



Midpeninsula Regional
Open Space District

February 8, 2017
Board Meeting 17-04

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, February 8, 2017

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Hassett called the special meeting to order at 6:01 p.m.

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Nonette Hanko, Larry Hassett, Curt Riffle, and Pete Siemens

Members Absent: Yoriko Kishimoto

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, Assistant General Manager Ana Ruiz, Assistant General Counsel Hilary Stevenson

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. (Government Code Section 54956.9(d)(1))

Name of Case: *Midpeninsula Regional Open Space v. Mount Umunhum Limited Partnership, et al*; Santa Clara County Superior Court Case Number 1-15-CV-289553

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to 54956.9(b): *(one potential case)*

Public comments opened at 6:01 p.m.

No speakers present.

Public comments closed at 6:01 p.m.

The Board convened into closed session.

Staff members Ana Ruiz, Hilary Stevesnon, Mike Wiliams, and Allen Ishibashi left the closed session following the first item.

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:50 p.m.

REGULAR MEETING

President Hassett called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

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

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Nonette Hanko, Larry Hassett, Curt Riffle, and Pete Siemens

Members Absent: Yoriko Kishimoto

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, District Clerk/Assistant to the General Manager Jennifer Woodworth, Land and Facilities Manager Brian Malone, Senior Property Management Specialist Elaina Cuzick

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 Kishimoto absent)

SPECIAL ORDERS OF THE DAY

- Introduction of Staff
 - Deborah Bazar, Support Services Management Analyst II

CONSENT CALENDAR

Public comment opened at 7:07 p.m.

No speakers.

Public comment closed at 7:07 p.m.

Motion: Director Riffle moved, and Director Cyr seconded the motion to approve the Consent Calendar.

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

1. **Approve January 24, 2017 and January 25, 2017 Minutes**
2. **Approve Claims Report**
3. **Award of Contract with Waterways Consulting, Inc. for the preparation of construction documents, construction bid process support, and construction oversight for road infrastructure improvements to facilitate public access at Bear Creek Redwoods Open Space Preserve (R-17-17)**

General Manager's Recommendation: Authorize the General Manager to enter into a multi-year professional services contract with Waterways Consulting, Inc. to prepare construction documents, support the construction bid process, and to provide technical construction oversight, including a 15% contingency of \$21,216 to cover potential unforeseen requirements, for necessary road upgrades to facilitate public access at Bear Creek Redwoods Open Space Preserve for a not-to-exceed total contract amount of \$162,651.

BOARD BUSINESS

4. New Board Policy Titled *Housing Policy* (R-17-11)

Senior Property Management Specialist Elaina Cuzick provided the staff presentation summarizing the process of developing the proposed policy, including creation of a multi-departmental team to study policies at similar public agencies, prioritize tenant classifications, and provide guidelines for potential rental discounts for each tenant classification. Ms. Cuzick described the potential fiscal impact of transitioning market rate housing to employee residences. Finally, Ms. Cuzick provided a housing inventory map of current District-owned housing.

Directors Cyr and Riffle commented on the Legislative, Funding, and Public Affairs Committee's work on the policy.

Director Harris requested clarification regarding term limits and whether an employee would have to leave the housing upon separation from the District.

Ms. Cuzick explained employees would be required to leave the housing upon separation from the District. The term limits refer to whether there would be limits on how long current employees would be allowed to remain in District housing.

Director Harris requested clarification regarding potential housing stipends for employee recruitment and retention.

Ms. Cuzick explained this benefit would be used as a final offer to recruit high-level staff members for upper level management positions. The specifics of administering this benefit will be developed as part of a planned administrative procedure.

Public comment opened at 7:27 p.m.

San Mateo County Supervisor Don Horsley spoke in favor of the proposed housing policy and regarding the San Mateo Jobs/Housing Gap Task Force. Supervisor Horsley spoke regarding the high need for housing in the Bay Area and the need for agricultural housing to help preserve the San Mateo Coast's agricultural heritage.

Public comment closed at 7:31 p.m.

General Sheryl Schaffner commented on the 1090 contracting ban stating Government Code 1091(b)(5) contains a specific exception that allows for a landlord/tenant contract. Therefore, use of potential housing stipend or District housing to aid in the recruitment of high-level employees is allowable.

Motion: Director Riffle moved, and Director Harris seconded the motion to approve the new Board *Housing Policy* as recommended by the Legislative, Funding, and Public Affairs Committee, which supersedes the Board's 1982 *Employee Residence Policies*.

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

5. Revision of Board Policy 4.02, *Improvements on District Lands* and Board Policy 4.09, *Factors to Consider for Structures Disposition* (R-17-10)

Ms. Cuzick explained several revisions are being proposed to the two policies describing how the District manages District residences and structures based on the proposed housing policy, including direction on what uses the District makes of improvements and what factors should be taken into account when making decisions on the disposition of District improvements. Proposed revisions include:

- Incorporating the need for agricultural housing.
- Language changed to allow for the maintenance of structures that are compatible with the open space character solely for the purpose of revenue generation.
- Allow retention and maintenance of structures for revenue generation that do not serve a District purpose
- Language was added so that the criteria could be used to evaluate constructing new structures as well as determining the disposition of existing structures
- Definition of how the Agricultural Value of structures affects the structure's disposition
- Removed Public Sentiment and Input Factor
- Condition of a structure and site conditions added as factors to consider

Director Riffle inquired if the proposed policy revisions would limit the construction of a new administrative office.

Land and Facilities Manager Brian Malone reported this issue was studied by staff, and the proposed policy revisions would not prevent the District's building a new administrative office.

Director Siemens suggested removing the final sentence from Board Policy 4.02, section 5 "Improvements as Income Sources" or replacing the language with "In general, it is the Board policy to not construct structures solely for revenue generation."

Public comment opened at 7:52 p.m.

No speakers present.

Public comment closed at 7:52 p.m.

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve revisions to Board Policy 4.02, *Improvements on District Lands* with the removal of “Improvements will not be constructed solely for producing revenue but may be constructed if they also serve a District purpose” from and modify the first sentence to state “improvements may be maintained or constructed solely for the purpose...” in Board Policy 4.02, section 5 “Improvements as Income Sources.”

VOTE: 5-0-0 (Director Kishimoto absent; Director Hanko dissenting)

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve revisions to Board Policy 4.09, *Factors to Consider for Structures Disposition* with the removal of the reference to radar tower in section J “Tradeoffs and Impacts on District Resources” to read “Any determination about a structure, will also need to be judged against other competing projects...”

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

Motion: Director Cyr moved, and Director Siemens seconded the motion to reconsider the Board’s decision regarding Board Policy 4.02.

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

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve revisions to Board Policy 4.02, *Improvements on District Lands* with the removal of “Improvements will not be constructed solely for producing revenue but may be constructed if they also serve a District purpose” from and modify the first statement to statement to “Improvements intended to be constructed or maintained solely for the purpose of producing revenue ~~if they do not detract from the open space character of the site~~ will be evaluated on a case-by-case basis by the Board.” in Board Policy 4.02, section 5 “Improvements as Income Sources.”

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

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Assistant General Manager Ana Ruiz reported on a meeting staff had with Santa Clara County Roads staff regarding the proposed undercrossing at Bear Creek Redwoods. Ms. Ruiz reported on a potential purchase for South Area Office currently being evaluated by staff, which will be brought to the Facilities ad hoc committee depending on staff’s analysis.

Assistant General Manager Kevin Woodhouse reported on the volunteer and docent program evaluation project and provided an update on Public Affairs department and Santa Cruz Mountain Network projects.

Mr. Abbors reported the legislation the Board directed staff to pursue regarding the Guadalupe and Los Gatos Creek Watershed now has two sponsors.

C. Director Reports

The Board members submitted their compensatory reports.

Director Harris reported her attendance on a Boating and Waterways Commission meeting. Director Harris also reported she was elected chair of the San Mateo Democratic Party.

President Hassett reported he and Director Kishimoto met with members of the Portola Valley Town Council to discuss a proposed trail project.

ADJOURNMENT

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:27 p.m.

Jennifer Woodworth, MMC
District Clerk