Addendum to the Final Environmental Impact Report for the Mount Umunhum Environmental Restoration and Public Access Project (R-16-96)

Staff Contact: Meredith Manning, Senior Planner
General Manager's Recommendation: Adopt a resolution approving a Second Addendum to the certified Final Environmental Impact Report for the Mount Umunhum Environmental Restoration and Public Access Project at Sierra Azul Open Space Preserve and related minor project modifications.

BOARD BUSINESS

The President will invite public comment on agenda items at the time each item is considered by the Board of Directors. Each speaker will ordinarily be limited to three minutes. Alternately, you may comment to the Board by a written communication, which the Board appreciates.

7. Resolution Authorizing the Issuance of a Series 2016 Green Bonds and Approving Related Documents and Associated Actions (R-16-97)

Staff Contact: Stefan Jaskulak, Chief Financial Officer
Executive Director's Recommendation: Adopt a Resolution authorizing issuance of not to exceed \$68 million in Midpeninsula Regional Open Space District Green Bonds, 2016 Refunding (the "2016 Green Bonds"); approving the related forms and execution of an indenture, a bond purchase agreement, an escrow agreement, and a continuing disclosure agreement; approving form of and distribution of an official statement for said refunding bonds; and authorizing taking of necessary and incidental actions, and documents and certificates.

ADJOURNMENT TO THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY MEETING

SPECIAL MEETING OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY

1. Resolution Authorizing the Early Redemption and Execution of All Necessary Documents in Connection with the 2016 Green Bonds (R-16-98)

Staff Contact: Stefan Jaskulak, Chief Financial Officer

Executive Director's Recommendation: Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District Financing Authority authorizing the early redemption of the 2007 Series A Revenue Refunding Bonds and 2011 Revenue Bonds, and Approving Forms and Execution of an Escrow Agreement, and Authorizing the taking of all necessary actions in connection with the 2016 Green Bonds.

RECONVENE THE REGULAR MEETING OF BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

8. Award of Contract to O.C. Jones & Sons Inc. for construction of the Mount Umunhum Road Rehabilitation Project (Project) at Sierra Azul Open Space Preserve for a Base Amount Not-to-Exceed \$5,012,758 and a Separate 15% Contingency (R-16-101)

Staff Contact: Zachary Alexander, Capital Project Manager II, Engineering and Construction Department

General Manager's Recommendation:

1. Authorize the General Manager to enter into contract with O.C. Jones & Sons of Berkeley, CA for a not-to-exceed base contract amount of \$5,012,758.
2. Authorize a 15% construction contract contingency in the amount of \$751,914 to be reserved for unanticipated issues, thus allowing the total contact amount not-to-exceed \$5,764,672.
3. Adopt a Resolution approving a budget line item adjustment in the amount of \$2,764,672 to the Fiscal Year (FY) 2016-17 District budget to fund construction of the Project.

9. Award of Contract to D-Line Constructors for Construction Services for the Mount Umunhum Summit Project at Sierra Azul Open Space Preserve for a Base Amount Not-to-Exceed \$7,385,000 and a Separate 10% Contingency (R-16-82)

Staff Contact: Damon Adlao, Capital Project Manager III, Engineering and Construction Department

General Manager's Recommendation:

1. Approve the Mount Umunhum Summit Project Design and Plans, and delegate to the General Manager or designee 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.

- ~~1.~~2. Authorize the General Manager to enter into contract with D-Line Constructors of Oakland, CA, for a not-to-exceed base contract amount of \$7,385,000,
- ~~2.~~3. Authorize a 10% construction contract contingency in the amount of \$738,500 to be reserved for unanticipated issues, thus allowing a total contract amount not-to-exceed \$8,123,500.
- ~~3.~~4. Adopt a Resolution approving a budget adjustment in the amount of \$3,466,450 to the Fiscal Year 2016-17 Budget.

10. Determination of Compensability for Diversity Outreach Ad Hoc Committee Meetings (R-16-100)

Staff Contact: Jennifer Woodworth, District Clerk/Assistant to the General Manager
General Manager's Recommendation: Discuss and determine whether the meetings of the Diversity Outreach Ad Hoc Committee should be compensable.

INFORMATIONAL MEMORANDA

- Proposed Prospect Road Parking Area (Net Canopy) Safety Structure at Fremont Older Open Space Preserve

- Salmonid Habitat Restoration Projects, San Gregorio Creek
- Vida Verde Nature Center Grant Report

INFORMATIONAL REPORTS – Reports on compensable meetings attended. Brief reports or announcements concerning activities of District Directors and staff; opportunity to refer public or Board questions to staff for factual information; request staff to report back to the Board on a matter at a future meeting; or direct staff to place a matter on a future agenda. Items in this category are for discussion and direction to staff only. No final policy action will be taken by the Board.

- A. Committee Reports
- B. Staff Reports
- C. Director Reports

ADJOURNMENT

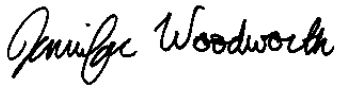
**Times are estimated and items may appear earlier or later than listed. Agenda is subject to change of order.*

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (650) 691-1200. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Written materials relating to an item on this Agenda that are considered to be a public record and are distributed to Board members less than 72 hours prior to the meeting, will be available for public inspection at the District's Administrative Office located at 330 Distel Circle, Los Altos, California 94022.

CERTIFICATION OF POSTING OF AGENDA

I, Jennifer Woodworth, District Clerk for the Midpeninsula Regional Open Space District (MROSD), declare that the foregoing agenda for the meeting of the MROSD Board of Directors and special meeting of the MROSD Financing Authority was posted and available for review on August 5, 2016, at the Administrative Offices of MROSD, 330 Distel Circle, Los Altos California, 94022. The agenda and any additional written materials are also available on the District's web site at <http://www.openspace.org>.



Jennifer Woodworth, MMC
District Clerk

