



Midpeninsula Regional  
Open Space District

R-17-79  
Meeting 17-15  
June 28, 2017

## AGENDA ITEM 13

### AGENDA ITEM

Memorandum of Understanding with Santa Clara Valley Water District for riparian invasive species removal in Bear Creek Redwoods Open Space Preserve

### GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to enter into a Memorandum of Understanding (MOU) with Santa Clara Valley Water District (SCVWD) to receive \$200,000 per year for up to five years, to implement invasive species removal in Bear Creek Redwoods Open Space Preserve; authorize the General Manager to approve subsequent Task Orders resulting from the MOU.
2. Adopt a resolution approving the proposed Budget Amendment, adding \$200,000 to the Bear Creek Redwoods Invasive Weed Treatment budget (MAA21-007).
3. Authorize the General Manager to amend a contract with Ecological Concerns of Santa Cruz, CA, adding \$200,000, for a total not-to-exceed amount of \$573,483, to perform work associated with the MOU. The contract amendment would be funded through funds secured under the MOU.

### SUMMARY

The Santa Clara Valley Water District invited the District to enter into a MOU under the Safe, Clean Water and Natural Flood Protection Program. This MOU would provide the District \$200,000 per year for five years, with the possibility of extending for an additional five years, to remove priority invasive species within Bear Creek Redwoods Open Space Preserve. This work would expand current plans for trailside invasive species removal to include removal along riparian corridors.

### DISCUSSION

The District acquired Bear Creek Redwoods Open Space Preserve (BCR) in 2000 after an initial 800-acre acquisition by Peninsula Open Space Trust, and it has since expanded to nearly 1,500 acres. In January 2017, the Board approved the BCR Preserve Plan, which identifies long-term public access and stewardship actions for BCR. Additionally, a Final Environmental Impact Report for the Integrated Pest Management Program was certified in 2014. BCR is scheduled to open to the general public in 2018, and due to its accessibility, recreational value, and established community of passionate and dedicated users from the tenants and Friends of Bear Creek stables, visitor use is expected to be high.

BCR contains extensive invasive plants populations that are associated with human disturbance. These invasive plants have spread and established into native plant communities such as coastal scrub, oak woodlands, and even closed-canopy coniferous forest that often resists invasion from non-native plants. To address this issue, in 2016 District staff contracted with consultants to create an Invasive Pest Management (IPM) Plan for BCR. The Plan includes a three-year control strategy for invasive species, prioritizing trail and roadside removal sites across BCR. High priority species for removal include perennial vines (such as English and cape ivy) and broom species (French, Scotch, and Spanish). As drafted, the IPM Plan prioritizes invasive removal in critical areas to prepare for public access.

The Santa Clara Valley Water District (SCVWD) has funding available under Measure B, the Safe, Clean Water and Natural Flood Protection Program, which was approved by voters in 2012. This 15-year program was established to provide a long-term safe and reliable water supply within Santa Clara County. With these funds, SCVWD invited the District to enter into a MOU under the D2: Revitalize Stream, Upland and Wetland Habitat program, which is one of five priority programs under Measure B. Funding under this program is directed towards removing non-native, invasive plants, and revegetating habitat with native species.

This MOU will expand the District's ability to focus on invasive removal along riparian corridors throughout BCR. Once the MOU is in place, District staff will work with SCVWD to create Task Orders that outline specific invasive removal goals and objectives each year. Near-term removal will target English ivy along riparian corridors on the west side of BCR, which will open to the public first. Secondary removal efforts will target French Broom within the same geographic locations.

To accomplish this work, District staff will augment the current contract with Ecological Concerns, who has been conducting the invasive removal work under a 3-year contract begun on May 4, 2016. This additional work represents an increase in invasive removal of about 66.5 additional gross acres. In addition, District staff will work to coordinate volunteer removal projects to augment the Ecological Concerns' efforts, with a goal of having one invasive removal project per month dedicated to this work. As part of these volunteer projects, District staff will educate participants about invasive species by inviting staff as speakers as part of its commitment to conduct education and outreach through this MOU.

The original scope of this MOU pertains to BCR. Once invasive plant species in the riparian corridor are under adequate control, the MOU agreement may be amended to include other preserves under District management that also lie within the SCVWD watershed lands.

Administrative requirements for this work under the MOU include monthly invoicing to SCVWD and annual reporting, including specific Geographic Information System (GIS) data standards, which the GIS team has reviewed and approved.

## **FISCAL IMPACT**

This MOU will represent a positive fiscal impact for the District, with a total grant receipt of up to \$200,000 annually for five years, with a possibility of extending the agreement for another five years, for a total receipt of up to \$2,000,000. This grant receipt will have an equal and corresponding increase in the Invasive Pest Management budget for Portfolio 21, Project 007 (MAA21-007). See Attachment 1 for Budget Amendment.

The FY2017-18 budget includes \$169,604 for the MAA21-007 BCR Invasive Species Removal. There are sufficient funds in the project budget to cover the recommended action and expenditures.

	<b>FY2017-18</b>
<b>Project 21-007 Budget</b>	<b>\$169,604</b>
<b>Ecological Concerns Contract Amendment Amount</b>	<b>\$200,000</b>
<b>Budget increase (SCVWD Grant)</b>	<b>(\$200,000)</b>
<b>Balance Remaining (Proposed):</b>	<b>\$169,604</b>

The following table outlines the Measure AA Portfolio 21 budget, costs-to-date, and the fiscal impact related to the Bear Creek Redwoods Invasive Species Removal.

<b>MAA 21 Portfolio Appropriation</b>	<b>\$17,478,000</b>
<b>Life-to-Date Spent (5/31/17)</b>	<b>\$649,814</b>
<b>Encumbrances</b>	<b>\$622,869</b>
<b>Ecological Concerns Contract Amendment Amount</b>	<b>\$200,000</b>
<b>Grant Revenue of \$200,000 annually for 5 years</b>	<b>(\$200,000)</b>
<b>Balance Remaining (Proposed):</b>	<b>\$16,205,317</b>

## **BOARD COMMITTEE REVIEW**

This item was not previously reviewed by a Board Committee. However, the ABC Committee meeting was briefed on this MOU during the May 31, 2017 meeting. See Attachment 2 for meeting minutes.

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

## **CEQA COMPLIANCE**

The vegetation management activities covered by this contract have been previously reviewed in the following environmental documents under the California Environmental Quality Act, and the associated mitigation measures have been incorporated into the project:

- Environmental Impact Report for the Midpeninsula Regional Open Space District Integrated Pest Management Program approved by the Board on December 10, 2014 (R-14-148)
- Environmental Impact Report for the Bear Creek Redwoods Open Space Preserve Plan approved by the Board on January 25, 2017 meeting (R-17-15).

## **NEXT STEPS**

Upon Board approval, District staff will work with SCVWD to outline the scope of the first Task Order, with anticipated work to begin in Fall 2017. First year activities will focus on English ivy removal in BCR on the west side of BCR. District staff will secondarily focus on French broom removal in similar locations. See Attachment 3 for locations of invasive species within 260 feet of riparian corridors where removals will take place.

Attachments

1. Budget Amendment
2. ABC Committee minutes from May 31, 2017 meeting
3. Invasive species map for Bear Creek Redwoods

Responsible Department Heads:

Stefan Jaskulak, CFO/Director of Administrative Services

Kirk Lenington, Natural Resource Manager

Prepared by:

Melanie Askay, Grants Specialist, Administrative Services

Coty Sifuentes-Winter, IPM Coordinator, Natural Resources

Contact person:

Melanie Askay, Grants Specialist, Administrative Services

RESOLUTION NO. 17-\_\_

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AMENDING THE BUDGET FOR FISCAL YEAR 2017-18

WHEREAS, on June 14, 2017 the Board of Directors of the Midpeninsula Regional Open Space District adopted the Fiscal Year 2017-18 Budget and Action Plan; and

NOW, THEREFORE, the Board of Directors of the Midpeninsula Regional Open Space District does resolve as follows:

SECTION ONE. Approve the recommended budget amendments to the FY2017-18 Budget for the Midpeninsula Regional Open Space District, increasing Grant Revenue by \$200,000 and increasing budgeted expenditures in the Bear Creek Redwoods Invasive Weed Treatment Budget (MAA21-007) as follows:

Budget Amendment Description	Adopted Budget	Budget Amendment	Amended Budget
Bear Creek Redwoods Invasive Weed Treatment Budget (MAA21-007)	\$169,604	\$200,000	\$369,604

SECTION TWO. Monies are hereby appropriated in accordance with said budget by fund.

SECTION THREE. Except as herein modified, the FY 2017-18 Budget and Action Plan, Resolution No. 17-14 as amended, shall remain in full force and effect.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_, 2017, at a regular meeting thereof, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

Secretary  
Board of Directors

President  
Board of Directors

**APPROVED AS TO FORM:**

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General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

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District Clerk



Midpeninsula Regional  
Open Space District

## **ACTION PLAN AND BUDGET COMMITTEE**

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**May 31, 2017**

### **DRAFT MINUTES**

#### **ROLL CALL**

Director Cyr called the meeting to order at 2:30 p.m.

**Members Present:** Jed Cyr and Yoriko Kishimoto

**Members Absent:** Curt Riffle

**Staff Present:** General Manager Steve Abbors, Assistant General Counsel Hilary Stevenson, Chief Financial Officer Stefan Jaskulak, Assistant General Manager Ana Ruiz, District Clerk/Assistant to the General Manager Jennifer Woodworth, Grants Specialist Melanie Askay, Senior Property Management Specialist Elaina Cuzick

#### **ADOPTION OF AGENDA**

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to adopt the agenda and moved Item 4 to be heard after Item 1.

**VOTE:** 2-0-0 (Director Riffle absent)

#### **ORAL COMMUNICATIONS**

No speakers present.

#### **COMMITTEE BUSINESS**

**1. Approve the May 2, 2017 Action Plan & Budget Committee Minutes.**

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to approve the Action Plan and Budget Committee minutes for May 2, 2017.

**VOTE:** 2-0-0 (Director Riffle absent)

**2. Status Update on 2017 Grant-Related Priorities for the District (R-17-80)**

Item 2 was heard after Item 4.

Grants Specialist Melanie Askay provided the staff presentation describing the goals of seeking grants, including to offset and leverage existing funds, increase District impact, and expand the District's responsiveness to current conservation challenges. Ms. Askay outlined the District's grant-seeking principles, techniques for leveraging District funds, and near-term grants program priorities. Currently, she is working to identify and apply for grants, build relationships, develop a grants workflow, build a grants database, etc. Finally, long-term priorities include development of a robust grants program, streamline policies and processes, and staff education.

Director Kishimoto spoke in favor of using grant funds to leverage Measure AA funds to enable the District to complete projects in all 25 Measure AA portfolios.

Public comment opened at 3:41 p.m.

No speakers present.

Public comment closed at 3:41 p.m.

No Committee action required.

### **3. New Board Policy 3.09 – Debt Management Policy (R-17-81)**

Chief Financial Officer Stefan Jaskulak explained the California Debt and Investment Advisory Commission requires the District to have a debt management policy in order to issue new debt. Benefits include establishing standard operating procedures, supporting transparent and consistent financial decisions, consistency and instruction for new staff, etc. The proposed policy outlines how District debt will be limited, structured, issued, and managed. Finally, the proposed policy describes various other debt-related controls, reporting requirements, etc.

Public comment opened at 3:58 p.m.

No speakers present.

Public comment closed at 3:58 p.m.

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to recommend approval of the Board Policy 3.09 - Debt Management Policy.

**VOTE: 2-0-0** (Director Riffle absent)

### **4. Confirm Two Changes to the proposed Fiscal Year 2017-18 Action Plan and Budget (R-17-82)**

Item 4 was heard after Item 1.

General Manager Steve Abbors provided introductory comments describing the Board's previous decisions related the Mt Umunhum Radar Tower, including the Board's discussion at the May

## Action Plan & Budget Committee

24, 2017 regarding proposed Fiscal Year 2017-18 funding for a second assessment of the Radar Tower. As a result of that discussion, District staff has proposed leveraging grant funds to complete the assessment.

Assistant General Manager Ana Ruiz reported the interim repairs for the Radar Tower were completed in 2016, and additional repairs are needed to continue to protect the public who will soon have access to the exterior of the Radar Tower. Ms. Ruiz described numerous repairs that are needed to restore the long term integrity of the building.

Director Kishimoto inquired regarding the current state of the Radar Tower walls.

Ms. Ruiz explained the interim repairs were only meant to last five years, and the exterior of the building is currently safe for public access.

Director Cyr inquired regarding the full cost of the second assessment.

Ms. Ruiz explained additional funds would likely be needed to review the initial assessment and build from that to determine what long-term repairs would be needed. The \$478,000 proposed budget includes the assessment, development of plans and specifications based on the assessment, permitting fees, construction documents, etc.

Public comment opened at 2:46 p.m.

Sam Drake, President of the Umunhum Conservancy, expressed concern regarding his organization's understanding of the proposal before Committee and stated that until the assessment is complete, it is difficult to determine who would fund repairs. Mr. Drake spoke in favor of private funding to accelerate repairs beyond the District's schedule or repairs beyond the District's planned repairs. Mr. Drake spoke in favor Santa Clara County listing the Radar Tower as a historic landmark.

Director Kishimoto requested additional information regarding the Conservancy's fundraising.

Mr. Drake explained the Conservancy has not actively fundraised since June 2016 and is waiting for list of specific repairs to be completed. In 2012, a citizen offered \$200,000 for Radar Tower repair, and Mr. Drake believes the funds will be made available once the Conservancy raises \$200,000 in matching funds.

Bob Wallace inquired if members of the public can be directly involved in the decision process stating the Radar Tower represents something useless from the military and a waste of taxpayer money.

Lester Ernest formerly worked on the SAGE radar defense system and stated the computers at the Radar Tower were unable to process the radar system data. For twenty-five years, the fraudulent system continued to operate. Mr. Ernest suggested including a plaque explaining the truth of the defense system and offered to fund creation of a plaque.

Kalen Gallagher, member of the Campbell Union School District School Board but speaking for himself, spoke in favor of the Radar Tower and spoke regarding students that enjoy the tower. Mr. Gallagher spoke in favor of protecting the Radar Tower for the community.

## Action Plan & Budget Committee

Melany Moore President of the Summit Riders Horseman's Association thanked General Manager Abbors for offering to return to the Board to request additional funding if grant funding is not available.

Public comment closed at 3:02 p.m.

In response to questions regarding the District's previous use of outside funds to finance repairs to District buildings, Senior Property Management Specialist Elaina Cuzick explained that the District entered into a cooperative agreement with the Levin family for the Fremont Older home, in which the family funded a majority of the renovations to the house.

Ms. Ruiz explained that for Picchetti Winery the District's lessee pays rent, and current and former lessees completed substantial repairs to the site. The District wrote letters in support of the lessee's grant applications and did complete the seismic repairs to the winery building.

Director Cyr spoke in favor of the District paying for the assessment only, but not the permitting or designs.

Ms. Ruiz explained the assessment alone may cost approximately \$200,000.

Mr. Abbors reported the staff can look for other grant opportunities, including Santa Clara County or other sources.

Director Kishimoto spoke in favor of the District funding 50% of the project.

Director Kishimoto spoke regarding the need for the District to seek partners and other funding sources to complete Measure AA projects. Additionally, Director Kishimoto requested the Conservancy only disseminate facts related to the District and its work related to the Radar Tower.

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to confirm and recommend to the full Board the allocation of \$236,000 from District General Funds – Capital and \$236,000 from Grants/Partners/Other to fund structural investigations to identify all work required to fully implement the Seal and Retain option, which was previously approved by the Board of Directors, as well as design plans and permitting fees for the Board-approved repairs. These repairs will also ensure the protection of public health and safety given that the perimeter area will be open to the public starting September 15, 2017.

**VOTE: 2-0-0** (Director Riffle absent)

Ms. Ruiz summarized the Board's previous actions related to allocations for the Bear Creek Stables Site Plan Implementation Project, including high priority improvements. The recommended action is to make changes to the proposed Fiscal Year 2017-18 budget to reflect the Board's previous decision.

Director Kishimoto inquired regarding the cost of improvements for the stable boarder areas.

Planner III Gretchen Laustsen explained the cost breakdown for public and private areas of the stables is not complete and is planned for presentation to the Board in September.

**Action Plan & Budget Committee**

Director Kishimoto expressed her opinion that taxpayer funds should not be used for the private areas of the stables.

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to confirm and recommend to the full Board the allocation of \$3 Million from District Measure AA, \$500,000 from District General Fund – Capital, and \$1,650,000 from Grants/Partners/Other to fund the three-year capital improvement work for the Bear Creek Stables Site Plan Implementation Project (MAA 21-004).

**VOTE: 2-0-0** (Director Riffle absent)

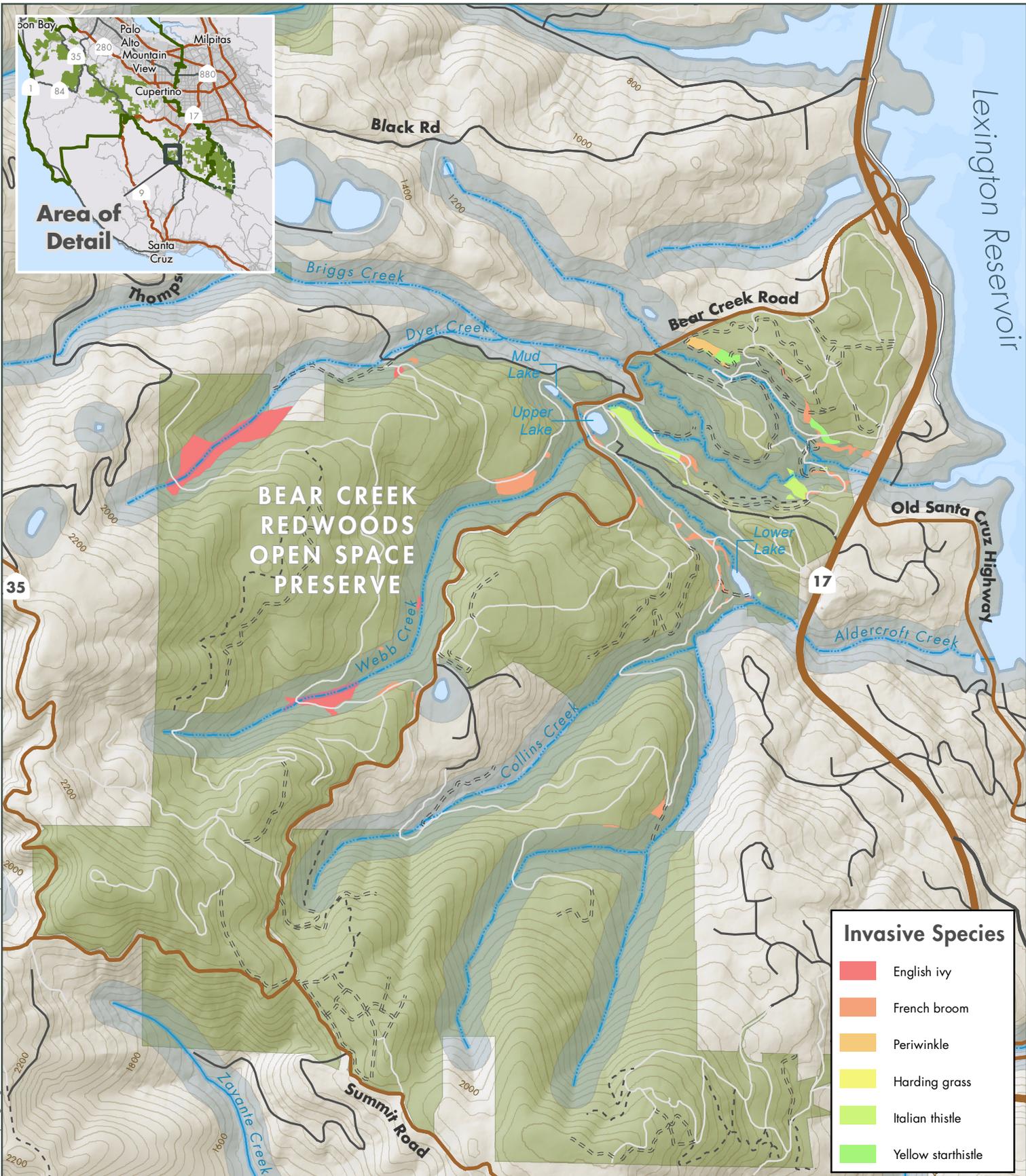
**ADJOURNMENT**

Director Cyr adjourned the meeting of the Action Plan and Budget Committee of the Midpeninsula Regional Open Space District at 4:02 p.m.

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Jennifer Woodworth, MMC  
District Clerk

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Created By: ngreig



**BEAR CREEK  
REDWOODS  
OPEN SPACE  
PRESERVE**

**Invasive Species**

- English ivy
- French broom
- Periwinkle
- Harding grass
- Italian thistle
- Yellow starthistle

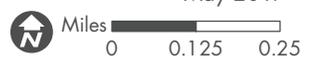
**Bear Creek Redwoods OSP: Invasive Species**

- |   |  |   |
|---|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #90EE90; border: 1px solid black; margin-right: 5px;"></span> MROSD Preserves  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black; margin-right: 5px;"></span> Freeway/Highway | <span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> Minor Unpaved Road       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black; margin-right: 5px;"></span> Private Property | <span style="display: inline-block; width: 15px; height: 10px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Highway or Major Road              | <span style="display: inline-block; width: 15px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Unmaintained Road Width |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> 260 ft Buffer    | <span style="display: inline-block; width: 15px; border-bottom: 1px solid black; margin-right: 5px;"></span> Minor Paved Road                                  | <span style="display: inline-block; width: 15px; border-bottom: 1px dashed black; margin-right: 5px;"></span> Trail                   |

Midpeninsula Regional  
Open Space District  
(MROSD)



May 2017



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.