



Midpeninsula Regional  
Open Space District

August 9, 2017  
Board Meeting 17-18

**SPECIAL AND REGULAR MEETING**

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

**SPECIAL MEETING  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
FINANCING AUTHORITY**

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, August 9, 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 Counsel Sheryl Schaffner, Human Resources Manager Candice Basnight

Public comments opened at 5:00 p.m.

No speakers present.

Public comments closed at 5:00 p.m.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)**

Title of Employee: General Counsel

President Hassett adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:50 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.

General Counsel Sheryl Schaffner reported that in the closed session the Board voted 6-0 to form a Board ad hoc committee to work with a recruitment firm to serve as an advisor for the upcoming recruitment for the General Counsel position.

**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 Kevin Woodhouse, Chief Financial Officer Stefan Jaskulak, District Controller Mike Foster, District Clerk/Assistant to the General Manager Jennifer Woodworth, Real Property Manager Mike Williams, Land & Facilities Manager Brian Malone, Planning Manager Jane Mark, Accountant Andrew Taylor, Engineering & Construction Manager Jay Lin, Natural Resources Manager Kirk Lenington, Water Resources Specialist Aaron Hebert,

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

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

**SPECIAL ORDERS OF THE DAY**

- Introduction of staff
  - Trisha Marshall – Open Space Technician
  - Hayley Edmonston – Climate Resiliency Fellow
  - Omar Smith – Facilities Maintenance Supervisor

**CONSENT CALENDAR**

Director Siemens pulled Item 8, and Director Riffle pulled Item 4 from the Consent Calendar.

Public comment opened at 7:15 p.m.

No speakers present.

Public comment closed at 7:15 p.m.

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exceptions of Items 4 and 8.

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

1. **Approve July 26, 2017 Minutes**
2. **Claims Report**
3. **Authorization to Award Contract to Ecological Concerns, Inc. for Invasive Weed Removal in FY2017-18, and FY2018-19 (R-17-103)**

General Manager's Recommendation:

1. Determine that the recommended action has been evaluated previously under the California Environmental Quality Act.
  2. Authorize the General Manager to enter into a multi-year contract with Ecological Concerns, Inc. of Santa Cruz, California to provide invasive species management services in Purisima Creek Redwoods Open Space Preserve in FY2017-18 and FY2018-19 for a base contract amount of \$46,000.
  3. Authorize a 15% contingency of \$6,900 to be expended only if necessary to cover unforeseen conditions, for a not-to-exceed total contract amount of \$52,900.
4. **Revise and Renew Investment Authority (R-17-105)**

General Manager's Recommendation:

1. Revise the Statement of Investment Board Policy to classify investments in the non-renewable energy sector as not permitted
2. Adopt a resolution to renew the District Controller's investment authority until August 8, 2018.

Director Riffle inquired regarding the number of investments affected by the change to the Statement of Investment Board Policy.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reported there are only a few investments in non-renewable energy of no more than a couple million dollars. Ending these investments will not have a large impact on the District's investments.

Director Riffle suggested the Board might want to consider in the future other areas where the District may decline to invest.

**Motion:** Director Riffle moved, and Director Kishimoto seconded the motion to approve Item 4.

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

**5. Contract Amendment with Lettis Consultants International, Inc. (LCI) for Geological Services for the Alma College Cultural Landscape Rehabilitation Project at Bear Creek Redwoods Open Space Preserve (R-17-102)**

General Manager's Recommendation: Authorize the General Manager to execute a contract amendment with LCI to complete geotechnical analysis at the former Alma College site at Bear Creek Redwoods, in an amount of \$25,000 (which includes an allowance of \$10,000 for unanticipated services), for a total not-to-exceed contract amount of \$74,990.

**6. Implementation of the Stipulation for Judgement and Final Order of Possession with Mount Umunhum Limited Partnership regarding Midpeninsula Regional Open Space District vs The Mount Umunhum Limited Partnership in Superior Court of the State of California for the County of Santa Clara (Case No. 15CV289553) (R-17-104)**

General Manager's Recommendation: Adopt a Resolution implementing the grant of an access easement over Mt Umunhum Road to the Mount Umunhum Limited Partnership, with corresponding authorization for a Fiscal Year 2017-18 budget increase of \$441,000.

**7. Establishing Fiscal Year 2017-2018 Tax Levy for the Midpeninsula Regional Open Space District's General Obligation Bonds - Series 2015A and Series 2015B (R-17-100)**

General Manager's Recommendation: Adopt Resolutions of the Board of Directors of the Midpeninsula Regional Open Space District for each of San Mateo, Santa Clara and Santa Cruz Counties to establish an ad valorem property tax levy of \$0.90 per \$100,000 (or \$0.0009 per \$100) in assessed value for the District's General Obligation Bonds – Series 2015A and Series 2015B (Measure AA).

**8. Update Board Policy 6.04 – Board Conference Attendance Policy and Board Policy 6.06 – Meeting Compensation, Reimbursement, etc. (R-17-97)**

General Manager's Recommendation: Approve updates to Board Policy 6.04 – Board Conference Attendance Policy and Board Policy 6.06 – Meeting Compensation, Reimbursement, etc.

Director Siemens suggested the Board members should be reimbursed for mileage to attend meetings and other District related business.

Directors Kishimoto and Riffle spoke against the suggestion stating employees are not compensated for mileage to go to work.

Director Harris spoke in favor of reimbursement for mileage to attend meetings not at the District's administrative office.

Director Riffle suggested the District's policy for employee mileage reimbursements could also apply to Board members.

Ms. Schaffner explained Board Policy 6.04 already allows for reimbursement of "travel to Board-authorized conferences or other authorized travel between points within 150 miles of the District's Administrative Office by the Board Member's private vehicle shall be at the current rate established by the Internal Revenue Service."

Director Siemens suggested the 30-day deadline to submit reimbursement forms should be quarterly.

Director Cyr suggested that reimbursement forms could be submitted by the end of the month following the travel.

Ms. Schaffner suggested inclusion of the following clause, which was also included in the District's Administrative Procedure: "Whether or not an employee's cell phone charges are reimbursed by the District, any records of District business conducted on a personal cell phone or other device (including photos, voicemail, text, and electronic mail) must be made available to the District upon request, including but not limited to when needed to comply with a Public Records Act request."

**Motion:** Director Cyr moved, and Director Siemens seconded the motion to approve Item 8 with the suggested modifications from Director Cyr and General Counsel Schaffner.

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

## **BOARD BUSINESS**

### **9. Amendment Three of the Partnership Agreement with the City of East Palo Alto (R-17-98)**

Senior Planner Tina Hugg described the project's completion to date, including site remediation, building the Cooley Landing Education Center, and roadway improvements. The District's proposed funding would be used towards completion of an outdoor classroom, new restroom building, and new lighting.

Director Riffle requested an update on funding for the maintenance and patrol of the site.

City of East Palo Assistant Civil Engineer Fanny Yu reported the City may be interested in entering into an operations and maintenance agreement for maintenance, and will be discussing patrol needs with the City's police department.

Director Kishimoto requested an update regarding the District's work with the City of East Palo Alto on the Business and Operating Plan.

Management Analyst II Dave Jaeckel reported District staff will be meeting with City staff in two weeks for discuss the Business and Operating Plan.

Director Kishimoto expressed support for installation of a sunshade in the outdoor classroom area because it can get warm there.

Director Harris spoke in favor of installing "Funded by Measure AA" signs on the site because the project is being partially funded by Measure AA.

Public comment opened at 8:02 p.m.

No speakers present.

Public comment closed at 8:02 p.m.

General Manager Steve Abbors spoke in favor of District Board members reaching out to City of East Palo Alto Council members to begin discussions related to ongoing maintenance and patrol needs.

**Motion:** Director Riffle moved, and Director Siemens seconded the motion to adopt a Resolution authorizing Amendment Three of a Partnership Agreement with the City of East Palo Alto to facilitate completion of Phases IV and V comprised of six specific park elements of the Cooley Landing Vision Plan, and interagency collaboration to develop a business and operating plan for Cooley Landing Park and Education Center.

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

**10. Award of Contract with MIG, Inc., to provide professional consultant services for a District-wide Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan Update (R-17-99)**

Planner II Whitney Berry provided the staff presentation describing the history of the District's current accessibility plan and recent steps to increase accessibility to District preserves and awareness of accessible trails. The District's self-evaluation and transition plan will include assessment of District policies, identification of barriers to access, and a plan for barrier removal. Public engagement will be key to the process, and at least one Board workshop to discuss the project and recommended transition plan.

Director Kishimoto spoke in favor of Board involvement in making policy choices as the self-evaluation and transition plan move forward.

Director Siemens suggested defining "transition plan" as part of the report.

Public comment opened at 8:26 p.m.

Mike Bushue inquired how the self-evaluation and transition plan would affect the District's ability to open preserves to public access.

Planning Manager Jane Mark explained that the transition plan will help guide the building of ADA accessible facilities but will not stop current District work to open facilities to the public. Additionally, the transition plan may be phased in over time.

Public comment closed at 8:29 p.m.

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

1. Authorize the General Manager to enter into a multi-year contract with MIG, Inc., to provide professional services for the District-wide ADA Self-Evaluation and Transition Plan Update for a base contract amount of \$179,333.
2. Authorize a 15% contingency of \$25,667, to be expended only if necessary to cover unforeseen conditions, for a total not-to-exceed contract amount of \$205,000.

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

**11. Agreement with RECON Environmental Inc. to Maintain Plants at Nine Revegetation Sites for Three Years (R-17-101)**

Senior Resource Management Specialist Cindy Roessler described the need for replanting in District preserves to prevent erosion there following construction of trails, parking lots, bridges, and other visitor facilities. Additionally, planting may be done to restore rare species and/or restore properties that have been disturbed by destructive practices prior to District ownership. Ms. Roessler described various restoration techniques, including seeding native grasses and wildflowers, oak acorn planting, and conventional planting. The proposed contract is for three years, covers nine sites, and includes plant protection, replanting, monitoring, and reporting.

Directors Riffle and Kishimoto expressed concerns regarding the long-term sustainability of this type of project, including its scalability and per plant cost.

Ms. Roessler explained the bid received was below District staff's estimate for the work and is comparable to similar projects in other preserves.

Director Siemens inquired why the contract is not funded by Measure AA funds.

Mr. Jaskulak explained that because the contract is for maintenance of the plants, the watering of the plants is not a capital project. The District's auditor confirmed this conclusion.

Public comment opened at 9:02 p.m.

No speakers present.

Public comment closed at 9:02 p.m.

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

1. Determine that the recommended action has been evaluated previously under the California Environmental Quality Act.
2. Authorize the General Manager to approve an agreement with RECON Environmental Inc. for an amount not-to-exceed \$615,780 to maintain plants at nine revegetation sites for three years.
3. Authorize a 10% contingency of \$61,578 to be expended only if necessary to cover unforeseen conditions for a not-to-exceed total contract amount of \$677,358.

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

**INFORMATIONAL REPORTS**

A. Committee Reports

No Committee reports.

B. Staff Reports

Assistant General Manager Kevin Woodhouse reported on a meeting among District staff, the Friends of Bear Creek Stables, and the current stables operator to discuss and establish

communication protocols. Periodic meetings of these groups have also been established going forward.

Public Affairs Manager Christine Butterfield shared the Mount Umunhum commemorative poster that will be provided to Mount Umunhum Grand Opening attendees. District staff members have been meeting with various stakeholder groups to prepare for future use of the preserve and inform any future Board policy decision related to potential permit use of the trails.

Real Property Manager Mike Williams reported his attendance at a meeting of the Pescadero Municipal Advisory Committee.

Planning Manager Jane Mark reported on the on the Ohlone Portola Heritage Trail reception on August 2<sup>nd</sup>. Ms. Mark provided an update on the Dumbarton transportation corridor study and a recent report to the SamTrans Board of Directors. SamTrans staff concluded they cannot accommodate a walking or biking trail corridor, however, District staff is continuing to communicate with SamTrans to look at other options.

Mr. Jaskulak reported the District's Enterprise GIS system went live on August 1<sup>st</sup>. District staff will be meeting with bond counsel soon to discuss issuing a second tranche of bonds.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported she attended an event sponsored by the California Coastal Conservancy.

Director Siemens reported his attendance at the La Honda Open Space Preserve groundbreaking and a meeting of the Montgomery Highlands Homeowners Association.

Director Riffle spoke regarding District staff's presence at the Ohlone Portola Heritage Trail reception and reported his attendance at the La Honda Open Space Preserve groundbreaking.

Director Harris reported her attendance at the City Parks Alliance Conference in Minnesota and shared information regarding the sessions there.

Director Hassett reported his attendance at the La Honda Open Space Preserve groundbreaking.

**ADJOURNMENT**

President Hassett adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:37 p.m.

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Jennifer Woodworth, MMC  
District Clerk