



Midpeninsula Regional
Open Space District

Meeting 12-26

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

July 25, 2012

A M E N D E D MINUTES

REGULAR MEETING – CLOSED SESSION

I. ROLL CALL

President Riffle called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:01 p.m.

Members Present: Yoriko Kishimoto, Cecily Harris, Nonette Hanko, Larry Hassett, Jed Cyr, and Curt Riffle

Members Absent: Pete Siemens

Staff Present: Assistant General Counsel James Atencio, Natural Resources Manager Kirk Lenington, Administrative Services Manager Kate Drayson, Operations Manager David Sanguinetti, Human Resources Manager Annetta Spiegel, Human Resources Analyst Pamela Mullen, Planner III Matt Baldzikowski, and Chief Labor Negotiator Deborah Glasser-Kolly

II. ORAL COMMUNICATIONS

Rhoda Fry, Philip Aramoonie, Barry Chang, and Phillip Pflager spoke on the Lehigh Quarry Reclamation Plan Amendment.

At 5:12 p.m., the Board entered into Closed Session.

REGULAR MEETING – OPEN SESSION

I. ROLL CALL

The Board of Directors reconvened into Open Session at 7:05 p.m.

Members Present: Yoriko Kishimoto, Cecily Harris, Nonette Hanko, Larry Hassett, Jed Cyr and Curt Riffle

Members Absent: Pete Siemens

Staff Present: Acting General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Assistant General Counsel James Atencio, Administrative Services Manager Kate Drayson, Operations Manager David Sanguinetti, Real Property Manager Mike Williams, Natural Resources Manager Kirk Lenington, Public Affairs Manager Rudy Jurgensen, and District Clerk Michelle Radcliffe

Assistant General Counsel James Atencio reported that the Board met to discuss potential litigation against Santa Clara County and the owners of Lehigh Quarry. He stated that the District has entered into a tolling agreement with the County and Lehigh and that under the agreement the time for the District to file a lawsuit to challenge the Environmental Impact Report and Reclamation Plan approval is extended from July 27, 2012, to October 9, 2012. Mr. Atencio explained that during the extra time, the District, Lehigh Quarry and the Santa Clara County hope to identify steps that can be taken to address the District’s concerns. He further stated that at the end of their discussions, the District hopes to enter into an agreement that is acceptable to all parties and that if there is no agreement, the Board has authorized staff to file a legal challenge.

II. ORAL COMMUNICATIONS

Barry Chang of Cupertino thanked the Board for their work on the Lehigh Quarry Reclamation Plan Amendment.

III. ADOPTION OF AGENDA

Motion: Upon motion by Director Cyr, seconded by Director Harris, the Board adopted the agenda. (Vote: 6-0-0; Absent: Siemens)

IV. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Kishimoto, seconded by Director Harris, the Board approved adoption of the Consent Calendar to approve Revised Claims No. 12-14; the Minutes of June 27, 2012, as amended; and the Written Communications. (Vote: 6-0-0; Absent: Siemens)

V. BOARD BUSINESS

1. **Agenda Item #4** – Authorization to Reject All Bids Received July 6, 2012 for Pond DR07 and DR08 at La Honda Creek Open Space Preserve (R-12-76)

Natural Resources Manager Kirk Lenington explained that the bidding process for this project began on May 2012 and that five sealed bids were received on July 6, 2012, with TKO General Engineering and Construction, Inc. announced as the apparent low bidder. He stated that a bid protest was received by Gecko Golf and that upon further review, the apparent low bidder did not receive an e-mail dated June 26, 2012, that clarified direction for the item that is the subject of the bid protest and because of this, the General Manager recommends rejecting all bids and to solicit new bids to complete the project. Discussion ensued.

Motion: Upon motion by Director Hanco, seconded by Director Kishimoto, the Board authorized to reject all bids for the Ponds DR07 and DR08 Repair Project at La Honda Creek Open Space Preserve. (Vote: 6-0-0; Absent: Siemens)

2. **Agenda Item #5** – Authorization to Award a Contract with TKO Engineering and Construction for Construction Services for the Staging Area and Connector Trail Project at El Corte de Madera Open Space Preserve (R-12-26)

Planner III Tina Hugg reported that the District held its bid opening for the Staging Area and Connector Project at El Corte de Madera Open Space Preserve on July 12, 2012, and that the low bidder was TKO Engineering and Construction. She stated that the contract amount is for a total not to exceed \$468,000 which includes the base amount of \$389,688 plus a 20% contingency amount of \$78,312. Discussion ensued.

Motion: Upon motion by Director Harris, seconded by Director Kishimoto, the Board awarded the contract for construction services for the staging area and connector trail for El Corte de Madera Open Space Preserve to TKO Engineering and Construction for a contract amount not to exceed \$468,000. (Vote: 6-0-0; Absent: Siemens)

3. **Agenda Item #6** – Review the District's Draft Strategic Plan Document (R-12-71)

Administrative Services Manager Kate Drayson reported that the District has drafted the Strategic Plan document and that if approved, staff will work with the District's graphic design consultant to format and publish the document. The Board held brief discussion on the future of the Strategic Plan Ad Hoc Committee and agreed that a more robust discussion be held at a future Board meeting.

Motion: Upon motion by Director Hanko, seconded by Director Kishimoto, the Board approved the Strategic Plan document. (Vote: 6-0-0; Absent: Siemens)

4. **Agenda Item #7** – Authorization to Amend an Agreement with Phytosphere Research for an Additional \$10,000 to Continue Monitoring the Treatment Methods to Suppress the Spread of Sudden Oak Death (R-12-66)

Senior Resource Management Specialist Cindy Roessler explained that in 2008 and 2009, the Board approved original agreements with Phytosphere Research to design treatment of oak trees for suppression of the Sudden Oak Death (SOD) disease and to monitor the results. She explained that this amendment extends the monitoring phase of the research for an additional two years and to provide matching funds for a research grant from the U.S. Forest Service. Next, Ms. Roessler provided an update on the current results of the program and the Board requested that she send them a copy of the PowerPoint presentation. Director Kishimoto asked if there could be additional work done if more money allocated in the budget and Ms. Roessler noted that she would like to do more outreach on Sudden Oak Death to native plant nurseries. Discussion ensued.

Motion: Upon motion by Director Kishimoto, seconded by Director Hanko, the Board authorized amending the agreement with Phytosphere Research. (Vote: 6-0-0; Absent: Siemens)

5. **Agenda Item #8** – Approval of an Amendment to the Contract with Hathaway Dinwiddie Construction Company, in the Amount of \$9,700 to complete additional structure sealing at the Hawthorn Historic Complex at the Hawthorns Area at Windy Hill Open Space Preserve (R-12-72)

Project Manager Gina Coony explained that additional structure sealing is needed at the Hawthorns Historic Complex to prevent vandalism damage of the Homestead House and Barn. She stated that only the Homestead House and Barn have been sealed and that the contract amendment of an additional \$9,700 including a \$1,271 contingency with Hathaway Dinwiddie Construction Company will complete the additional historic structures sealing work. Discussion ensued.

Motion: Upon motion by Director Cyr, seconded by Director Hanko, the Board approved the contract amendment with Hathway Dinwiddie Construction Company. (Vote: 6-0-0; Absent: Siemens)

6. **Agenda Item #9** – Authorization to Extend an Existing Contract with BluePoint to Assist with Public Outreach for Mount Umunhum (R-12-78)

Public Affairs Manager Rudy Jurgensen reported that the contract amendment with BluePoint would allow the District to increase outreach to the community to ensure that the public is engaged in the process of deciding the future of Mount Umunhum. Mr. Jurgensen stated that the contract amendment is for an additional amount of \$60,000 for a total contract amount of \$77,500.

The Board expressed concerns on the amount of money already spend on public outreach for the Mount Umunhum project. They stated that they felt that they have received enough information from constituents and residents in the southern boundary of the District and that they would like constituent feedback in the northern boundaries. Mr. Jurgensen explained that BluePoint was hired to augment the Public Affairs staff with its public opinion research on Mount Umunhum.

Director Riffle commented that he is concerned that outreach is only focusing on the radar tower and not the whole project itself and felt that this was not the best use of District funds. The Board agreed that the contract should be scaled back as many of the proposals suggested by BluePoint is not necessary. Extensive discussion ensued.

Motion: Upon motion by Director Hassett, seconded by Director Harris, the Board authorized to amend the contract with BluePoint for an additional amount of \$30,000 to kick of a new outreach program in order to supplement the outreach efforts of the District's Public Affairs department. (Vote: 4-1-1; Noes: Riffle, Abstain: Hanko)

7. Agenda Item #10 – Debrief on the July 18th Mount Umunhum Board Open House and Workshop (R-12-79)

Acting General Manager Ana Ruiz reported stated that at the July 18th was well-attended and that the number of participates wishing to speak under Public Comment exceeded the time capacity available, causing the meeting to adjourn before the Board could deliberate and ask further questions from the staff. She explained that the next public meeting is September 19th and that the meeting will include Board discussion and deliberation of the “Factors to Consider” proposed for use in facilitating the decision-making process.

The Board provided input on the “Factors to Consider” and the Board felt that Option #2 for the radar tower lacked vision. Each Board member shared their thoughts on the “Factors to Consider” and agreed that “Regional Importance” be included as a factor. Director Hassett questioned whether a fourth option could be considered where the radar tower is fenced off and exclude people from going near it. Discussion ensued.

No action was taken by the Board.

VI. INFORMATIONAL REPORTS

COMMITTEE REPORTS

Director Hanko reported on the Legislative, Funding and Public Affairs Committee meeting held on July 17th and July 24th and stated that the Committee discussed the District's 40th Anniversary Event Invitation List, the trail naming and signage for the Mindego Gateway Project, the Bill Spangle Memorial, the Mount Umunhum public opinion poll, and held a follow up discussion on the iPad pilot implementation.

Director Riffle reported that the Board Appointee Evaluation Committee also met.

STAFF REPORTS

Public Affairs Manager Rudy Jurgensen reported that he discussed the 40th Anniversary with his staff and it was agreed that the event should be postponed until 2013.

Natural Resources Manager Kirk Lenington reported that at the staging area site for the El Corte de Madera Open Space Preserve there are a number of wood rats nesting in the area and that staff has been working diligently to relocate the nests.

Acting General Manager Ana Ruiz reported that she and staff attended a presentation in Oakland on sustainable communities and stated that other park agencies are looking at ways to accomplish it. She also reported that staff has received Requests for Proposals regarding the Vision Plan Public Participation Coordinator and that the proposals are currently being evaluated.

DIRECTOR REPORTS

The Directors submitted their compensable meeting forms to the District Clerk.

Director Hassett reported that he attended a site visit of the Hawthorn property and that the Town of Portola Valley Town Manager and a few council members attended the site visit as well.

Director Kishimoto reported that she spoke at the Cupertino Rotary Club meeting regarding the radar tower options at Mount Umunhum.

Director Hanko shared her experience at the Cooley Landing Ribbon Cutting Ceremony held on July 21st.

Director Cyr shared his experience at the Cooley Landing Ribbon Cutting Ceremony as well.

President Riffle thanked Ms. Ruiz and staff for their work.

VII. ADJOURNMENT

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:56 p.m.

Michelle Radcliffe, CMC
District Clerk