



Midpeninsula Regional
Open Space District

Meeting 12-32

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

September 26, 2012

MINUTES

REGULAR MEETING – CLOSED SESSION

I. ROLL CALL

The Board of Directors convened into Closed Session at 5:00 p.m.

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

Members Absent: Nonette Hanko and Cecily Harris

Staff Present: General Manager Steve Abbors and General Counsel Sheryl Schaffner

II. ORAL COMMUNICATIONS

There were none.

The Board entered into Closed Session.

REGULAR MEETING – OPEN SESSION

I. ROLL CALL

The Board of Directors reconvened into Open Session at 7:03 p.m.

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

Members Absent: Nonette Hanko and Cecily Harris

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Planning Manager Ana Ruiz, Administrative Services Manager Kate Drayson, Operations Manager David Sanguinetti, Real Property Manager Mike Williams, Natural Resources Manager Kirk Lenington, Public Affairs Manager Rudy Jurgensen, Assistant General Counsel James Atencio, Senior Planner Sandy Sommer, Website Administrator Vicky Gou, Planner III Tina Hugg, and District Clerk Michelle Radcliffe

President Riffle stated there were no reportable actions for Closed Session Agenda Items #1 and #2.

II. ORAL COMMUNICATIONS

Joshua Hugg spoke about the need to have Redevelopment funds used for affordable housing.

III. ADOPTION OF AGENDA

Motion: Upon motion by Director Cyr, seconded by Director Siemens, the Board adopted the agenda. (Vote: 5-0-0; Absent: Hanko and Harris)

IV. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Cyr, seconded by Director Siemens, the Board approved adoption of the Consent Calendar to approve the **Revised Claims No. 12-17; the Minutes of September 12, 2012, as amended.** (Vote: 5-0-0; Absent: Hanko and Harris)

At 7:10 p.m. adjourned the Regular Meeting of the Board of the Directors of the Midpeninsula Regional Open Space District and convened the Shareholders' Meeting of the Guadalupe Land Company.

V. SHAREHOLDERS' MEETING

- 1. Agenda Item #1 – Meeting of and Report to the Sole Shareholder of Guadalupe Land Company as Owner of Property Adjacent to the Mount Umunhum Area of Sierra Azul Open Space Preserve to Consider Dissolution of the Corporation and Payment of Capital Gains Taxes (R-12-92)**

Real Property Manager Mike Williams explained that the District is the sole shareholder of Guadalupe Land Company which was purchased by the District in January 2005. He stated that the General Manager recommends that the Board dissolve the Company and pay the \$275,379 tax attributed to the dissolution. Mr. Williams further explained that the dissolution of the Company will increase the District's administrative capacity and will bring future dealings with the property into the normal operations of the District. Discussion ensued.

Motion: Upon motion by Shareholder Kishimoto, seconded by Shareholder Siemens, the Shareholders approved dissolution of the corporation and payment of capital gain taxes. (Vote: 5-0-0; Absent: Hanko and Harris)

At 7:28 p.m., the Board adjourned the Shareholders Meeting of the Guadalupe Land Company and reconvened the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District with Directors Riffle, Cyr, Siemens, Kishimoto, and Hassett present.

VI. BOARD BUSINESS

1. **Agenda Item #4** – Approve Transfer of Land Purchase Funds to the Guadalupe Land Company and Pay Corresponding Capital Gain Taxes Resulting from the Transfer of the Company Property as an Addition to the Mount Umunhum Area of Sierra Azul Open Space Preserve (R-12-95)

Real Property Manager Mike Williams explained that the shareholders of the Guadalupe Land Company dissolved the Corporation and will need funds to pay an estimated \$275,379 in taxes. He stated that the General Manager recommends transferring \$290,000 from the District's land purchase budget into the Company corporate bank account to continue the dissolution process by paying the taxes and other associated costs. Brief discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Kishimoto, the Board approved the transfer of land purchase funds to the Guadalupe Land Company and payment of the capital gain taxes. (Vote: 5-0-0; Absent: Hanco and Harris)

2. **Agenda Item #5** – Informational Presentation on the MindMixer Public Engagement Tool for the Ravenswood Bay Trail Project (R-12- 94)

Senior Planner Sandy Sommer and Website Administrator Vicky Gou provided an informational presentation on the use of MindMixer on the Ravenswood Bay Trail project. Ms. Sommer explained that the MindMixer site allows the District to disseminate information and offers the public opportunities to participate in local government. She explained that the MindMixer would be used as a tool to gather public input. Discussion ensued.

No action was taken by the Board.

3. **Agenda Item #6** – Authorization to Amend an Agreement with Security Code 3 for an Additional \$9,000 to Continue the Provision of Security Patrol Services at Mount Umunhum (R-12-96)

Operations Manager David Sanguinetti reported that District entered into a contract with Security Code 3 to provide security at the base of Mount Umunhum until the demolition contractors began work on Mount Umunhum. He explained that the original contract was to end on September 30th since it was anticipated that the demolition contractors would begin work on October 1st, but since the demolition will not begin until November 1st the District will need to extend the contract to Security Code 3.

Mr. Sanguinetti further noted that the original contract was authorized under the General Manager's authorization and because the demolition work will begin a month later than anticipated, additional funding is needed to cover the additional time which will bring the contract to an amount not to exceed \$33,000. Brief discussion ensued.

Motion: Upon motion by Director Cyr, seconded by Director Hassett, the Board authorized to amend the contract with Security Code 3 for an additional \$9,000. (Vote: 5-0-0; Absent: Hanko and Harris)

4. Agenda Item #7 – Authorization to Increase the Contingency for the Existing Contract Agreement with TKO General Engineering and Construction for the Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve(R-12-97)

Planner III Tina Hugg reported that at its July 25th meeting, the Board authorized the execution of a contract with TKO General Engineering and Construction for construction services for the Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve and that a 20% contingency amount was included for unanticipated additional work. She explained that unknown subsurface conditions were discovered during excavation resulting in two change orders. Because of this, the 20% contingency is near depletion. Ms. Hugg further explained that a potential new subsurface condition associated with the driveway has been discovered as well the remaining aspects of the project, therefore an additional contingency amount of \$25,000 is needed to cover any remaining unanticipated issues. Discussion ensued.

Public Comment: Josh Hugg suggested that a "bump" in the driveway be striped as a speed bump for cars entering the parking lot.

Motion: Upon motion by Director Hassett, seconded by Director Siemens, the Board authorized to increase the contingency amount in the contract agreement with TKO General Engineering and Construction. (Vote: 5-0-0; Absent: Hanko and Harris)

VII. INFORMATIONAL REPORTS

COMMITTEE REPORTS

There were none.

STAFF REPORTS

Real Property Manager Mike Williams reported that the San Mateo County Board of Supervisors approved the District's Williamson Act amendments for Mindego Hill. He also reported that the Real Property Department provided pizza for the field offices as a thank you for their work at the Hawthorns property.

Planning Manager Ana Ruiz provided an update on the Vision Plan and reported that the kick-off event began on September 19th with an informational presentation to the field offices. She stated that the presentation for the Administrative Office will be held on October 1st and that the Board will have a workshop on October 10th. Ms. Ruiz also reported that staff gave a presentation at the Santa Clara County Historical Commission on the different options for the radar tower at Mount Umunhum. She explained that the Commission will present a recommendation to the Santa Clara County Board of Supervisors on its historical assessment of the radar and that the Board of Supervisors will decide on its historical status.

Natural Resources Manager Kirk Lenington provided an update on Driscoll Ranch Ponds No. #7 and No. #8. He also reported that Natural Resources staff is re-visiting the sites that were treated for weeds and that staff is looking at stewardship plans for the former Sempervirens property.

Public Affairs Manager Rudy Jurgensen reminded the Board that the District's Volunteer Recognition Event will be held on Saturday, September 29th. He also reported that the Media Tour of Mount Umunhum will be held on Thursday, October 4th.

Administrative Services Manager Kate Drayson provided an update on the Integrated Accounting and Financial Software. She also reported that Candice Basnight was hired as the new Human Resources Supervisor and that Annetta Spiegel's last day with the District is October 19th.

General Manager Steve Abbors reported that the Capital Finance Team held its first meeting on September 17th. He also reported that he attended the Silicon Valley Watershed Summit on September 22nd as well as the Committee for Green Foothills event on September 23rd. Lastly, he reminded the Board that the Staff Recognition Event will be held on October 3rd at Picchetti Ranch Open Space Preserve.

DIRECTOR REPORTS

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

Director Kishimoto provided a brief report on the Silicon Valley Water Shed Summit and thanked Mr. Abbors for his participation.

Director Cyr reported that he attending the Vision Plan Kick-Off meeting and presentation with field staff on September 19th. He also reported that he and Director Siemens visited the El Corte de Madera Creek Staging Area construction site with Ms. Hugg. Lastly, he reported that he attended the Silicon Valley Watershed Summit and the Committee for Green Foothills event.

Director Siemens reported that he attended the Committee for Green Foothills event.

President Riffle thanked staff for their reports and reported that he was not able to attend the Committee for Green Foothills event because he attended an event for Hidden Villa on the same day and that he will be attending the Volunteer Recognition Event.

VIII. ADJOURNMENT

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:23 p.m.

Michelle Radcliffe, CMC
District Clerk