



Midpeninsula Regional  
Open Space District

January 8, 2014  
Board Meeting 14-01

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**January 8, 2014**

### **APPROVED MINUTES\***

#### **CLOSED SESSION**

##### **I. CALL TO ORDER**

President Cyr called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:34 p.m.

##### **II. ROLL CALL**

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

Members Absent: Yoriko Kishimoto

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, and Assistant General Counsel Hilary Stevenson

##### **III. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957(b)(1)**

**Title of Employee: General Manager**

##### **IV. ADJOURNMENT**

President Cyr adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:57 p.m.

#### **REGULAR MEETING**

##### **I. CALL TO ORDER**

\*Approved by the Board of Directors on January 22, 2014

President Cyr called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:04 p.m.

President Cyr noted that there were no actions taken to report out of closed session.

**II. ROLL CALL**

Members Present: Jed Cyr, Nonette Hanco, Cecily Harris, Larry Hassett, and Pete Siemens

Members Absent: Curt Riffle and Yoriko Kishimoto

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, Assistant General Counsel Hilary Stevenson, Acting Operations Manager Brian Malone, Senior Management Analyst Gordon Baillie, Natural Resources Manager Kirk Lenington, Real Property Manager Mike Williams, Administrative Services Manager Kate Drayson, Public Affairs Manager Shelly Lewis, Co-Acting Planning Manager Meredith Manning, Planner III Gina Coony, and District Clerk Jennifer Woodworth

**III. ORAL COMMUNICATIONS**

No speakers present.

Director Riffle arrived at 7:05 p.m.

**IV. ADOPTION OF AGENDA**

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

VOTE: 6-0-0 (Director Kishimoto absent)

**V. SPECIAL ORDER OF THE DAY**

Screening of District Video – “The Art of the Trail”

**VI. CONSENT CALENDAR**

**Agenda Item #1 – Approve Minutes of the December 11, 2013 Board Meeting**

**Agenda Item #2 – Approve the Revised Claims Report**

**Agenda Item #3 – Authorization to Amend a Contract with David J. Powers Associates for an Amount Not-To-Exceed \$103,285 to Provide Additional Environmental Review Consulting Services for the Proposed Ridge Vineyards Exchange Project (R-14-03)**

Will Betchart thanked the District and its staff for taking time to listen to comments and input that he and other neighbors provided regarding the Ridge Vineyards proposed exchange of dedicated open space.

Howard Levitan spoke regarding the District's notice of the Ridge Vineyards proposed exchange of dedicated open space and submitted a list of 70 neighbors that would like to be included in the interested parties' list related to this property.

Lynne Farris, a resident on Monte Bello Rd., asked the District to continue to keep the residents fully apprised of District actions related to this property.

**Agenda Item #4 – Authorization to Amend a Contract with Northgate Environmental Management Inc., for Additional Soils Sampling, Abatement Monitoring, and Laboratory Analyses for the Mount Umunhum Demolition Project at Sierra Azul Open Space Preserve (R-14-14)**

**Agenda Item #5 – Strategic Plan Goals and Objectives Revisions for Fiscal Year 2014-15 (R-14-13)**

**Agenda Item #6 – Proposed Names for the New Mount Umunhum Parking Area and Trail (R-14-12)**

**Motion:** Director Riffle moved, and Director Hanko seconded the motion to approve the Consent Calendar.

VOTE: 6-0-0 (Director Kishimoto absent)

## **VII. BOARD BUSINESS**

**Agenda Item #7 – Election of the Board of Directors Officers for Calendar Year 2014 (R-14-04)**

President Cyr reflected on the past year and shared some of the District's accomplishments during his term as Board President.

President Cyr reviewed the voting procedures for the election of officers for the Board of Directors for Calendar Year 2014 and District Clerk Jennifer Woodworth called for nominations for Board President. Director Hassett nominated Director Harris for President and Director Riffle seconded the nomination. No further nominations were presented.

**Motion:** Upon motion by Director Siemens, seconded by Director Hanko, the nominations for Board President were closed.

VOTE: 6-0-0 (Director Kishimoto absent)

By a vote of 6 to 0, the Board elected Director Harris as Board President for Calendar Year 2014.

President Harris called for nominations for Board Vice President. Director Hanko nominated Director Siemens for Vice President and Director Riffle seconded the nomination. No further nominations were presented.

**Motion:** Upon motion by Director Cyr, seconded by Director Hanko, the nominations for Board Vice President were closed.

VOTE: 6-0-0 (Director Kishimoto absent)

By a vote of 6 to 0, the Board elected Director Siemens as Board Vice President for Calendar Year 2014.

President Harris called for nominations for Board Treasurer. Director Hanko nominated Director Riffle for Board Treasurer and Director Siemens seconded the nomination. No further nominations were presented.

**Motion:** Director Cyr moved, and Director Hanko seconded the motion to close the nominations for Board Treasurer.

VOTE: 6-0-0 (Director Kishimoto absent)

By a vote of 6 to 0, the Board elected Director Riffle as Board Treasurer for Calendar Year 2014.

President Harris called for nominations for Board Secretary. Director Cyr nominated Director Hassett for Board Secretary and Director Hanko seconded the nomination. No further nominations were presented.

**Motion:** Upon motion by Director Cyr, seconded by Director Siemens, the nominations for Board Secretary were closed.

VOTE: 6-0-0 (Director Kishimoto absent)

By a vote of 6 to 0, the Board elected Director Hassett as Board Secretary for Calendar Year 2014.

Public hearing opened at 7:31 p.m.

No speakers were present.

Public hearing closed at 7:31 p.m.

VOTE: 6-0-0 (Director Kishimoto absent)

**Agenda Item #8 – Appointment of Action Plan and Budget Committee Members for Calendar Year 2014 (R-14-05)**

President Harris reported that she has appointed Directors Siemens, Riffle, and Kishimoto to the Action Plan and Budget Committee for Calendar Year 2014. Brief discussion ensued.

**Motion:** Director Cyr moved, and Director Hanko seconded the motion to approve the Board President's appointments to the Action Plan and Budget Committee for Calendar Year 2014.

Public hearing opened at 7:32 p.m.

No speakers were present.

Public hearing closed at 7:32 p.m.

VOTE: 6-0-0 (Director Kishimoto absent)

**Agenda Item #9 – Partnership Guidelines for the Mount Umunhum Radar Tower (R-14-11)**

Co-Acting Planning Manager Meredith Manning presented the staff report and summarized the recommendations of staff and Legislative, Funding, and Public Affairs Committee (LFPAC).

Director Siemens inquired as to what would happen to any funds remaining after the work is completed.

Ms. Manning explained that a Memorandum of Understanding (MOU) would include that type of detailed decisions. If the Board approves the recommendations, then the General Manager and General Counsel would be directed to negotiate the details and return to LFPAC and the Board to approve the MOU.

Director Hassett outlined his concerns with the District's relationship with the partner in the event that the full amount of funds is not raised.

Ms. Manning explained the decision before the Board tonight is to set the minimum requirements a potential partner would have meet in order to engage in negotiation for a MOU.

Public hearing opened at 8:06 p.m.

Sam Drake, President of the Umunhum Conservancy, explained that one positive aspect of allowing the partner to raise the money is that the partner is responsible if the money is not fully raised. Mr. Drake explained that many of the details of the partnership will be negotiated as part of the MOU, which negotiations will not begin until the minimum requirements are met. Finally, Mr. Drake urged the Board to accept incremental funds from the Conservancy before a MOU is finalized in the event emergency or interim repairs are needed.

Public hearing closed at 8:16 p.m.

Director Hanko suggested that the District's website include information on the Conservancy and an explanation of the project instead of providing a direct link to the Conservancy's website. Extensive discussion ensued.

Directors Hassett and Cyr expressed their concerns with the District making further commitments to the project, such as accepting incremental funds, without additional safeguards being in place.

Director Harris expressed her belief that the District is not yet ready to address the concerns raised by the partner in the document submitted by Mr. Drake prior to the Board meeting.

Assistant General Manager Ana Ruiz suggested that the Board may consider placing information about the District's partner on the website after a MOU has been agreed upon.

Director Siemens expressed his concern that staff time to manage the project should be reimbursed by the partner.

Gina Coony explained that the conceptual cost estimates included percentages related to project management by District staff.

**Motion:** Director Siemens moved, and Director Riffle seconded the motion to define the partnership parameters for external fundraising for the Mount Umunhum radar tower, LFPAC and the General Manager recommend the following:

1. Define the District relationship with a fundraising entity whose mission is to raise funds to permanently retain the radar tower as an informal relationship, until that organization has met minimum requirements established by the District Board of Directors, as detailed below.
2. Direct the General Manager and General Counsel to work with the organization(s) to establish a Memorandum of Understanding (MOU) once minimum requirements are met.
3. For the Board to consider an MOU, set the minimum partner funding commitment for long-term repair and maintenance costs at \$625,000; this is 50% of the sum of the escalated construction costs (\$500,000) plus 50% of the 20-year maintenance costs (\$125,000) (as described in Attachment 1 to the Board report).
4. Confirm that minor maintenance is to be funded by the District until long-term repairs are implemented, at which time all maintenance costs would be funded by a fundraising entity or outside partner (estimated timeframe: three to five years).
5. Approve allocating up to 40 hours of District staff time for preparation, arrangements, and escorting potential partners and their prospective donors to Mount Umunhum at no cost to the fundraising entity.
6. Prohibit the District from accepting public funds for long-term radar tower repairs at this time.
7. Direct the General Manager to redirect public inquiry regarding fundraising for the radar tower to the fundraising entity both verbally and in writing, as opposed to maintaining a District link from its web page to the fundraising entity.

VOTE: 4-0-2 (Director Kishimoto absent; Directors Harris and Hassett abstained)

**Agenda Item #10 – First reading of amendments to the “Regulations for Use of Midpeninsula Regional Open Space District Lands” (R-14-06)**

Senior Management Analyst Gordon Baillie presented the staff report providing a summary of the proposed changes. Mr. Baillie also discussed in detail two topics of discussion that arose at the Legislative, Funding, and Public Affairs Committee's review of the amendments to the ordinance. First, Mr. Baillie addressed unpermitted diversion of water and the recommended bail for violation of this provision. Second, Mr. Baillie addressed the removal of dog excrement from an area if it poses a health hazard or creates a public nuisance on District lands but removes requirement that notices to remove be posted in all areas. Finally, Mr. Baillie provided a brief

overview of the bail schedule and the additions being proposed as part of the General Manager's recommendation.

Public hearing opened at 9:07 p.m.

Alex Hapke, Secretary of District's Field Employees Association and a ranger at Skyline, expressed his appreciation to Mr. Baillie for allowing the rangers to provide input in the process.

Shani Keinhaus thanked the District for including a prohibition against drones on District lands.

Public hearing closed at 9:08 p.m.

**Motion:** Director Cyr moved, and Director Siemens seconded the motion to:

1. Waive reading, read by title only, and introduce the proposed amendments to the Regulations for use of Midpeninsula Regional Open Space District Lands for adoption of the ordinance at the Board's next regular meeting; with the following changes:
  - 701.5 Removal of Dog Excrement. No person responsible for a dog shall allow its excrement or feces to remain ~~in an area if it poses a health hazard, a public nuisance, or is in an area posted requiring its removal~~ on District lands.
  - 702.7 Unpermitted Diversion of Water. No person shall divert water from any surface water, ground water, or water storage facility on District Lands without the express written permission of the District.
2. Introduce proposed additions to the District Bail Schedule for newly added Regulations for adoption at the Board's next regular meeting.

VOTE: 6-0-0 (Director Kishimoto absent)

### VIII. COMMITTEE REPORTS

Director Riffle reported that the Capital Finance Ad Hoc Committee met with District staff. He requested that all of the Board members read through the materials provided by the General Manager provided prior to the holiday season in order to prepare for the upcoming meetings related to the Vision Plan.

Director Cyr reported that the Board Appointee Evaluation Committee met in December and discussed the process for reviewing Board appointees.

### IX. STAFF REPORTS

Assistant General Manager Ana Ruiz reported that she and Assistant General Manager Kevin Woodhouse will be attending a meeting of the Santa Clara County Cities Association to present the District video and information on the Vision Plan.

Assistant General Manager Kevin Woodhouse reported that one of the supervising rangers commented at today's all-staff meeting that this holiday season was the busiest he has ever seen

General Manager Steve Abbors reported that he will be making presentations to the Silicon Valley Leadership Group next week and to the Pacific Skyline Council of the Boy Scouts of America this weekend.

**X. DIRECTOR REPORTS**

The Board submitted their compensatory forms to the District Clerk.

Director Hassett commented on how busy the preserves have been recently.

**XI. ADJOURNMENT**

President Harris adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:33 p.m.

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Jennifer Woodworth, CMC  
District Clerk