



Midpeninsula Regional  
Open Space District

February 12, 2014  
Board Meeting 14-06

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**February 12, 2014**

### **APPROVED MINUTES\***

#### **SPECIAL MEETING – CLOSED SESSION**

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

President Harris 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, Cecily Harris, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko and Larry Hassett

Staff Present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Assistant General Counsel Hilary Stevenson, Planner III Matt Baldzikowski

##### **III. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. (Government Code Section 54956.9(d)(1))**

Name of Case: *Midpeninsula Regional Open Space District v. County of Santa Clara, et al.* (Lehigh Quarry CEQA Matter)

Santa Clara County Superior Court Case No. 1-12-CV-236881

Public hearing opened at 5:35 p.m.

Kathy Helgerson spoke in support of the District filing an appeal of the Santa Clara County Superior Court decision.

Karen Delcampari spoke in support of the District filing an appeal of the Santa Clara County Superior Court decision.

Tim Brand spoke in support of the District filing an appeal of the Santa Clara County Superior Court decision.

Barry Chang, a member of the Cupertino City Council but speaking for himself, spoke in support of the District filing an appeal of the Santa Clara County Superior Court decision.

Dave Single spoke in support of the District filing an appeal of the Santa Clara County Superior Court decision.

Public hearing closed at 5:44 p.m.

The Board of Directors convened into Closed Session.

**IV. ADJOURNMENT**

President Harris adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:40 p.m.

**REGULAR MEETING**

**I. CALL TO ORDER**

President Harris called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:05 p.m.

**II. ROLL CALL**

Members Present: Jed Cyr, Cecily Harris, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko and Larry Hassett

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Assistant General Counsel Hilary Stevenson, District Controller Mike Foster, Acting Operations Manager Brian Malone, Ranger Kristin Johnson, Acting Skyline Superintendent Chris Barresi, Real Property Manager Mike Williams, Real Property Specialist Allen Ishibashi, Real Property Specialist Elaina Cuzick, and District Clerk Jennifer Woodworth

**III. REPORT OUT OF CLOSED SESSION**

General Counsel Sheryl Schaffner reported that in Closed Session the Board voted unanimously to direct District Staff to prepare and file a Notice of Intent to Appeal the decision made by the Santa Clara Superior Court decision.

**IV. ORAL COMMUNICATIONS**

No speakers present.

**V. ADOPTION OF AGENDA**

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to adopt the agenda as amended.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**VI. CONSENT CALENDAR**

**Agenda Item #1 – Approve Minutes of the Special and Regular Board Meetings**

**January 14, 2014**

**January 22, 2014**

**January 29, 2014**

**February 5, 2014**

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

**Agenda Item #3 – Adoption of Ordinance Amending the “Regulations for Use of Midpeninsula Regional Open Space District Lands” and Adoption of District Bail Schedule for newly added Regulations (R-14-09)**

General Manager’s Recommendation: (1) Waive second reading and adopt the ordinance updating Regulations for Use of Midpeninsula Regional Open Space District Lands; (2) Adopt the District Bail Schedule for newly added Regulations.

**Agenda Item #4 – Construction Equipment Lease Agreement for Mt. Umunhum Trail (R-14-26)**

General Manager’s Recommendation: Authorize the General Manager to enter into an agreement with Caterpillar Financial Services Corporation to lease a CAT 301.7 excavator for a period of 18 months for an estimated \$17,650 but not to exceed \$19,000, with the option to purchase the equipment for an estimated \$14,800, but not to exceed \$17,000 at the end of lease period.

**Agenda Item #5 – Approval of an Agreement with Chavan & Associates to Provide Financial Auditing Services for Fiscal Year 2013-14 through FY2015-16, for a Not-To-Exceed Total Amount of \$58,500 (R-14-32)**

General Manager’s Recommendation: Appoint Chavan & Associates as the District’s financial auditor for FY2013-14 through FY2015-16 and authorize the General Manager to execute a three year contract and engagement letter agreement for a not-to-exceed amount of \$58,500.

**Motion:** Director Siemens moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**VII. BOARD BUSINESS**

**Agenda Item #6 – Appointment of Kristin Johnson as Peace Officer (R-14-07)**

Acting Operations Manager Brian Malone introduced Kristin Johnson as a new Ranger for the District and provided a brief description of Ms. Johnson’s background and experience. Mr. Malone administered the loyalty oath to Ms. Johnson. Acting Skyline Superintendent Chris Barresi performed the badging ceremony for Ms. Johnson.

**Motion:** Director Cyr moved, and Director Kishimoto seconded the motion to adopt a Resolution appointing Kristin Johnson as a Peace Officer.

Public hearing opened at 7:13 p.m.

No speakers were present.

Public hearing closed at 7:13 p.m.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**Agenda Item #7 – Purchase Approval of the Rogers’ Property as an Addition to Monte Bello Open Space Preserve, located at 1405 Skyline Boulevard in Palo Alto and unincorporated San Mateo County (Santa Clara County Assessor’s Parcel Number 351-12-006 and San Mateo Assessor’s Parcel Numbers 080-312-010 and 080-411-010); Adoption of a Preliminary Use and Management Plan for the Property; and Approval of a Categorical Exemption in accordance with the California Environmental Quality Act (R-14-28)**

Real Property Specialist Allen Ishibashi provided the staff report describing the location of the Rogers property and the geographical features of the land. Mr. Ishibashi outlined the reasons for purchasing the property and the terms and conditions of the purchase. Finally, Mr. Ishibashi described the Use and Management considerations for the property including potential trail connections.

Public hearing opened at 7:26 p.m.

Georgia Stigall, a local land owner, expressed her support for the District’s purchase of the Rogers property.

Public hearing closed at 7:27 p.m.

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

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set out in this report.
2. Adopt a Resolution authorizing the purchase of the Rogers’ property.
3. Adopt a Preliminary Use and Management Plan for the property as contained in the Board report.
4. Adopt a Resolution authorizing the General Manager to file, upon close of escrow, a notice of Williamson Act nonrenewal with the City of Palo Alto for Santa Clara County Assessor’s Parcel Number 351-12-006.

5. Indicate the Board's intention to dedicate the Rogers property as public open space at this time.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**Agenda Item #8 – Resolution of Public Interest in and Necessity for Providing Public Access, and Acquiring, Restoring, and Preserving Open Space Throughout the District, with Financing Through the Issuance of General Obligation Bonds (R-14-33)**

General Counsel Sheryl Schaffner provided the staff report describing the formal actions before the Board, which is required for putting a measure on the June 3, 2014 ballot. Ms. Schaffner suggested that the Board take formal action on both the Resolution of Necessity and Ordinance at the end of her presentation.

The Board agreed by consensus to vote on both actions at the end of the presentation.

**Agenda Item #9 - First Reading of an Ordinance Calling an Election and Ordering the Submission of a Proposition for Incurring Bonded Indebtedness of Not to Exceed \$300 Million for the Purpose of Providing Public Access and Acquiring, Restoring and Preserving Open Space throughout the District, to the Qualified Voters of the Midpeninsula Regional Open Space District at the General Municipal Election to be Held on June 3, 2014 (R-14-34)**

Ms. Schaffner described the proposed ordinance stating that it is the vehicle for placing a measure on the ballot, it contains the 75-word ballot question, authorizes up to \$300 million in general obligation bonds, created an independent citizens' oversight committee, and specifies that the funds will be used to complete the projects listed in the expenditure plan, which is included as an exhibit to the ordinance. Finally, Ms. Schaffner outlined the timeline for placing the proposed measure on the June 3, 2014 ballot.

Director Riffle requested clarification regarding the issuance of bonds as they relate to specific expenditure plan projects.

General Manager Steve Abbors explained that funds received through the bonds must be used within three years of the bond issuance, and District staff will be working in the coming year to look at the individual projects to determine how long the projects will take to complete and breaking down the projects into periods of time to complete.

Public hearing opened at 7:52 p.m.

Marc Landgraff, of the Peninsula Open Space Trust, stated that the Yes for Open Space Committee plans to work with the Board members to draft an argument for the measure.

Public hearing closed at 7:53 p.m.

The members of the Board expressed their support for the ballot measure and thanked staff and the Peninsula Open Space Trust for their efforts on the Vision Plan and Capital Finance projects.

**Motion:** Director Riffle moved, and Director Cyr seconded the motion to adopt the Resolution of Public Interest in and Necessity for Providing Public Access, and Acquiring, Restoring, and Preserving Open Space Throughout the District, with Financing Through the Issuance of General Obligation Bonds.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**Motion:** Director Kishimoto moved, and Director Siemens seconded the motion to waive reading, read by title only, and introduce an Ordinance Calling an Election and Ordering the Submission of a Proposition for Incurring Bonded Indebtedness of Not to Exceed \$300 Million for the Purpose of Providing Public Access and Acquiring, Restoring and Preserving Open Space throughout the District, to the Qualified Voters of the Midpeninsula Regional Open Space District at the General Municipal Election to be Held on June 3, 2014.

VOTE: 5-0-0 (Directors Hanko and Hassett absent)

**VIII. COMMITTEE REPORTS**

Director Kishimoto reported that the Action Plan & Budget Committee has met three times to review the FY2014-15 Action Plan and Budget, which will be presented to the Board at the February 26, 2014 Board meeting.

**IX. STAFF REPORTS**

No staff reports were presented.

**X. DIRECTOR REPORTS**

The Board submitted their compensatory forms to the District Clerk.

Director Cyr reported that he recently hiked in Uvas Canyon and remarked on how beautiful it was.

Director Siemens reported that he took a tour of Mt. Umunhum this week and stated that the demolition work and contouring of the land is largely completed.

**XI. ADJOURNMENT**

President Harris adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:12 p.m.

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Jennifer Woodworth, CMC  
District Clerk