



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, April 11, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

Members Present: Jed Cyr, Nonette Hanco, Cecily Harris, Larry Hassett, and Curt Riffle

Members Absent: Yoriko Kishimoto and Pete Siemens

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Acting Assistant General Manager Christine Butterfield, Real Property Manager Mike Williams, Senior Real Property Specialist Allen Ishibashi

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

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

Property: Santa Clara County APN(s): 562-23-007

Agency Negotiator: Allen Ishibashi, Sr. Real Property Agent

Negotiating Party: Ismael Benhamida, Broker, Marcus & Millichap

Under Negotiation: Purchase Terms

Acting General Manager Ana Ruiz, Acting Assistant General Manager Christine Butterfield, Real Property Manager Mike Williams, and Senior Real Property Specialist Allen Ishibashi left the meeting at 6:12 p.m.

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. GOVERNMENT CODE SECTION 54957(B)(1)

Title of Employee: Acting General Counsel

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:48 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

ROLL CALL

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

Members Absent: Yoriko Kishimoto and Pete Siemens

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting Assistant General Manager Christine Butterfield, District Clerk/Assistant to the General Manager Jennifer Woodworth, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, Grants Specialist Melanie Askay

President Cyr appointed Director Hanko to act as Secretary Pro Tempore for the meeting.

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 5-0-0 (Directors Kishimoto and Siemens absent)

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Carmen Narayanan, Budget & Analysis Manager
 - Matt Anderson, Visitor Services Manager

CONSENT CALENDAR

Director Riffle pulled Item 4 from the consent calendar.

Public comment opened at 7:12 p.m.

No speakers present.

Public comment closed at 7:12 p.m.

Motion: Director Harris moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exception of item 4.

VOTE: 5-0-0 (Directors Kishimoto and Siemens absent)

1. **Approve March 28, 2018 Minutes**
2. **Claims Report**
3. **Award of Contract for Engineering and Design of Two New Trail Loops at La Honda Creek Open Space Preserve (R-18-37)**

Acting General Manager's Recommendation:

1. Authorize the Acting General Manager to enter into a contract with Fall Creek Engineering for a base contract amount of \$147,590.
2. Authorize a 15% contingency of \$22,138, to be expended only if necessary to cover unforeseen conditions, for a total not-to-exceed contract amount of \$169,728.

4. **Legislative Action Recommendations (R-18-34)**

Director Riffle requested clarification regarding the Midpen's position on Senate Bill 1414.

Acting General Manager Ana Ruiz reported Midpen did not initiate the legislation and is monitoring the legislation and may reexamine its position in the future as the legislation progresses.

Director Riffle suggested Midpen may want to research legislative options for lowering the threshold for passage of special district tax measures from 66.7% to a majority and stated he could return with additional information at a future Board meeting.

Motion: Director Riffle moved, and Director Harris seconded the motion to approve the recommended list of legislative actions for the 2018 state legislative session.

VOTE: 5-0-0 (Directors Kishimoto and Siemens absent)

BOARD BUSINESS

5. **Report from the Bond Oversight Committee to the Board of Directors for the review period from July 1, 2016 to June 30, 2017 (R-18-36)**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak introduced Measure AA Bond Oversight Committee Chair Paul Betlem.

Mr. Betlem presented the annual report that covered the review period from July 1, 2016 to June 30, 2017, including the process used by the Bond Oversight Committee (BOC) to select and review a representative group of Measure AA transactions. Mr. Betlem reported the BOC found that all transactions reviewed related to the Measure AA bond language.

The Board members thanked the members of the BOC for their service and staff for following the parameters set by Measure AA.

Public comments opened at 7:35 p.m.

No speakers present.

Public comments closed at 7:35 p.m.

Motion: Director Riffle moved, and Director Hassett seconded the motion to accept the Measure AA Bond Oversight Committee report for FY2016-17

VOTE: 5-0-0 (Directors Kishimoto and Siemens absent)

6. Proposed purchase of the 23760 Alamos Road, LLC Property as an addition to Sierra Azul Open Space Preserve located at 23760 Alamos Road, San Jose in unincorporated Santa Clara County, Assessor's Parcel Numbers 562-23-007 (R-18-35)

Senior Real Property Agent Allen Ishibashi presented the staff report describing the location of the property, geographic features of the land, and improvements located on the property. Mr. Ishibashi described the reasons for purchase, including Alamos Creek watershed protection and potential for additional public access to Midpen and Santa Clara County Open Space Authority preserves. Since 2017, Santa Clara County has pursued litigation against the current property owner related to health and building code violations. Mr. Ishibashi outlined the proposed schedule for demolition of the structures, timeline for the proposed acquisition, and the proposed terms and conditions of the purchase.

President Cyr inquired regarding the maintenance costs for the bridge.

Mr. Ishibashi explained Midpen may enter into a cost sharing agreement with Santa Clara County Open Space Authority to maintain the bridge.

Public comments opened at 8:02 p.m.

April Halberstadt commissioner on the Santa Clara County Historical Heritage Commission reported the Commission would like to review the results of any historical review of the structures before demolition. Additionally, Ms. Halberstadt inquired how long the septic tanks could be expected to leak.

Acting Land and Facilities Manager Elaina Cuzick explained this cannot be determined at this time because staff does not know whether the septic tanks have been pumped.

Mr. Ishibashi reported neither Midpen staff nor the owner knows where all of the septic tanks are currently located. Mr. Ishibashi also reported staff is not currently pursuing a historic analysis of

the property because Midpen staff has been informed by Santa Clara County staff that a historic analysis is not required for a demolition permit.

Dennis Danielson spoke in favor of Midpen acquisition and cleanup of the Twin Creeks property.

Dan O’Day, neighbor to the property, spoke regarding the history of the property, which was initially built by his grandfather in 1929 for summer use. Mr. O’Day explained the summer vacation cabins began to be rented year-round and eventually fell into disrepair. Finally, Mr. O’Day spoke in favor of Midpen purchasing the property to restore it.

Public comments closed at 8:18 p.m.

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

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the 23760 Alamos Road, LLC property at a cost of \$2,800,000 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 23760 Alamos Road, LLC property as public open space.
5. Authorize the Acting General Manager to enter into a grant agreement with the Gordon and Betty Moore Foundation to receive \$750,000 for property acquisition costs.

VOTE: 5-0-0 (Directors Kishimoto and Siemens absent)

INFORMATIONAL MEMORANDUM

- Visitor Use Level Measurement Project
- State budget request to support District purchase of San Jose Water Company land

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 Riffle requested the Legislative, Funding, and Public Affairs Committee consider a memorial bench for Vince Garrod. Director Riffle reported on a recent event held by Midpen regarding a mountain lion living in southern California that is in need of a wildlife crossing

similar to the wildlife corridor proposed for Highway 17. Finally, Director Riffle reported on his participation in a panel to discuss urban parks.

Director Hassett requested the Legislative, Funding, and Public Affairs Committee consider a memorial bench or trail named for Ruth Waldhauer.

Director Harris reported she will be attending the Redwood City Chamber of Commerce Progress Seminar.

President Cyr reported his attendance at a meeting of the Santa Clara Valley Water District's Water Commission.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:37 p.m.

Jennifer Woodworth, MMC
District Clerk