



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, April 26, 2017

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Hassett called the special meeting to order at 5:45 p.m.

ROLL CALL

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

Members Absent: Cecily Harris and Yoriko Kishimoto

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

Public comments opened at 5:45 p.m.

No speakers present.

Public comments closed at 5:45 p.m.

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

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

Property: Santa Clara County APN: 575-11-008

Agency Negotiator: Allen Ishibashi Sr. Real Property Agent

Negotiating Party: Ronald Kahn, HR2LG, LLC

Under Negotiation: Purchase Terms

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

Property: San Mateo County Assessor's Parcel Numbers 085-170-020, 290 & 310

Agency Negotiator: Michael Williams, Real Property Manager

Negotiating Party: Justin Garland, Conservation Project Manager, Peninsula Open Space Trust

Under Negotiation: Purchase Terms and Conditions

Director Riffle recused himself and did not attend closed session regarding the Conley property negotiations (San Mateo County Parcel Numbers 085-170-020, 290 & 310), based on his employment with Peninsula Open Space Trust.

Director Kishimoto arrived at 5:58 p.m.

Director Riffle joined the closed session after the Conley item was completed at 6:05 p.m.

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:40 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, 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, Assistant General Manager Kevin Woodhouse, Chief Financial Officer/ Administrative Services Director Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Integrated Pest Management Coordinator Coty Sifuentes-Winter, Resource Management Specialist II Clayton Koopmann, Real Property Manager Mike Williams

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:02 p.m.

No speakers.

Public comment closed at 7:02 p.m.

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

VOTE: 7-0-0

1. **Approve April 12, 2017 Minutes**
2. **Claims Report**
3. **Fiscal Year 2016-17 Quarter 3 District Budget Amendments (R-17-63)**

General Manager's Recommendation: Adopt a resolution approving the proposed FY2016-17 Quarter 3 District Budget Amendments.

4. **Contract Amendment with Harris Design for \$362,536 for additional scope items including Design, Engineering, Construction Administration, and Permitting for the Combined Webb Creek Culvert and Trail Undercrossing at Alma College Parking Area at Bear Creek Redwoods Open Space Preserve for a total not-to-exceed contract amount of \$604,365 (R-17-52)**

General Manager's Recommendation: Amend a contract with Harris Design for the Alma College Parking Area and Trail Crossing in the amount of \$362,536 for a total not-to-exceed contract amount of \$604,365, for the following additional scope items and cost:

1. Design, construction documents (CD), permitting support, and construction administration for the combined Webb Creek Culvert and Trail Undercrossing and Upper Lake Spillway Connection to Webb Creek Culvert in the amount of \$219,140.
2. Replenishment of contract funds for an undercrossing feasibility assessment that was completed to better inform the parking area schematic design in the amount of \$13,555.
3. Design of a public access area to Upper Lake in the amount of \$19,860.
4. An optional task to complete the design, construction documents (CD), and construction administration for the replacement of the lower section of the Webb Creek culvert, if deemed necessary, in the amount of \$19,860.
5. A 15% contingency of \$76,221 to cover potential unforeseen requirements.
6. A separate contract allowance of \$20,000 specifically for additional revisions related to permitting and regulatory requirements, site investigations and additional public meetings that are beyond the current scope of work to avoid implementation delays, for a combined not-to-exceed contract amount of \$604,365.

BOARD BUSINESS

5. **Annual Integrated Pest Management Report, 2016 (R-17-50)**

Integrated Pest Management Coordinator Coty Sifuentes-Winter provided the staff presentation summarizing the District's integrated pest management (IPM) activities during 2016, including pest problems; District pest control treatments and their effectiveness; public notifications and inquiries; and compliance with the IPM Guidance Manual. In 2016, the District trained staff to report IPM work through the CalFlora database; therefore, going forward all work performed will be memorialized and accessible to the public on CalFlora. Hand pulling was the most utilized treatment followed by hand digging and herbicide. Mr. Sifuentes-Winter summarized several IPM activities by District volunteers and staff, including removal of distaff thistle and French broome, fungicide for preventative Sudden Oak Death treatment, and intensive invasive species work at Bear Creek Redwoods Open Space Preserve.

Members of the Board requested clarification of various IPM activities, including herbicide application and use, continuing weevil populations to control thistle seed banks, and control of invasive wildlife.

Director Riffle inquired regarding use of GIS data to assist pest management.

Mr. Sifuentes-Winter explained some areas of invasive species have been mapped and other areas are planned for mapping in the future. The District also uses iNaturalist where members of the public can report locations of invasive species.

Public comment opened at 7:38 p.m.

No speakers present.

Public comment closed at 7:38 p.m.

No Board action required.

6. Approval of Rangeland Management Plan for October Farm (R-17-51)

Resource Management Specialist II Clayton Koopmann described the location and current use of October Farm, including historical farming and grazing on site and the current grazing operation. A comprehensive Rangeland Management Plan has been prepared and includes condition of grazing infrastructure, recommended stocking rate, and natural resource and integrated pest management for the site. Mr. Koopmann summarized the District's current grazing lease revenue and CEQA review and determination.

Director Riffle requested additional information regarding the determination of the stocking rate.

Mr. Koopmann explained this is determined annually based on the forestry and predicted weather conditions and is adjusted as necessary throughout the year.

Public comment opened at 8:00 p.m.

No speakers present.

Public comment closed at 8:00 p.m.

Motion: Director Cyr moved, and Director Harris 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. Approve the Rangeland Management Plan for the October Farm portion of the Purisima Creek Redwoods Open Space Preserve.
3. Adopt an Amendment to the Preliminary Use and Management Plan for the October Farm portion of the Purisima Creek Redwoods Open Space Preserve to incorporate the Rangeland Management Plan.

7. Review and Reaffirmation of the use of Rights of First Offer and Rights of First Refusal to purchase and preserve open space lands, and authorization of General Manager to initiate negotiations on specific properties (R-17-44)

Real Property Manager Mike Williams defined right of first offer and right of first refusal and described recent acquisitions using these rights of purchase. Mr. Williams described and displayed location maps for eleven different properties where the District currently has a right of first offer or right of first refusal. In order to meet the shortened timeline for acquiring properties using these rights of purchase, the General Manager is requesting authorization to initiate negotiations directly with the property owner when notified of the owner's intent to sell. The General Manager will inform the Board at the earliest possible date.

President Hassett expressed his concern that institutional memory may be lost by the time these various rights may be exercised.

Mr. Williams explained the District has a property database that has captured the history of properties and staff continues to be informed and updated regarding properties.

Public comment opened at 8:31 p.m.

No speakers present.

Public comment closed at 8:31 p.m.

Motion: Director Harris moved, and Director Riffle seconded the motion to reaffirm interest in outstanding Rights of First Offer and Rights of First Refusal to preserve open space lands, and authorize the General Manager or General Manager's designee to initiate negotiations upon notification of owners' intent to sell certain properties.

VOTE: 7-0-0

INFORMATIONAL REPORTS

A. Committee Reports

Director Cyr reported on the April 25, 2017 Action Plan & Budget Committee meeting.

Director Kishimoto reported on the April 24, 2017 and April 26, 2017 Facilities Ad Hoc Committee meetings to discuss the new Administrative Office building and tour the Presentation Center in Los Gatos.

Director Siemens recommended the Facilities Ad Hoc Committee should meet again to discuss the Presentation Center property and make a recommendation for next steps to the Board.

B. Staff Reports

Assistant General Manager Ana Ruiz reported she provided testimony to the Senate Government and Finance Committee regarding SB793 regarding design-build. Ms. Ruiz reported the Bear Creek Redwoods Preserve Plan won the Association of Environmental Professionals award for Environmental Design and Planning.

Assistant General Manager Kevin Woodhouse reported on staff work to coordinate seven trail repair projects throughout the preserves to repair winter storm damage.

Mr. Williams reported San Francisco Public Utilities Commission approved the Bay Trail.

General Manager Steve Abbors reported on Senate Committee hearings regarding SB492 and legislation the District has recently taken position on. Staff is finishing review of the list of invited officials to be invited to the opening of Mount Umunhum.

C. Director Reports

The Board members submitted their compensatory reports.

Director Hassett reported his family members have purchased a hardware store in Belmont, which may affect District procedures related to prohibition against purchases there.

ADJOURNMENT

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:01 p.m.

Jennifer Woodworth, MMC
District Clerk