



Midpeninsula Regional  
Open Space District

March 22, 2017  
Board Meeting 17-08

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, March 22, 2017**

#### **DRAFT MINUTES**

#### **SPECIAL MEETING – CLOSED SESSION**

President Hassett called the special meeting to order at 6:15 p.m.

#### **ROLL CALL**

Members Present: Jed Cyr, Nonette Hanco, Larry Hassett, Yoriko Kishimoto, Curt Riffle,  
and Pete Siemens

Members Absent: Cecily Harris

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner,  
Assistant General Manager Ana Ruiz

Public comments opened at 6:15 p.m.

No speakers present.

Public comments closed at 6:15 p.m.

#### **1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Significant exposure to litigation Government Code Section 54956.9(b)) (*one potential case*)**

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:59 p.m.

#### **REGULAR MEETING**

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

**ROLL CALL**

Members Present: Jed Cyr, Nonette Hanko, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Cecily Harris

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Planner II Gretchen Laustsen, Senior Planner Tina Hugg, Engineering and Construction Manager Jay Lin, Capital Project Manager Dale Grogan Capital Project Manager Matt Brunnings, Senior Real Property Agent Allen Ishibashi, Visitor Services Manager Michael Newburn, and Volunteer Program Manager Paul McKowan

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

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

**Friendly Amendment:** Director Cyr suggested hearing Item 13 before Item 10 due members of the public attending to speak regarding Item 13.

Director Riffle accepted the friendly amendment.

**VOTE: 6-0-0** (Director Harris absent)

**CONSENT CALENDAR**

Public comment opened at 7:07 p.m.

No speakers.

Public comment closed at 7:08 p.m.

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

**VOTE: 6-0-0** (Director Harris absent)

**1. Approve February 23, 2017 and March 8, 2017 Minutes**

**2. Approve Claims Report****3. Revise Board Policy 3.06 – Initial and Continuing Disclosures Relating to Bond Issuances (R-17-33)**

General Manager's Recommendation: Approve revisions to Board Policy 3.06 for disclosures relating to District bond issuances as recommended by the Action Plan and Budget Committee.

**4. Proposed Enhancement to District's Accounts Payable Claims Process (R-17-34)**

General Manager's Recommendation:

Approve the recommendations from the Action Plan and Budget Committee:

1. Authorize Accounts Payable staff to release payments over fifty thousand dollars (\$50,000) without holding for Board approval, but continue to provide the current claims report to the board for information.
2. Approve the revised Board Policy 1.03 – Board Agenda.

**5. Repeal of Resolution 14-12 (R-17-30)**

General Manager's Recommendation: Adopt a resolution repealing Resolution 14-12, which authorized the General Manager or designee to approve claims up to \$25,000, in order to enable the District to be consistent with Public Resources Code 5549.

**6. Agreement with Sharp Business Systems to enter into a 48-Month Lease and Use Agreement for eight leased printers and two owned printers. (R-17-35)**

General Manager's Recommendation: Authorize the General Manager to enter into a 48-month lease and use agreement with Sharp Business Systems for an amount not to exceed one hundred two thousand, four hundred thirty-two dollars (\$102,432).

**7. Award of Contract with Mesiti-Miller Engineering, Inc., for the preparation of construction documents, construction bid process support and construction oversight for the Webb Creek Bridge Replacement Project at Bear Creek Redwoods Open Space Preserve (R-17-37)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year professional services contract with Mesiti-Miller Engineering, Inc., to prepare construction documents, support the construction bid process, and provide technical construction oversight for the Webb Creek Bridge Replacement Project at Bear Creek Redwoods Open Space Preserve for a not-to-exceed amount of \$115,560.
2. Authorize a 15% contingency of \$17,334 to cover potential unforeseen requirements, for a not-to-exceed total contract amount of \$132,894.

**8. Award of Contract with John Northmore Roberts and Associates to provide design, engineering, and construction administration support for the Bear Creek Stables Improvements Project at Bear Creek Redwoods Open Space Preserve (R-17-42)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year professional services contract with John Northmore Roberts and Associates to provide design and engineering services, complete construction plans, and provide permitting and construction administration support for the Bear Creek Stables Improvements Project at Bear Creek Redwoods Open Space Preserve for a not-to-exceed amount of \$770,173.
2. Authorize a 10% contingency of \$77,017 to cover potential unforeseen requirements.
3. Authorize a separate contract allowance of \$75,000 specifically for additional services related to geotechnical, fault rupture, and site investigations and additional public meetings that are above and beyond the current scope of work to avoid potential implementation delays, for a combined not-to-exceed total contract amount of \$922,190.

**9. Award Contract with Biosearch Associates for Bear Creek Redwoods Western Pond Turtle Population Assessment, Monitoring and Adaptive Management Plan (R-17-41)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Biosearch Associates to assess the population of western pond turtles, control invasive fauna, and provide monitoring to guide long-term management actions recommended for implementation at Bear Creek Redwoods Open Space Preserve in the amount not to exceed of \$104,000 over thirty-six consecutive months.

**BOARD BUSINESS****10. Award of Contract with HydroScience Engineers, for the preparation of construction documents, construction bid process support, and construction oversight for the Fire and Potable Water System Project at Bear Creek Redwoods Open Space Preserve (R-17-36)**

Capital Project Manager Dale Grogan presented the staff report describing the goal of the project to design and build a reliable water system that will serve the future improvements at Bear Creek Stables. Mr. Grogan described the studies completed to determine the amount of water needed for the site and phases and proposed schedule for the project.

Director Kishimoto requested clarification regarding the metering the water for the Bear Creek Stables and public access areas to determine how much water is being used by the separate areas.

Mr. Grogan reported staff and the consultant would explore the feasibility of this as part of the design process.

President Hassett inquired regarding the proposed layout for the water line along existing roads.

Land and Facilities Manager Brian Malone explained it is less expensive to construct and maintain a water line along existing roads due to accessibility.

Director Riffle requested information regarding the current water sources from the Aldercroft and Alma springs and Lexington Reservoir.

Ms. Ruiz explained those water sources would be evaluated after the water source has received final approval from the Public Utilities Commission.

General Counsel Sheryl Schaffner reported additional information regarding the spring water sources will be going to the Board in a future closed session.

Director Riffle inquired if the District is investigating how to provide water the Alma College buildings.

Engineering and Construction Manager Jay Lin reported the contract could be amended in the future to study the feasibility of providing water to the area.

Public comment opened at 8:26 p.m.

Frank Bakonyi spoke regarding the low cost of the current water system for the Bear Creek Stables and the potentially higher cost of the proposed San Jose Water Company hookup.

President Hassett inquired if San Jose Water Company has any requirements regarding minimum usage.

Mr. Lin is not aware of any minimum usage requirements.

Public comment closed at 8:33 p.m.

Director Hanko expressed her concerns regarding the potential one million dollar cost of providing water to Bear Creek Stables.

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

1. Authorize the General Manager to enter into a multi-year professional services contract with HydroScience Engineers, to prepare construction documents, support the construction bid process, and provide technical construction oversight for the Fire and Potable Water System Project at Bear Creek Redwoods Open Space Preserve for a not-to-exceed amount of \$138,370.
2. Authorize a 15% contingency of \$20,756 to cover potential unforeseen requirements, for a not-to-exceed total contract amount of \$159,126.

**VOTE: 5-1-0** (Director Hanko dissenting; Director Harris absent)

#### **11. Partnership Agreement with the Student Conservation Association to Provide Geographic Information System Services (R-17-19)**

Volunteer Program Manager Paul McKowan presented the staff report explaining the proposed contract will help the District expand its volunteer efforts in the coming fiscal year. The District already works with the Student Conservation Association on volunteer projects, and the proposed contract will engage students from underserved communities to participate in additional volunteer projects related to geographic information systems mapping. Finally, staff will evaluate the program both internally and with the participants to help determine its effectiveness.

Public comment opened at 8:49 p.m.

No speakers present.

Public comment closed at 8:49 p.m.

**Motion:** Director Hanko moved, and Director Kishimoto seconded the motion to authorize the General Manager to execute a partnership agreement with the Student Conservation Association for a not-to-exceed amount of \$57,183 and include this funding in the FY2017-18 budget.

**VOTE: 6-0-0** (Director Harris absent)

**12. Proposed purchase of the West Valley Charter Lines Property as a potential new South Area Field Office, located at 240 Cristich Lane, Campbell, CA, Santa Clara County (Assessor's Parcel Number 412-32-014) (R-17-38)**

Senior Real Property Agent Allen Ishibashi provided the staff report describing the need for a new South Area Office. Mr. Ishibashi described the previously proposed site location on Pheasant Road and the advantages and constraints of the site. Staff also researched other potential locations for a South Area Office and the advantages and disadvantages of a South Area Office in Campbell. The Facilities Ad Hoc Committee reviewed the proposed Cristich Lane site at their February 16, 2017 meeting and recommended Board approval for purchasing the property. Mr. Ishibashi described the current structures on site, the surrounding neighborhood, and potential site programming.

Senior Planner Tina Hugg reviewed the Board's previously approved goals regarding staff facilities and discussed how the Cristich Lane site met those goals.

Finally, Mr. Ishibashi reviewed the proposed terms and conditions for the sale.

Director Hanko inquired if any Board committee has toured the property.

Director Kishimoto, Chair of the Facilities Ad Hoc Committee, reported the committee received a presentation regarding the property but has not toured the site.

Director Hanko expressed reservations regarding the proposed office site and suggested members of the Board should tour the site before purchase.

Director Siemens reported he drove by the site and stated a majority of the staff working at the office will only be there for limited amounts of time. Also, the nearby percolation ponds create a nice environment.

Director Kishimoto inquired regarding potentially rebuilding the office.

Mr. Ishibashi reported any changes to the building would likely limit the District's ability to rebuild due to the current zero setbacks on the site.

Director Riffle inquired whether field staff would be in support of the site.

Land and Facilities Manager Brian Malone reported members of Land and Facilities and Visitor Services departments staff toured the site. While staff would like a larger site if it were possible, in many other ways the site is ideal due to the infrastructure, utilities, current building on site, nearby industrial uses, neighborhood park, etc.

Public comment opened at 9:42 p.m.

No speakers present.

Public comment closed at 9:42 p.m.

Director Cyr commented on the great opportunity of the Cristich Lane site.

**Motion:** Director Siemens moved, and Director Riffle seconded the 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 sale agreement for the West Valley Charter Lines property at a cost of \$3,150,000.
3. Authorize the use of the General Fund Committed Infrastructure Reserve in the amount of \$2,900,000, plus a purchase deposit of \$250,000 covered by the FY2016-17 Real Property General Fund Capital budget.

**VOTE: 6-0-0** (Director Harris absent)

### **13. Cooley Landing Park Partnership with City of East Palo Alto (R-17-40)**

Item 13 was heard before Item 10.

Assistant General Manager Ana Ruiz presented the staff report describing several Cooley Landing Vision Plan elements and the project site's history and revitalization. Ms. Ruiz also reported the East Palo Alto City Council recently approved a contract amendment with their landscape architect to complete the plans and permitting work for the remaining park improvements. Ms. Ruiz described each of the six Vision Plan elements proposed for District funding through Measure AA, and provided the Diversity Ad Hoc Committee's recommendations regarding this item.

Director Riffle inquired who would supervise the development of the business and operating plan.

Ms. Ruiz reported a project manager might be hired to work with the District, East Palo Alto, and the outside consultant to oversee the project.

Director Hanko spoke in favor of the General Manager's recommendation and completing the work at Cooley Landing.

President Hassett requested clarification regarding potential projects in the Moffett Field area.

Ms. Ruiz reported no projects have currently been identified for that area.

Public comment opened at 7:32 p.m.

Linda Gass resident of Los Altos spoke in favor of funding for Cooley Landing and described beneficial programs that have been and could be held there for nearby residents and students. Additionally, Ms. Gass spoke in favor of a dedicated outdoor education area.

Director Hanco inquired if any wildflowers are planned for planting in the park.

Ms. Gass explained Grassroots Ecology has planted and plans to plant additional wildflowers in the park.

William Webster spoke in favor of the proposed funding Cooley Landing and the education center there.

East Palo Alto Mayor Larry Moody thanked the District for their work in the regional efforts to protect and preserve open space. Mayor Moody spoke in favor of making Cooley Landing a signature destination for the East Palo Alto community for years to come.

East Palo Alto Assistant City Manager Sean Charpentier spoke in favor of the collaboration with the District to help increase park areas for East Palo Alto residents. Additionally, positive changes continue to come to the area. Mr. Charpentier thanked the Board and staff for their work on this and the Bay Trail projects.

Public comment closed at 7:45 p.m.

Director Riffle expressed his concern regarding the need for ongoing operational funding for the park.

Mr. Charpentier reported East Palo Alto staff currently maintains the park, including grounds and patrol, and will continue to look for outside funding to help fund these activities.

The members of the Board spoke in favor of the General Manager's recommendations and the work already completed at site.

Director Hanco spoke regarding the ability of the public to access this site.

Director Siemens spoke in favor of the District's volunteer program that helps manage the Daniels Nature Center and suggested volunteers may be able to help maintain and manage the Cooley Landing Education Center.

**Motion:** Director Kishimoto moved, and Director Hanco seconded the motion to Approve the following two recommendations from the Diversity Ad Hoc Committee:

1. Allocate Measure AA funds to cover the costs for design, permitting, and construction of six Cooley Landing Vision Plan elements, including the costs for an outside project manager, if needed, to complete the work by June 30, 2019 for an amount not to exceed \$1.25 Million.
2. Allocate District General Funds for consultant costs to develop a business and operating plan for Cooley Landing Park (includes the Education Center) working jointly with the City of East Palo Alto for an amount not to exceed \$200,000.

In addition, the General Manager recommends the following:

3. Authorize the General Manager to enter into a funding agreement with the City of East Palo Alto, providing \$217,148 to fund the design of six Cooley Landing Vision Plan elements as the first step of implementation, as described under Recommendation #1 above.

**VOTE: 6-0-0** (Director Harris absent)



**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

Ms. Ruiz reported on recent meetings of the Peninsula Working Group regarding regional trail connections and trail planning.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reported on the recent work of the Measure AA Bond Oversight Committee, and the Committee's report will be brought to the Board at its April 12, 2017 meeting.

Assistant General Manager Kevin Woodhouse reported on the work and recent meetings of the Santa Cruz Mountain Stewardship Network. The District will be providing materials for and promoting an upcoming City of Palo Alto Earth Day event. Mr. Woodhouse also reported his attendance at a panel discussion entitled "*Solutions to Climate Change in our Rural Landscape.*"

General Manager Steve Abbors reported on a fellowship program sponsored by the Santa Clara County City Managers Association, and the District is participating in order to seek a fellow to help develop a Climate Change Action Plan for the District. Mr. Abbors reported on an extension of the Picchetti Winery lease for an additional five years as authorized by Resolution 07-42. Mr. Abbors also provided updates regarding legislation the District is sponsoring and supporting.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported her attendance at the Natural Capital Symposium.

Director Cyr reported he will be out of town for the next Board meeting.

President Hassett reported he will be attending the Bay Nature dinner on Sunday.

**ADJOURNMENT**

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:08 p.m.

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Jennifer Woodworth, MMC  
District Clerk