



Midpeninsula Regional
Open Space District

Meeting 11-22

**SPECIAL AND REGULAR MEETING
BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

August 24, 2011

AMENDED MINUTES

SPECIAL MEETING

I ROLL CALL

President Hassett called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:00 p.m.

Members Present: Curt Riffle, Yoriko Kishimoto, Jed Cyr, ~~Nonette Hanko~~ Cecily Harris, Pete Siemens, Nonette Hanko (arrived at 5:06 p.m.) and Larry Hassett

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Counsel James Atencio, Public Affairs Manager Rudy Jurgensen, Administrative Services Manager Kate Drayson, Planning Manager Ana Ruiz, GIS Coordinator Casey Cleve, GIS Technician Zachary Alexander, GIS Intern Alex Roa, and District Clerk Michelle Radcliffe

II STUDY SESSION

Study Session Agenda 1 – District Ward Boundary Re-Alignment (Redistricting) (R-11-88)

GIS Coordinator Casey Cleve explained the redistricting process and stated that every ten years, the District is required to review its population based on the federal census and adjust its boundaries to ensure that each ward has as close to an equal number of constituents. She stated that the District last changed its ward boundaries in 2004 due to the Coastal Annexation and since then the District's population grew by 25,854 constituents.

Ms. Cleve then provided an overview of the redistricting criterion used to create the three scenarios reflecting potential changes to the District’s ward boundaries and presented three possible scenarios to the Board. She explained that the state’s variance is +/- 5% and that the District is using a variance of +/- 2% in order to keep more neighborhoods intact. Discussion ensued.

After extensive discussion, the Board asked staff to return with their preferred scenario with amendments to the criteria. Those changes include: 1) changing the variance to +/- 2.5%; 2) preference to Scenario #2 with changes to the ward boundaries in the Skylonda and Kings Mountain area; 3) prevent losing any population in Ward 7; 4) Add more population in Ward 2 so it is more balanced with Ward 5; 5) add minority percentages to the criteria; and 6) boundary realignment in Sunnyvale for Ward 3.

III. ADJOURNMENT

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

I. ROLL CALL

President Hassett called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:00 p.m.

Members Present: Curt Riffle, Yoriko Kishimoto, Jed Cyr, Nonette Hanco, Pete Siemens and Larry Hassett

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Counsel James Atencio, Planning Manager Ana Ruiz, Real Property Manager Mike Williams, Public Affairs Manager Rudy Jurgensen, Operations Manager David Sanguinetti, Administrative Services Manager Kate Drayson, Senior Management Analyst Lynn Tottori, Open Space Planner II Lisa Bankosh, GIS Coordinator Casey Cleve, Senior Real Property Planner Sandy Sommer, Senior Resource Planner Sandy SommerKirk Lenington, Maintenance and Resource Supervisor Craig Beckman, Planning Technician Galli Basson and District Clerk Michelle Radcliffe.

II. SPECIAL ORDERS OF THE DAY

President Hassett introduced Jay Thorwaldson, editor of the Palo Alto Weekly, and shared a few words with the Board.

Motion: Upon motion by Director Hanko, seconded by Siemens and unanimously passed, the Board approved the resolution honor Jay Thorwaldson for his outstanding contributions to the founding of the District and to the preservation of open space lands on the Peninsula. (Vote: 7-0-0).

Mr. Thorwaldson introduced his family to the Board and thanked the Board for the honor.

III. ORAL COMMUNICATIONS

Linda Houston of Saratoga spoke regarding Fremont Older Preserve and stated that a meeting was set up between District staff and herself for Tuesday, August 30th and that she is looking forward to discussing the issues she's presented to the Board.

IV. ADOPTION OF AGENDA

Director Cyr requested that Agenda Item No. #8 be discussed before Agenda Item No. #4.

Motion: Upon motion by Director Cyr, seconded by Director Kishimoto, and unanimously passed, the Board adopted the agenda as amended. (Vote: 7-0-0)

V. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Cyr, seconded by Director Hanko, and unanimously passed, the Board approved adoption of the Consent Calendar to approve the Minutes of July 27, 2011, as amended and Revised Claims No. 11-22. (Vote: 7-0-0)

Vi. BOARD BUSINESS

Agenda #8 – Approve the Lease and Management Agreement with Peninsula Open Space Trust and Authorize the Waiver of the District's Right of First Refusal for the Carilli Property, located in Hendry's Creek as an addition to the Cathedral Oaks Area of the Sierra Azul Open Space Preserve, at 20610 Aldercroft Heights Road, Los Gatos, in unincorporated Santa Clara County (Santa Clara County Assessor's Parcel Numbers 558-27-007, 558-27-008, and 558-51-005; Adopt the Preliminary Use and Management Plan; and Approve a Categorical Exemption in Accordance with the California Environmental Quality Act (R-11-84)

Real Property Manager Mike Williams introduced property owner Sal Carilli and Peninsula Open Space Trust (POST) Conservation Project Manager ~~and Development Officer~~ Gordon Clark to the Board. Mr. Williams provided an overview of the property and explained the terms of the lease and management agreement the District will enter into with POST. He further explained that the District will waive its Right of First Refusal for the Property in order for POST to purchase the Carilli property. Lastly, Mr. Williams explained that the project will not have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act (CEQA). Discussion ensued.

Public Comment: Gordon Clark at POST expressed his gratitude to the Board and staff for working with POST on obtaining the property.

Motion: Upon motion by Director Kishimoto, seconded by Director Riffle, and unanimously passed, the Board approved the lease and management agreement with POST, authorized the waiver of the District's right of first refusal for the Carilli property, adopted the Preliminary Use and Management Plan; and approved a categorical exemption in accordance with the CEQA. (Vote: 7-0-0)

Agenda Item #4 – Review and Discuss the Draft Strategic Plan Roadmaps (R-11-89)

Administrative Services Manager Kate Drayson reported that at its June 8, 2011 meeting, the Board unanimously approved staff's recommendation to implement the District's mission in a balanced manner and directed staff and the Strategic Plan Ad Hoc Committee to further develop the proposed goals and strategies. Ms. Drayson reported that the Ad Hoc Committee and staff have been working on strategy roadmaps and staff summarized the strategy roadmaps discussed in the Ad Hoc Committee. Discussion ensued.

Director Riffle posed four questions for the Board to consider at the September 14th Board meeting. The four questions were: 1) Is the Board comfortable with working "above the radar" to help shift the District to a more leadership role in land conservation?; 2) Is the Board comfortable with buying into a vision that does not necessarily overlap with the District's vision?; 3) Is the Board willing to say "no" to land purchases in order to balance our fundamental mission?; and 4) How would you describe the District's Strategic Plan with a constituent?

Brief discussion ensued. No action was taken by the Board.

Agenda Item #5 – Award of Contract with John Northmore Roberts and Associates, Inc. for Landscape and Civil Design Services for a Proposed New Staging Area at the former Silva Property in Russian Ridge Open Space Preserve as part of the Proposed Mindego Gateway Project (R-11-86)

Open Space Planner II Lisa Bankosh explained that a qualified landscape architect and civil engineer team is needed to complete the design and engineering for a proposed new staging area at the former Silva Property as part of the Mindego Gateway Project. She explained that the staging area may accommodate between 20 to 25 cars based on preliminary analysis of parking demand. She further reported that the staging area would connect directly to the proposed Audrey Rust Commemorative Site, the Mindego Ranch Road, and a proposed new trail that would head north to the Ancient Oaks Trail.

Ms. Bankosh provided an overview of the District's bidding process and stated that John Northmore Roberts and Associates, Inc. team were the most qualified ~~contractors~~ consultants for this project. She stated that the contract amount for the landscape and civil design is \$66,000 with a 10% contingency and that funding for it would be provided by Peninsula Open Space Trust. Discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Riffle, and unanimously passed, the Board awarded the contract for landscape and engineering design for the proposed staging area of the Mindego Gateway Project to John Northmore Roberts and Associates, Inc. (Vote: 7-0-0)

Agenda Item #6 – Award of Contracts with LSA Associates, Inc. and Biosearch Associates, Inc. for Consulting Services to Prepare Environmental Documents for the Proposed Mindego Gateway Project (R-11-86)

Open Space Planner II Lisa Bankosh provided an overview of the workplan for the proposed Mindego Gateway Project. She explained that the District needed assistance to prepare the environmental documents for the proposed project in order to expedite public access improvements to open the Mindego Ranch area of the Russian Ridge Open Space Preserve. Ms. Bankosh explained that the proposed project design protects listed species and other resources and habitats and that a habitat assessment and survey of the sensitive species would be conducted to evaluate species abundance and distribution. Next, she explained that the habitat assessment will also inform the preparation of the environmental review document under the California Environmental Quality Act (CEQA).

Lastly, Ms. Bankosh stated that the District will need to conduct an Initial Study (IS) to analyze how the project might impact the environment and to determine whether changes to the design are needed. She explained that staff anticipates that a Mitigated Negative Declaration (MND) would be the appropriate document to be compliant under CEQA and that the habitat assessment and survey would be contracted separately from the IS/MND due to their highly specialized nature. Ms. Bankosh provided the bidding process to the Board and reported that LSA Associates, Inc. and Biosearch Associates, Inc. were the most qualified consultants for this contract. She reported that the contract amount for LSA Associates, Inc. for CEQA review and documentation is \$38,705 plus a \$5,000 contingency and the contract amount for Biosearch Associates, Inc. for habitat assessment and survey is \$50,000 and that funding for the contracts would be provided by POST. Discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Harris, and unanimously passed, the Board awarded the contract for consulting services to prepare environmental documents for the proposed Mindego Gateway Project to LSA Associates, Inc. and Biosearch Associates, Inc. (Vote: 7-0-0)

Agenda Item #7 – Consider Adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the Proposed Folger Ranch House Remodel and Water System Improvements Project in Accordance with the California Environmental Quality Act; Award of Contract for Proposed Construction of the Folger Ranch House Water System Improvements (Phase I) located at La Honda Creek Open Space Preserve (R-11-80)

Planning Technician Galli Basson reported that the purpose of the proposed Folger Ranch House Remodel and Water System Improvements Project is to establish the District's first coastside residence and provide an ongoing, after hours District presence at the former Driscoll Ranch area of La Honda Creek Open Space Preserve. She explained that the project will be done in two phases: Phase I will consist of the development of a potable water system and Phase II is the house remodel.

Next, Ms. Basson provided background information on the District's environmental review process and stated that the District prepared an Initial Study (IS) and proposed a Mitigated Negative Declaration (MND) upon evaluating the proposed project. She stated that the IS/MND found that a number of CEQA impact criteria did not apply to the project due to its

design, scope and location. She also stated that the proposed project would either avoid impacts or minimize them to a less-than-significant level because of the nature of project, its

design, or because of mitigation measures that are incorporated into the proposed project. Ms. Basson proceeded to provide details of the District's bidding process for Phase I of the Folger House Remodel Project and stated that Pacific Underground Services was the most qualified consultant and that staff is recommending award of the contract for an amount of \$43,020.

Director Riffle and President Hassett expressed their concerns on the cost of the project. President Hassett questioned if local contractors had submitted bids to the District. Planning Manager Ana Ruiz responded to the concerns raised and stated that the District is required to bid out the construction of the project and to obtain permits for the placement and building of water structures. Ms. Ruiz also stated that the District's risk management contracts may be the reason why some contractors choose not to bid on District projects. President Hassett questioned if these types of projects could be done in-house and Operations Manager David Sanguinetti stated that staff does not have the capacity to do remodel projects and that these types of projects are not staff's expertise. Brief discussion ensued.

Motion: Upon motion by Director Riffle, seconded by Director Cyr, and unanimously passed, the Board adopted the Mitigated Negative Declaration and Mitigated Monitoring Program for the proposed Folger Ranch House Remodel and Water System Improvements Project in accordance with CEQA and awarded the contract for the proposed construction

Agenda #9 – Assign the Task of Developing and Recommending a General Counsel Recruitment Plan to the Board Appointee Evaluation Committee; Direct Committee to Undertake Initial Steps of the Process and Return to the Board with their Recommendation (R-11-90)

Director Hassett reported that the Board Appointee Evaluation Ad Hoc Committee (BAE) met to discuss the General Counsel recruitment and the Ad Hoc Committee expressed concern on how long the recruitment would take and stated that a recruiter is needed to help facilitate and streamline the recruitment process. He further stated that the Ad Hoc Committee will need to evaluate the current function of the General Counsel and determine the how the structure of the General Counsel Office will be and what tasks and abilities needed for the position. Discussion ensued.

Motion: Upon motion by Director Cyr, seconded by Director Siemens, and unanimously passed, the Board assigned the task of developing and recommending a General Counsel recruitment plan to the BAE and directed the Ad Hoc Committee to undertake the initial steps of the process and return to the Board with a recommendation. Vote: 7-0-0)

VII. INFORMATIONAL REPORTS

COMMITTEE REPORTS

Director Riffle stated that the Board Appointee Evaluation Committee met to discussed the General Counsel recruitment.

STAFF REPORTS

Operations Manager David Sanguinetti reported that a student pilot landed an airplane in a marsh at Ravenswood Open Space Preserve. He also reported that a meeting with Linda Houston has been set up for Tuesday, August 30th.

Planning Manager Ana Ruiz reported that Resource Planner Julie Anderson applied for and was awarded a grant for Pond DR07 at La Honda Creek Open Space Preserve. She also reported that she, Senior Planner Meredith Manning, and Open Space Planner II Lisa Bankosh met with the Bay Area Ridge Trail Council to discuss Mount Umunhum in order to gain support with the Phase I Public Access Improvements. Lastly, she stated that the Planning Department is submitting a separate application with the California State Coastal Conservancy for a \$1 million grant and that the release of the Draft Environmental Impact Report for Mount Umunhum has been delayed for a few weeks.

Public Affairs Manager Rudy Jurgensen reported that the District has started a Facebook page.

Real Property Director Mike Williams reminded the Real Property Committee members that a meeting to tour the property in the City of Saratoga is on September 2nd and that the meeting will start at 9:00 a.m.

General Manager Steve Abbors reported that he is working closely with Facilitator Helene Dubliski for the Board/Management Retreat on August 31st and would send the agenda and retreat materials to the Board by the end of the week.

DIRECTOR REPORTS

The Directors submitted their compensable forms to the District Clerk.

Director Kishimoto announced that she will not be attending the Board/Management Team retreat.

President Hassett shared an experience he had while having dinner at a local restaurant in Donner Lake regarding a bill insert he received. He stated that the bill insert was a flyer requesting donations to conserve open space.

VIII. ADJOURNMENT

President Hassett adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:25 p.m.

Michelle Radcliffe, CMC
District Clerk