



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, February 14, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 6:10 p.m.

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Yoriko Kishimoto, and Pete Siemens

Members Absent: Nonette Hanko, Larry Hassett, and Curt Riffle

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Human Resources Manager Candice Basnight

Public comments opened at 6:10 p.m.

No speakers present.

Public comments closed at 6:10 p.m.

1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representatives: Acting General Manager Ana Ruiz, Acting Assistant General Manager Brian Malone, and Jack Hughes with Liebert Cassidy Whitmore
Employee organization: Field Employees Association

Director Hanko arrived at 6:20 p.m.

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

Property: Santa Clara County APN(s): 510-33-001, 510-33-004, 510-33-005, 510-33-006, 510-32-012, 510-35-004 and 510-35-005

Agency Negotiator: Mike Williams, Real Property Manager and Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Andrew Gere, President and Chief Operating Officer

Under Negotiation: Purchase Terms

ADJOURNMENT

President Cyr continued the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District to the close of the regular meeting at 7:01 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:07 p.m.

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

ROLL CALL

Members Present: Jed Cyr, Nonette Hanco, Cecily Harris, Yoriko Kishimoto, and Pete Siemens

Members Absent: Larry Hassett and Curt Riffle

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Chief Financial Officer/Administrative Services Director Stefan Jaskulak, Acting Assistant General Manager Christine Butterfield, Acting Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 5-0-0 (Directors Hassett and Riffle absent.)

CONSENT CALENDAR

Public comment opened at 7:08 p.m.

No speakers present.

Public comment closed at 7:08 p.m.

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

VOTE: 5-0-0 (Directors Hassett and Riffle absent.)

1. **Approve January 24, 2018 and February 1, 2018 Minutes**
2. **Claims Report**
3. **Proposed Purchase of the Gupta/Khan property as an addition to El Sereno Open Space Preserve located off Bohlman Road in unincorporated Santa Clara County (Assessor's Parcel Number 517-24-030 (fee) and 517-24-024 (trail easement)). (R-18-14)**

Acting General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Gupta/Khan property at a cost of \$400,000 with corresponding authorization for a Fiscal Year 2017-18 budget increase of the same amount.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Withhold dedication of the Gupta/Khan property as public open space.

4. **Resolution in Support of Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (R-18-16)**

Acting General Manager's Recommendation: Consider adoption of a resolution in support of Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 put forth by the California State Legislature on the ballot for the June 5, 2018 statewide primary election.

BOARD BUSINESS

5. **Fiscal Year 2017-18 Quarter 2 District Budget Amendments (R-18-15)**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided the staff presentation describing revenue changes as of December 31, 2017 and administrative net-zero transfers/budget amendments. Mr. Jaskulak reviewed the proposed Quarter 2 budget adjustments by fund and highlighted the associated projects.

Public comment opened at 7:17 p.m.

No speakers present.

Public comment closed at 7:17 p.m.

Motion: Director Siemens moved, and Director Hanko seconded the motion to adopt a resolution approving the proposed FY2017-18 Quarter 2 District Budget amendments.

VOTE: 5-0-0 (Directors Hassett and Riffle absent.)

6. Award of Contract for Abatement and Remediation Services of the Exterior of the Mount Umunhum Radar Tower in Sierra Azul Open Space Preserve (R-18-18)

Capital Project Manager III Zachary Alexander provided an overview of the project, including previous remediation actions, interim radar tower repairs, and recent flaking and testing of paint from the radar tower. The proposed scope of work includes removal of all exterior paints and coatings from the four faces of the radar tower, but no work on the roof or inside of the tower. Mr. Alexander described the proposed next steps of the project and tentative long-term schedule for radar tower assessment and repairs.

Director Harris inquired why all lead and asbestos material was not removed in 2011.

Mr. Alexander explained the Army Corps of Engineers oversaw the 2011 remediation work, and only loose and peeling paint was removed. A visual inspection was conducted at the conclusion of the 2011 work, but testing was not done at that time.

Director Harris inquired regarding the removal of water from inside the tower and asked if the water would need to be removed on a regular basis.

Directors Hanko and Siemens inquired regarding further hazardous materials on the radar tower.

Acting General Manager Ana Ruiz explained hazardous materials are also embedded in the roof, and further abatement will be needed as a subsequent phase of work.

Director Kishimoto requested additional clarification regarding the various levels of lead hazards.

Acting Assistant General Manager Brian Malone explained that the testing showed no lead contamination of ground soil, and the proposed work would prevent soil contamination.

Public comment opened at 7:51 p.m.

No speakers present.

Public comment closed at 7:51 p.m.

Motion: Director Kishimoto moved, and Director Hanko seconded the motion to:

1. Authorize the Acting General Manager to enter into a contract with PARC Environmental of Fresno, California for a not-to-exceed contract amount of \$363,932 (includes base bid plus additive alternates).
2. Authorize a 15% contract contingency of \$54,590 to be reserved for unanticipated issues, thus allowing the total contract amount not-to-exceed \$418,522.
3. Adopt a Resolution approving a budget increase in the amount of \$485,130 to the Fiscal Year 2017-18 District budget to fund the abatement and remediation contract and other related project expenses.

VOTE: 4-1-0 (Director Harris dissented; Directors Hassett and Riffle absent.)

INFORMATIONAL MEMORANDUM

- Midpeninsula Regional Open Space District Wildland Fire Program

Director Kishimoto noted she had previously suggested a Board study session with representatives from partner agencies involved in preventing and fighting wildfires. The Board confirmed the information provided in the memo was sufficient, and a study session was no longer requested at this time.

Mr. Malone reported on regular coordination efforts that occur among agencies.

Ms. Ruiz commented on ongoing inter-agency coordination to create regional disaster response plans, which will be discussed at the Board retreat on March 15, 2018.

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

No staff reports.

C. Director Reports

The Board members submitted their compensatory reports.

Director Harris reported on the recent Joint Venture Silicon Valley event and commented on the lack of conversation regarding increasing water needs in the Silicon Valley.

Director Cyr reported he attended a meeting of the San Mateo County Local Agency Formation Commission Independent Special District Selection Committee where a special district representative was selected to serve on the San Mateo County Countywide Oversight Board.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:16 p.m.

President Cyr adjourned the closed session of the Board of Directors of the Midpeninsula Regional Open Space District at 9:26 p.m.