



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

September 14, 2016

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Kishimoto called the special meeting to order at 5:00 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, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Real Property Manager Mike Williams, Planner III Gretchen Laustsen

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

Property: Portions of San Mateo County Assessor's Parcel Numbers 093-590-030, 093-590-050 and 093-590-060

Agency Negotiator: Michael Williams Real Property Manager

Negotiating Party: Brian Morelli, Senior Right of Way Agent, San Francisco Public Utility Commission

Under Negotiation: Public Trail Easement

Negotiating Party: Sean Charpentier, Assistant City Manager, City of East Palo Alto

Under Negotiation: Memorandum of Understanding regarding Public Trail Easement

**2. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.
Government Code Section 54957(b)(1)**

Title of Employees: Controller
General Counsel
General Manager

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6

Agency designated representatives: Board of Directors

Unrepresented Employees: District Controller
General Counsel
General Manager

Public comments opened at 5:00 p.m.

No speakers.

Public comments closed at 5:00 p.m.

The Board convened into closed session.

All staff members left closed session at 5:40 p.m.

President Kishimoto adjourned the special meeting at 6:57 p.m.

REGULAR MEETING

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

President Kishimoto reported the Board met in closed session, and no reportable action was taken.

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, District Clerk Jennifer Woodworth, Planning Manager Jane Mark, Engineering and Construction Manager Jason Lin, Capital Project Manager III Dale Grogan, Capital Project Manager II Zach Alexander, Natural Resources Manager Kirk Lenington, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, and

ORAL COMMUNICATIONS

Jess Brown, representing the San Mateo County Farm Bureau, spoke regarding a meeting he had requested with the Board of Directors and stated he just received a response to his July correspondence.

SPECIAL ORDERS OF THE DAY

- Informational Presentation by Project Manager Lotina Nishijima from the Santa Clara Valley Water District regarding the Permanente Creek Flood Protection Project at Rancho San Antonio

Santa Clara Valley Water District (SCVWD) Project Manager Lotina Nishijima described the history and objectives of the Permanente Creek Flood Protection Project. Extensive outreach was completed during the project's planning and design process. Major project elements include floodwalls, channel widening, and flood detention areas, including at Rancho San Antonio Park. At Rancho San Antonio, there will be two detention basins, new parking areas, new native tree plantings, and a new restroom. Construction is expected to last from December 2016 to December 2018. SCVWD staff is working with Santa County Parks and District staff to reexamine the proposed layout of the new parking lot, which will be opened before the old parking lot is demolished. Portions of the Hammond-Snyder and South Meadow trails will be closed during construction.

Director Riffle inquired what type of notices would be on place for members of the public to be able to contact SCVWD staff.

Kristen Yasukawa, member of the SCVWD's Communication Unit described where the notices would be placed and stated banners would also be posted on the fencing. Currently, temporary signs are in place to notify visitors of the upcoming project.

Director Hanko commented on visitors seeking peace and quiet at the preserves.

Ms. Nishijima stated an outreach meeting is planned to be held in Cupertino, and last year a meeting was held at the Forum Skilled Nursing Facility to inform them of the project. Residents were largely in support of the project.

Director Riffle expressed his concern regarding the lower number of equestrian parking spots.

Assistant General Manager Kevin Woodhouse spoke regarding the current driving pattern of the parking area, and the proposed equestrian parking area will be safer for equestrian trailers and other drivers. Based on observations of the parking lots on a Saturday morning and visitor usage survey data, equestrian use of the preserve is 1-2%. The parking lot designs for the project aim to maximize parking areas for equestrian trailers and other drivers as much as possible. Creating additional parking areas would require an amendment to the Santa Clara County Master Plan.

Director Kishimoto requested additional information regarding possible selenium deposits in the detention basin.

Ms. Nishijima explained the operation and maintenance plan anticipates only one foot of sediment over the course of a hundred years. When any sediment would be removed from the basin, it would be tested for selenium and disposed of appropriately.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

CONSENT CALENDAR

Director Hassett pulled Item 3 from the Consent Calendar.

Public comment opened at 7:59 p.m.

No speakers.

Public comment closed at 7:59 p.m.

Motion: Director Hassett moved, and Director Harris seconded the motion to approve the Consent Calendar, with the exception of Item 3.

VOTE: 7-0-0

1. Approve August 10, 2016 and August 24, 2016 Minutes

2. Approve Claims Report

Director Harris requested additional information regarding the check to Management Partners.

General Manager Steve Abbors explained Management Partners conducted a review of the General Manager's Office to identify processes that can be more efficient and streamlined.

3. Vegetation Management for Fire Protection at Bear Creek Redwoods Open Space Preserve (R-16-108)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Ecological Concerns, Inc. of Santa Cruz, California in the amount not to exceed \$47,000.00 to provide vegetation management services at Bear Creek Redwoods Open Space Preserve in Fiscal Year 2016-17.
2. Authorize the General Manager to extend the above contract in the amount not to exceed \$28,000 in Fiscal Year 2017-18 to provide vegetation management services at Bear Creek Redwoods Open Space Preserve if the Board approves this funding in the FY2017-18 budget.

Public comment opened at 8:01 p.m.

Jenny Whitman thanked staff for the various clearing the projects the District has done for fire protection and management.

Melany Moore shared projects that are in progress or completed by Bear Creek Stables to prepare for possible fires.

Public comment closed at 8:04 p.m.

Motion: Director Hassett moved, and Director Cyr seconded the motion to approve the Item 3.

VOTE: 7-0-0

4. Update Board Policies 3.01 (Financial Instrument Signatories) and 3.02 (Safe Deposit Box) to include the Chief Financial Officer/Director of Administrative Services as an authorized signatory (R-16-115)

General Manager's Recommendation: Approve a resolution to add the position of Chief Financial Officer/Director of Administrative Services to the list of authorized signatories and access to the District's safe deposit box.

BOARD BUSINESS

5. Proposed purchase and settlement agreement for the Rossetta property as an addition to Sierra Azul Open Space Preserve located on Mt. Umunhum Road in unincorporated Santa Clara County (Assessor's Parcel Number 562-22-017) (R-16-111)

Senior Real Property Agent Allen Ishibashi outlined the terms and conditions of the purchase and provided a history of the District's negotiations and actions related to the Rossetta property. Included in the purchase is the 19 acres with a disputed ownership claim, an additional 28-acre inholding, unrestricted access to the Woods Trail, and provides certainty that the public will be able to access the Mount Umunhum Summit once it has been opened. Non-Measure AA funds are being used to purchase the property, and the ongoing lawsuit will be settled as part of the agreement.

Director Harris requested additional information regarding the plaque honoring Mr. Rossetta's parents.

Mr. Ishibashi provided additional information regarding the plaque and stated it would follow the District's sign standards.

Director Kishimoto requested additional information regarding the spring on site.

Mr. Ishibashi stated staff does not know the spring's current flow rate, but it will be evaluated after the District takes possession of the property.

Public comment opened at 8:25 p.m.

No speakers.

Public comment closed at 8:25 p.m.

Motion: Director Hanko moved, and Director Siemens seconded a motion to:

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 and settlement agreement for the Rossetta property at a cost of \$1,650,000 with a corresponding authorization for a budget adjustment/increase of the same amount.

3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Adopt a Resolution authorizing the General Manager to file, upon close of escrow, a notice of Williamson Act nonrenewal with the County of Santa Clara for Assessor's parcel number 562-22-017.
5. Withhold dedication of the Rossetta property as public open space at this time.

Motion: Director Hassett moved, and Director Cyr seconded the motion to hear Item 7 before Item 6.

VOTE: 7-0-0

6. Award of Contract and Related Professional Services Contract Amendment for the Sears Ranch Road Drainage Upgrade Project (Project) at La Honda Creek Open Space Preserve (R-16-114)

Item 6 was heard after Item 7.

Engineering & Construction Manager Jay Lin proved the staff report explaining the project will significantly reduce the amount of sediment from the existing road network eroding into the surrounding creeks. Completion of the project is critical to the opening of the La Honda Creek open space preserve in 2017.

Director Harris asked if the road improvements are for the grazing tenants or for public access.

Capital Project Manager III Dale Grogan explained they are for hiking, equestrian, and patrol purposes and to assist the grazing tenant.

Public comment opened at 9:39 p.m.

No speakers.

Public comment closed at 9:39 p.m.

Motion: Director Hassett moved, and Director Hanko seconded a motion to:

1. Authorize the General Manager to enter into a contract with Grade Tech, Inc., of Castro Valley, CA, for a base contract amount of \$415,960.
2. Authorize a 10% construction contract contingency in the amount of \$41,596 to be reserved for unanticipated issues, thus allowing the total contact amount not-to-exceed \$457,556.
3. Authorize the General Manager to amend an existing professional services agreement with Tim Best, CEG, for additional design services to support the Project in the amount of \$2,594.
4. Adopt a Resolution approving a budget adjustment/increase in the amount of \$207,150 to the Fiscal Year (FY) 2016-17 District budget to fund the Project.

VOTE: 7-0-0

7. Site Cleanup and Demolition of Structures in the former Driscoll Ranch Area of La Honda Creek Open Space Preserve (R-16-112)

Item 7 was heard after Item 5.

Water Resource Specialist and Project Manager Aaron Hébert provided the staff presentation describing the various structures recommended for demolition. Current Board policy offers considerations for reviewing structures considered for demolition. Mr. Hébert displayed photos showing the condition of structures inside and out, described structural deficiencies, hazardous materials on site, and the potential resources needed to maintain the structures. Additionally, the grazing tenant does not have any use for the structures proposed for demolition. Mr. Hébert described the extensive repairs that would be needed to make the Wool Ranch House habitable totaling approximately \$400,000 and more than \$200,000 for road repair to access the house.

Director Hassett suggested staff compile photographs of the structures in their former condition to acknowledge their former uses and the time period they represent.

Director Hanko inquired if there is wildlife living inside the structure that should be protected.

Mr. Hébert mentioned several species that could live in the structures and recommended biological monitoring to protect and remove potential wildlife from the structures.

Public comment opened at 9:11 p.m.

Sarah Rosendahl, legislative aide for San Mateo County Supervisor Don Horsley, spoke in favor of demolishing the structures recommended for demolition, and expressed the hope that the District will choose to replace the houses in the future. In the future Supervisor Horsley would like to work with the District on housing in San Mateo County.

Public comment closed at 9:13 p.m.

Director Riffle inquired regarding future replacement of the housing and outbuildings.

Property Management Specialist Elaina Cuzick explained the current grazing resident has suggested he may need additional corrals and hay barns in the future. Currently, the house above the Driscoll Ranch is occupied by a farm labor tenant. District staff will return in the future with options for replacing the demolished house for his use.

Director Hanko suggested staff reach out to the public to determine any interest in the structures for historic use.

Mr. Hébert reported he reached out to the Historic Architecture Committee, which gathered photographs of the structures before determining they did not have historic value.

Director Kishimoto spoke in favor of a master cultural plan for the entire District to determine what structures are worth preserving throughout the District.

Motion: Director Hassett moved, and Director Siemens seconded a motion to approve the removal of debris piles and the demolition of the following 12 structures in the former Driscoll

Ranch area of La Honda Creek Open Space Preserve to prepare the area for public use: 2 houses (one of which is County red-tagged); 2 standing barns with rotting substructures; 4 collapsed barns; and 4 outbuildings.

VOTE: 6-1-0 (Director Hanko dissenting)

8. Final report on the sale of the 2016 Green Bonds Refunding (R-16-113)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the staff report summarizing the process to date. Through the refunding, the District will save more than \$15 million. The District sent notices to more than 20,000 members of the public to notify them of the bond sale and published announcements in the San Jose Mercury News and San Mateo Daily Journal, which helped lead to more than 13% of the bonds being sold to individuals in Santa Clara and San Mateo Counties.

No Board action required.

INFORMATIONAL REPORTS

A. Committee Reports

Director Kishimoto reported the Facilities Ad Hoc Committee met on August 29th and September 12th.

Director Cyr reported the Legislative, Funding, and Public Affairs Committee met on August 30th to receive a legislative update and proposed trail names for trails at the La Honda Creek open space preserve.

Director Siemens reported the Board Appointee Evaluation Committee met on September 6th.

B. Staff Reports

Legislative/External Affairs Specialist Josh Hugg described Santa Clara County's Measure A related to affordable housing and San Mateo County's Measure K sales tax extension related to health and human services funding, including affordable housing.

Director Harris spoke regarding San Mateo County's Measure A approved in 2012 stating it continues to benefit parks, and the District received Measure A funds for farm labor housing. Director Harris stated that funding from Measure K is not anticipated to be allocated to affordable housing until 2023.

Motion: Director Cyr moved, and Director Siemens seconded the motion to direct staff to return with additional information on Measure A and Measure K at a future Board meeting.

VOTE: 6-1-0 (Director Harris dissented.)

Assistant General Manager Ana Ruiz reported staff met with neighbors of the El Sereno open space preserve related to dog access. In general, they were supportive, and a subsequent meeting will be held with the Sheldon Road neighbors in the near future. Construction at Mt. Umunhum

has begun, and staff reached out to neighbors, posted and mailed notices, and have set up a telephone hotline for people to contact with questions or concerns. The environmental documents and preserve plan for the Bear Creek Redwoods preserve will be released Friday. The telecommuting policy has been implemented for District staff.

Assistant General Manager Kevin Woodhouse provided an update of the District's work with the San Mateo County Farm Bureau and their concerns related to grazing and public access. The Farm Bureau requested indemnification of the tenants by the District, and the District declined in the letter provided to the Board. Staff has provided an FYI to provide additional background information.

General Manager Steve Abbors reported his attendance at a meeting of the Santa Clara County City Manager's Association. Many of the City Managers are bringing Measures A and B to their own city councils for consideration.

C. Director Reports

The Board members submitted their compensatory reports.

Director Hassett commented on the extensive brush clearing along Highway 35 for fire prevention.

Director Siemens reported his attendance at the Santa Clara County Special District's Association meeting.

Director Hanko spoke in favor of a shuttle system for Rancho San Antonio.

Director Harris spoke regarding a new shuttle service in San Mateo County to access various parks in San Mateo County funded by a grant from San Mateo Transportation Authority. Saturdays and Sundays for two years.

Director Kishimoto reported her attendance at a meeting of the Santa Clara Valley Water District's Water Commission.

ADJOURNMENT

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:34 p.m.

Jennifer Woodworth, MMC
District Clerk