



Midpeninsula Regional
Open Space District

January 25, 2017
Board Meeting 17-03

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, January 25, 2017

DRAFT MINUTES

SPECIAL MEETING

President Hassett called the special meeting to order at 5:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Yoriko Kishimoto, and Curt Riffle

Members Absent: Cecily Harris, Nonette Hanko, and Pete Siemens

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, Chief Financial Officer/ Administrative Services Director Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Senior Planner Tina Hugg, Engineering and Construction Manager Jay Marvin, and Senior Real Property Agent Allen Ishibashi

1. Selection of Preferred Option for the New Administrative Main Office Project (R-17-08)

General Manager Steve Abbors provided introductory comments providing an overview of the project and the process used to date.

Senior Planner Tina Hugg provided the staff presentation describing the majority and minority recommendations from the Facilities ad hoc committee and introduced Signo Uddenberg from MKThink.

Mr. Uddenberg described the various steps of the process used by District staff, the Committee, and the project team to create various scenarios for consideration, including real estate analysis and site feasibility studies, future trends and emerging issues, and a staff survey.

Director Riffle inquired if the number of commuters that would be using the building in the future was considered by the project team.

Mr. Uddenberg reported staff was asked questions related to commutes and use of mass transit in the staff survey. The results of the survey demonstrated many staff members use their vehicles for other reasons that may not be resolved by an increased availability of mass transit.

Director Riffle inquired regarding housing availability near workplaces and whether it was a factor in the process.

Ms. Hugg explained housing shortages would unfortunately continue to exist due to rapid increase in job availability with high salaries, such as in the technology sector. Additionally, due to the age range of staff members, many are seeking to live in family-friendly areas with green space and are less likely to seek urban or infill housing.

Mr. Uddenberg described the future scenarios the District could best position itself for through its future Administrative Office. The scenarios were discussed by the ad hoc committee, and three were determined to be most probable and beneficial to the District's future. Based on the recommendation of the General Manager's Office and the ad hoc committee, it was determined that a one-story option was not feasible at this time. The ad hoc committee moved forward with a minority and majority recommendation for a two-story or three-story design.

President Hassett questioned the amount of square footage needed by the District and whether the District may choose to build beyond the amount needed for potential commercial rental. Additionally, questioned if three stories of underground parking would be needed for a three-story building that was not built to the maximum allowable size.

Mr. Uddenberg explained the square footage amounts provided are the maximum levels possible in the various options presented.

Mr. Abbors described the District's current and projected future needs for staff space, which, using current density levels, would require approximately 27,000 square feet.

Director Kishimoto commented on the design flexibility that would be allowed for in a larger building, such as designing a light well in the building.

Ms. Hugg described the full evaluation criteria used by the project team to evaluate the three options, including growth flexibility, revenue potential, partnership potential, responsible infill density, maximizing value for "today's dollar," community engagement, etc. Based on the various criteria, the General Manager's Officer recommends the three-story option to maximize the benefits and flexibility of the once-in-a-lifetime opportunity to position the District for the future.

Mr. Abbors commented on the benefits of the three-story option to help the District be a leader in the community for expanded land stewardship and public engagement, providing space for partners and community use, and providing the greatest stability and flexibility for the District's long-term future.

Mr. Uddenberg and Matt Pietras, an architect with MKThink, presented conceptual visualizations of how the future Administrative Office may be used, including solar panels or shades, social gathering spaces, water capture systems, creation of a rooftop garden, etc.

Ms. Hugg described the proposed next steps of the project, including various jump points in the process where the Board may act on an unforeseen real estate opportunity if one arises. Ms. Hugg presented a cost analysis based on the previously completed Tanner-Hecht, a study based on square footage costs for the Peninsula area plus an additional 20 percent allowance for design elements. Mr. Pietras explained the cost analysis represents a middle range of costs.

President Hassett commented on conversations at ad hoc committee meetings related to the minority recommendation. President Hassett explained Director Siemens's main concern related to the District building additional square footage not needed by the District and acting as a landlord.

Director Kishimoto commented on the work of the ad hoc committee and her preference for the three-story option, including its location along El Camino Real and near transit options, the high likelihood of finding a tenant for additional space, and the lower net cost of the building if it is offset by rental revenue. Director Kishimoto spoke in favor of reducing parking as much as possible.

Director Cyr spoke in favor of the three-story option due to its ability to provide the District the most flexibility and value for today's dollar.

Director Riffle spoke regarding the need to identify goals of the project.

Ms. Hugg shared the project goals approved by the Board November 18, 2015.

Director Riffle commented on the Board's need to adhere to the goals of the project and the ability to provide a facility for the public to begin to understand and experience open space. Additionally, a space must be built to help staff do their jobs effectively and efficiently and provide a community benefit.

Public comments opened at 6:50 p.m.

Jerry Hearn representing the trust funding owning the Peninsula Conservation Center commented on the thoughtful and thorough process being used by the District for this project. Mr. Hearn also spoke regarding the high likelihood of the District finding renters if additional square footage is built.

Public comments closed at 6:55 p.m.

President Hassett spoke in favor of the three-story option, which may be smaller than the 46,000 square foot estimate once building design begins.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to select construction of a new, three-story office building at the existing location with a rooftop common area as the preferred option for a new Administrative Office.

VOTE: 4-0-0 (Directors Hanko, Harris, and Siemens absent)

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 p.m.

REGULAR MEETING

President Hassett called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Yoriko Kishimoto, and Curt Riffle

Members Absent: Cecily Harris, Nonette Hanko, and Pete Siemens

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Chief Financial Officer/ Administrative Services Director Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Legislative/External Affairs Specialist Joshua Hugg

ORAL COMMUNICATIONS

No speakers present.

SPECIAL ORDERS OF THE DAY

- Introduction of Staff
 - Jay Marvin, Ranger
 - Kyle Shank, Ranger
 - Ashley Ryder, Ranger

ADOPTION OF AGENDA

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

VOTE: 4-0-0 (Directors Hanko, Harris, and Siemens absent)

CONSENT CALENDAR

Public comment opened at 7:15 p.m.

No speakers.

Public comment closed at 7:15 p.m.

Motion: Director Kishimoto moved, and Director Riffle seconded the motion to approve the Consent Calendar, as amended.

VOTE: 4-0-0 (Directors Hanco, Harris, and Siemens absent)

1. Approve January 11, 2017 Minutes

Director Riffle requested the minutes be changed to reflect that he, not Director Siemens, made the suggestion to appoint to fill the Bond Oversight Committee vacancy.

District Clerk Jennifer Woodworth noted the change.

2. Approve Claims Report

Director Kishimoto commented on the District's recent vehicle purchases, including the District's vehicle policy, expressing her belief that newer vehicles may last longer than previous vehicle models.

Mr. Abbors spoke regarding the terrain on which the vehicles are used causes more wear and tear than may be seen on paved roads.

3. Appointment of Board of Directors Standing Committee Members and District Representatives to the Governing Board of the Midpeninsula Regional Open Space District Financing Authority for Calendar Year 2017 (R-17-14)

Board President's Recommendation: Approve the Board President's appointments to the Board Standing Committees and the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, as well as approve the appointments of Board representatives to other bodies, and determine the compensation status for attendance at Board Committee meetings.

4. Contract Amendment with PGA Design, Inc., for Additional Design, Engineering, and Permitting Services for the Sears Ranch Parking Area at La Honda Creek Open Space Preserve (R-17-02)

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 at La Honda Creek Open Space Preserve in the amount of \$42,626, for a total not-to-exceed contract amount of \$123,821.

BOARD BUSINESS

4. Adoption of a Resolution Certifying the Final Environmental Impact Report, Making Certain Findings of Fact, Approving a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan, and Approving the Bear Creek Redwoods Preserve Plan including the Bear Creek Stables Site Plan and the Alma College Cultural Landscape Rehabilitation Plan (R-17-15)

Planner III Lisa Bankosh provided the staff report describing the project, California Environmental Quality Act (CEQA) process, and Preserve Plan, including stewardship, public access, Alma College Rehabilitation Plan, and Bear Creek Stables Site Plan. Based on the extensive planning process, public access to the Bear Creek Redwoods Preserve would be

opened in a phased approach to include stewardship actions to prepare for increased use, reopening and constructing new trails, and construction of parking areas and trail crossings. Portfolio 21 of Measure AA includes funds for various projects at the Preserve, including Alma College, Bear Creek Stables, environmental stewardship, parking lots, trails, etc. The Alma College Site Rehabilitation Plan allows for enhanced access and use, minimal stabilization and rehabilitation, and site cleanup, where necessary.

Planner III Gretchen Laustsen summarized the main elements of the Preserve Plan specific to Bear Creek Stables. The Site Plan emphasizes protection of the site's natural resources, maximizes public benefits by broadening public access, and develops a financially feasible plan for a stables tenant and the District. Ms. Laustsen summarized several high-priority improvements and associated cost estimates for the site planned for phase 1 of the Preserve Plan. Finally, Ms. Laustsen provided a project schedule for the Site Plan.

Director Riffle inquired regarding the cost of the water system for the Bear Creek Stables.

Engineering and Construction Manager Jay Lin reported the estimate received was \$1 million, and the current request for proposals posted by the District includes an estimate of \$500K to \$1 million with a large portion of the cost going to a large water tank and pipe installation.

Director Kishimoto inquired regarding the next steps for Alma College and whether it would need to be referred to the Santa Clara County Historical Heritage Commission.

Ms. Bankosh reported the Santa Clara County Planning Director may decide whether to issue a demolition permit or whether to refer the item to the Historical Heritage Commission to make that determination.

Public comment opened at 7:55 p.m.

Melany Moore with the Summit Riders and Friends of Bear Creek Stables thanked staff for responding to her letter and questions. Ms. Moore asked if the manure dump could be used as a composting site to allow Bear Creek Stables to possibly pursue grant funding. Ms. Moore also commented on a large amount of Scotch Broome invasive species in the area. Finally, the Friends of Bear Creek Stables recently received grant funding for a gutter improvement.

Jenny Whitman thanked staff for their work on the project and spoke in favor of the District keeping the radio tower currently on site. Ms. Whitman thanked Ms. Moore for the help to secure grant funding to create defensible space.

Peter Hargreaves requested clarification on when public access would begin on the western side of the Preserve and how long would public access be closed for western and eastern sides of the Preserve.

Frank Bakonyi requested clarification for the phased implementation of the Site Plan at Bear Creek Stables and stated the parking area should be able to accommodate the large demand this preserve will have due to its proximity to urban areas. Mr. Bakonyi suggested moving the arena closer to the public areas to provide separation for the stables' tenants. Mr. Bakonyi spoke in favor of holding small events at the Bear Creek Stables and spoke against limiting amplified

sound to event attendees to hear the event. Finally, spoke in favor accelerating the project schedule.

Public comment closed at 8:06 p.m.

Ms. Bankosh explained that the entire western side of the preserve would be opened in 2018, which will allow for the large stewardship projects and construction of the Alma College parking lot to be completed prior to public access.

Ms. Laustsen clarified any composting station would have to be in addition to the manure dump due to the site's constraints.

Mike Parker of Ascent Environmental summarized the CEQA process and schedule to date for the Environmental Impact Report (EIR). The Preserve Plan was designed to mitigate impacts through avoidance, minimization, compensation, and adaptive management. Mr. Parker described several impacts that were mitigated to less than significant, including biological resources, cultural resources, hazardous materials, and dam safety. There was one significant and unavoidable impact associated with the demolition of historic structures associated with the "Alma College Complex." Mitigation includes documentation of the 1950 library, utility garage, and 1934 library prior to removal, but the impacts to historic structures would remain significant and unavoidable after mitigation. Mr. Parker described public comments received and explained public comments received did not change the conclusion of the EIR nor were changes necessary. The Board will be adopting a statement of overriding considerations, which is required when there is a significant and unavoidable impact. The District did add enhanced mitigation language to project the Western Pond Turtle and a trail undercrossing option to the Preserve Plan.

President Hassett requested additional information related to the limits on amplified sound.

Ms. Bankosh explained the restriction is not a District policy and would need to be evaluated separately from the EIR. The Preserve Plan does prohibit amplified sound.

Director Kishimoto requested clarification related to the removal of redwood and oak trees.

Ms. Bankosh explained the removal of the trees is related to mitigation measures for the Western Pond Turtle and needed for line-of-site requirements for the parking area.

General Counsel Sheryl Schaffner provided additional comments on amplified sound on the site explaining a neighboring site studied the impact of amplified sound on open space, including the District's preserve and found that it had a negative environmental impact.

Public comment opened at 8:29 p.m.

No speakers present.

Public comment closed at 8:29 p.m.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to adopt a resolution of the Board of Directors of the Midpeninsula Regional Open Space District:

- Certifying the Final Environmental Impact Report

- Adopting the Findings of Fact and Statement of Overriding Considerations
- Approving a Mitigation Monitoring and Reporting Plan
- Approving the Bear Creek Redwoods Preserve Plan including the Bear Creek Stables Site Plan and the Alma College Cultural Landscape Rehabilitation Plan

VOTE: 4-0-0 (Directors Hanko, Harris, and Siemens absent)

6. Fiscal Year 2016-17 Quarter 2 District Budget Amendments (R-17-16)

Finance & Budget Analyst II Nicole Gonzales presented the staff report describing the creation of a new debt service fund and affirmation of the District's budget by fund both resulting from the District auditor's recommendation. Ms. Gonzales described proposed Quarter 2 budget amendments, which have been funded by savings resulting in net-zero budget amendments across District departments and funds.

Public comment opened at 8:45 p.m.

No speakers present.

Public comment closed at 8:45 p.m.

Motion: Director Kishimoto moved, and Director Riffle seconded the motion to adopt a resolution approving the proposed FY2016-17 Quarter 2 District Budget amendments, and affirming the adopted FY2016-17 District Budget by fund.

VOTE: 4-0-0 (Directors Hanko, Harris, and Siemens absent)

7. Measure AA Bond Oversight Committee Appointment (R-17-13)

District Clerk/Assistant to the General Manager Jennifer Woodworth provided the staff report and provided ballots for the Board to select a candidate to fill the vacancy.

Public comment opened at 8:47 p.m.

No speakers present.

Public comment closed at 8:47 p.m.

The Board voted 2-2 for Bruce Tolley and Susan Dunn, resulting in a tie with Director Cyr and Riffle voting for Mr. Tolley and Directors Hassett and Kishimoto voting for Ms. Dunn.

The Board members commented on their selections to determine if the tie could be broken.

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to appoint a member to serve on the Measure AA Bond Oversight Committee by coin flip. Susan Dunn will be assigned heads. Bruce Tolley will be assigned tails.

VOTE: 4-0-0 (Directors Hanko, Harris, and Siemens absent)

Ms. Schaffner flipped a coin, and District Clerk Jennifer Woodworth acted as a witness.

The result of the coin flip was tails, and Bruce Tolley was appointed to fill the vacancy on the Measure AA Bond Oversight Committee.

INFORMATIONAL REPORTS

A. Committee Reports

President Hassett reported his appointment of Director Kishimoto to serve on the Santa Clara Valley Water Commission and Director Cyr to serve as an alternate for the Commission.

B. Staff Reports

Assistant General Manager Ana Ruiz provided an update on the La Honda Creek demolition project reporting the wood from the project will be salvaged and reused. Ms. Ruiz has been appointed to serve on the San Francisco Bay Authority Advisory Committee.

Assistant General Manager Kevin Woodhouse on a recent presentation by Legislative/External Affairs Specialist Josh Hugg, on “disadvantaged communities,” at the Bay Area Caucus. The presentation was well received, and staff hopes it will lead to a concerted policy effort to enable Midpen and other Bay Area public agencies to better serve their low-income communities.

Mr. Abbors provided updates on legislation the Board directed staff to pursue, including the Guadalupe and Los Gatos Creek Watershed and disadvantaged communities.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported her attendance at the Santa Clara Valley Water District groundbreaking event for the Permanente Creek restoration project and attendance at a meeting of the Santa Clara Valley Water Commission.

ADJOURNMENT

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:14 p.m.

Jennifer Woodworth, MMC
District Clerk