



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, May 10, 2017

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Hassett called the special meeting to order at 5:30 p.m.

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko

Staff Present: General Manager Steve Abbors

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

1. CONFERENCE WITH LEGAL COUNSEL- PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)

Title of Employee: General Manager

Based on Director Riffle's employment with Peninsula Open Space Trust, Director Riffle recused himself and left the room at 6:45 p.m. to allow for additional discussion.

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:57 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, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko

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, Information Systems and Technology Manager Garrett Dunwoody,

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

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

CONSENT CALENDAR

Public comment opened at 7:06 p.m.

No speakers.

Public comment closed at 7:06 p.m.

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

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

1. Approve April 26, 2017 Minutes

District Clerk Jennifer Woodworth noted the draft minutes had been revised to include information regarding the District’s Integrated Pest Management Program as requested by Director Kishimoto.

2. Claims Report

3. Contract with AGCO Hay, LLC for grazing infrastructure, resource management, and public access improvements to La Honda Creek Open Space Preserve (R-17-58)

General Manager's Recommendation: Authorize the General Manager to award a sole source contract for FY2016-17 to grazing tenant AGCO Hay, LLC for improvements to La Honda Creek Open Space Preserve for the installation of livestock corrals, invasive plant control, and road repairs in a not-to-exceed amount of \$57,192.00.

4. Contract Amendment with Restoration Design Group for an additional \$129,460 for additional design and engineering, construction administration, and special inspections for the Mount Umunhum Summit Project (Summit Project), for a new, not-to-exceed total contract amount of \$1,558,382 (R-17-61)

General Manager's Recommendation: Amend a contract with Restoration Design Group for the Summit Project in the amount of \$117,691, plus a 10% contingency of \$11,769, for a new, not-to-exceed total contract amount of \$1,558,382 for additional time and services beyond the existing contract related to the following:

1. Design and engineering to address unforeseen conditions.
2. Construction Administration work to address technical construction issues.
3. Special Inspections that occurred.

5. Expedite the Recruitment of a Senior Capital Project Manager Position and an associated change to the Classification and Compensation Plan (R-17-65)

General Manager's Recommendation: Adopt a resolution amending the Classification and Compensation Plan to create the Senior Capital Project Manager classification, and authorize the General Manager to begin recruitment of the position prior to final adoption of the Fiscal Year 2017-18 Budget to quickly add new capacity and expertise to manage the Administrative Office Rebuild Project.

Director Riffle requested additional information regarding the term of the position.

Assistant General Manager Ana Ruiz explained the proposed position would be a permanent full time position, and staff requests to expedite recruitment of the position prior to budget approval. Ms. Ruiz described several projects the Senior Capital Project Manager will work on in addition to the Administrative Office.

6. Approval of Revised Statement of Investment Policy (R-17-62)

Controller's Recommendation: Approve the District's Revised Statement of Investment Policy, authorizing the investment of District funds in CalTRUST.

BOARD BUSINESS

7. Update on Actions of Mutual Interest taken by the Midpeninsula Regional Open Space District (District) and by Lehigh Southwest Cement Company (Lehigh) during the past year (R-17-55)

General Manager Steve Abbors provided comments regarding District's work with Lehigh Hanson and the District's ongoing relationship with the company including a conservation easement, reducing the East Materials Storage Area, and future trail work in the area.

Kari Saragusa, Region West President of Lehigh Hanson, described ongoing work with Santa Clara County and the District to help address air, water, and noise concerns. Mr. Saragusa reported Lehigh Hanson has finalized the final two outstanding lawsuits. Mr. Saragusa reported Lehigh Hanson participates in a monthly conference call with the Bay Area Air Quality Management District to communicate and, when necessary, discuss concerns. Mr. Saragusa provided an update on their consent decree with the Sierra Club to treat all water that runs through its property by October 2017. Mr. Saragusa commented on noise concerns, reported Lehigh Hanson is working with Santa Clara County to do a third-party noise study, and commented on the results of a City of Cupertino noise study. Upon conclusion of the noise study, Lehigh Hanson will work to address any concerns that result from it. Additionally, Lehigh Hanson is looking into modifying its processes to reduce noise, air, and water pollution.

Director Riffle requested additional information regarding the height of the West Material Storage Area.

Mr. Saragusa reported eventually the storage area will be lowered and the material used to recontour the land before it is revegetated.

Director Siemens inquired regarding air, water, and noise monitoring.

Mr. Saragusa reported air is monitored continuously; water samples are taken from every discharge; and Lehigh Hanson will be developing a noise-monitoring plan upon completion of the noise study.

Director Kishimoto inquired regarding mercury levels.

Mr. Saragusa reported Lehigh Hanon installed activated carbon injection system to reduce mercury levels.

Director Kishimoto inquired regarding the size and life of the quarry.

Mr. Saragusa reported the county has defined limits to the size of the quarry, and any increase would require additional county permitting.

Public comment opened at 7:55 p.m.

Paula Wallis neighbor to Rancho San Antonio commented on the noise from Lehigh Hanson stating it has diminished in the last year, but it is still noticeable. Ms. Wallis inquired if a web cam could be installed on the PG&E trail to help monitor air quality and particulate matter in the air.

Rhoda Fry commented on the need for adequate enforcement of air and noise pollution. Ms. Fry commented on the need to treat water and her concern that treatment creates a large amount of polluted water. Finally, Ms. Fry spoke regarding the location of the water treatment plant

proposed to be located in an area where bombs were previously built leading to foreign materials and contaminants in the soil.

Libby Lucas expressed her concerns regarding the proposed water treatment plans and asked who the lead agency will be for the plant. Ms. Lucas expressed concern regarding the contaminated byproducts of water treatment and monitoring of these byproducts. Ms. Lucas commented on the need to protect the red-legged frog population. Finally, Ms. Lucas commented on the temperature of the water being released into Permanente Creek.

Public comment closed at 8:04 p.m.

Mr. Saragusa invited the members of the public to contact him and his staff if they have any additional questions.

No Board action required.

8. Award of Contract with Robert Half Technology, Inc. for SharePoint Development Services (R-17-57)

Information Systems and Technology Manager Garrett Dunwoody summarized the District's work to date to develop a capital program management infrastructure to track project progress, including project charter, project timeline, and information for tasks, issues, etc. In addition to tracking District projects, Sharepoint will be able to help manage the District's documents making it easier for staff to find and use documents. Finally, Mr. Dunwoody outlined the next steps, including creating additional project sites, development of Measure AA portfolio and department sites, and eventually document management.

Director Cyr expressed concern regarding the contract being tied to a single contract employee in case the employee left the project.

Chief Financial Officer/Director of Administrative Services commented on the District's prior work to familiarize District staff with SharePoint that would allow the project to continue in the event the contract employee left the project.

Public comment opened at 8:26 p.m.

No speakers present.

Public comment closed at 8:26 p.m.

Director Harris left at 8:29 p.m.

Director Kishimoto inquired regarding how the Board will be able to access the project sites.

Mr. Jaskulak reported staff plans to create a Board-facing platform as part of the project.

Motion: Director Kishimoto moved, and Director Siemens seconded the motion to authorize the General Manager to enter into a multi-year services contract with Robert Half Technology, Inc. to provide staffing for SharePoint development services for a total contract amount of \$200,000.

VOTE: 5-0-0 (Directors Hanko and Harris absent)

9. Restructuring of the Public Affairs Department, and related changes to the Classification and Compensation Plan (R-17-67)

Assistant General Manager Kevin Woodhouse described the current structure of the Public Affairs department and its vacancies. Mr. Woodhouse reviewed the proposed classification changes and structure for the department and the fiscal impact of the restructure resulting in a net savings of \$87,313. Finally, Mr. Woodhouse described the benefits of the proposed restructure, including meeting District business needs, succession planning, and cross training of employees.

Director Kishimoto inquired regarding how the proposed restructure fits within the recommendations of the Financial and Operational Sustainability Model (FOSM).

Mr. Woodhouse explained the proposed restructure does not add any new positions and is expected to lead to a cost savings. Additionally, the new structure will allow for cross training of staff to help fill unexpected vacancies.

Mr. Abbors stated the District would continue to improve on the FOSM as it is tested throughout the District.

Public comment opened at 8:50 p.m.

No speakers present.

Public comment closed at 8:50 p.m.

Motion: Director Siemens moved, and Director Cyr seconded the motion to approve the following classification recommendations for the Public Affairs Department to restructure current positions, without adding new staff, into a structure that fulfills the District's current and future public affairs business needs:

1. Adopt a resolution amending the District's Classification and Compensation Plan with the following changes:
 - a. Addition of Public Affairs Specialist I/II classification;
 - b. Addition of Public Affairs Specialist III classification;
 - c. Deletion of Community Outreach Specialist classification;
 - d. Deletion of Media Communications Supervisor classification;
 - e. Deletion of Web Administrator classification (but retaining the working title of Web Administrator);
 - f. Deletion of Public Affairs Specialist classification;
 - g. Title change only of Legislative/External Affairs Specialist to Governmental Affairs Specialist
2. Approve the following reclassifications of positions in the Public Affairs Department:
 - a. Reclassification of Public Affairs Program Coordinator to Public Affairs Specialist I/II;
 - b. Reclassification of Public Affairs Specialist to Public Affairs Specialist I/II;
 - c. Reclassification of Web Administrator to Public Affairs Specialist I/II, with a web administration specialty focus;
3. Approve the inclusion of \$21,000 in the FY2017-18 budget for a Public Affairs Intern.

VOTE: 5-0-0 (Directors Hanko and Harris absent)

INFORMATIONAL MEMORANDUM

- Funding Donation to State Parks to Support Science Research for Marbled Murrelet Landscape Management Plan for Santa Cruz Mountains
- Summary of the April 24, 2017 Facilities Ad Hoc Committee Meeting

INFORMATIONAL REPORTS

A. Committee Reports

Director Cyr reported on the May 2, 2017 Action Plan & Budget Committee meeting and May 9, 2017 Planning and Natural Resources Committee meeting.

B. Staff Reports

Assistant General Manager Ana Ruiz reported CalTrans District 4 is currently soliciting input on a new bicycle plan within the District’s boundaries. The District is providing input and providing information to docents, volunteers, and members of the public to help them comment on the plan. Ms. Ruiz reported her attendance at a meeting of the Peninsula Working Group.

Assistant General Manager Kevin Woodhouse reported the District has sent letters to stakeholder agencies to convene a kickoff meeting to discuss parking problems and transit solutions for Rancho San Antonio. On Friday, the Santa Cruz Mountain Stewardship Network is holding its first Spotlight Stewardship Tour, and it is being hosted by the District to including a panel discussion and tour of Mindego Ranch. Mr. Woodhouse reported attendance at an excellent Berkeley Executive Leadership program. Finally, interviews will be conducted tomorrow for the Climate Resiliency Fellow position.

Mr. Jaskulak reported staff is currently testing the ranger laptops in the patrol vehicles, and it is going well. Mr. Jaskulak provided an update on the District’s internal leadership academy, efforts to improve internet service at the South Area Outpost, and human resources manager recruitment.

General Counsel Sheryl Schaffner reported the Santa Clara County Superior Court judge signed an order to abate the nuisance on the Gullicksen property.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported she has begun speaking with other elected officials regarding the Rancho San Antonio transit solutions working group.

ADJOURNMENT

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:11 p.m.

Jennifer Woodworth, MMC
District Clerk