



Midpeninsula Regional  
Open Space District

July 23, 2014  
Board Meeting 14-17

## REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office – Board Room  
330 Distel Circle  
Los Altos, CA 94022

July 23, 2014

### APPROVED MINUTES\*

#### I. CALL TO ORDER

President Harris called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:02 p.m.

#### II. ROLL CALL

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

Members Absent: Nonette Hanko and Pete Siemens

Staff Present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Natural Resources Manager Kirk Lenington, Planner II Julie Andersen, Acting Operations Manager Michael Newburn, Contingent Project Manager Aaron Hébert, Planning Manager Jane Mark, Project Manager Gina Coony, Public Affairs Manager Shelly Lewis, Volunteer Programs Manager Paul McKowan, and District Clerk Jennifer Woodworth

#### III. ORAL COMMUNICATIONS

No speakers present.

#### IV. ADOPTION OF AGENDA

**Motion:** Director Riffle moved, and Director Kishimoto seconded the motion to adopt the agenda.

**VOTE:** 5-0-0 (Directors Hanko and Siemens absent)

#### V. SPECIAL ORDER OF THE DAY

\*Approved by the Board of Directors on August 13, 2014

Human Resources Supervisor Candice Basnight introduced Human Resources Technician Lisa Beaulieu.

## **VI. CONSENT CALENDAR**

- 1. Approve Minutes of the Regular Board Meeting of July 9, 2014.**
- 2. Approve the Claims Report**
- 3. Written Communication to R. Sundahl**

Item 3 was continued to the next regular Board meeting to be held on August 13, 2014.

### **4. Contract for Completion of the Sierra Azul Remediation and Demolitions Project at Sierra Azul Open Space Preserve (R-14-95)**

#### General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Decon Environmental Services, Inc. of Hayward CA, for a not-to-exceed amount of \$425,335 which includes the base bid amount of \$369,853 for demolition, and a 15% contingency amount of \$55,478, to complete the Sierra Azul Remediation and Demolitions Project at the Sierra Azul Open Space Preserve.
2. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.

### **5. Contract for Completion of the Saratoga Gap Demolition Project at Saratoga Gap Open Space Preserve (R-14-96)**

#### General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Silverado Contractors, Inc, of Oakland, CA, for a not-to-exceed amount of \$150,700 which includes the base bid amount of \$137,000 for remediation/demolition, and a 10% contingency amount of \$13,700, to complete the Saratoga Gap Remediation and Demolition Project at the Saratoga Gap Open Space Preserve.
2. Authorize the General Manager to reallocate a portion of the Real Property Land Conservation and Land Protection funds to cover project costs.

### **6. Contract for Completion of the Lobner Remediation and Demolition Project at Monte Bello Open Space Preserve (R-14-97)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Randazzo Enterprises, Inc of Castroville, CA, for a not-to-exceed amount of \$132,270, which includes the base bid amount of \$120,245 for demolition, and a 10% contingency amount of \$12,025, to complete the Lobner Remediation and Demolition Project at the Monte Bello Open Space Preserve.

Director Hassett expressed his concerns regarding the use of contingencies in District projects performed by outside consultants and inquired if there was a method to let the Board know how

often the contingency portion of District contracts are utilized. Mr. Hassett also commented on District staff's calculation of differing contingency amounts for different contracts.

Assistant General Manager Kevin Woodhouse explained that there are differing levels of complexity for individual District projects which drives the contingency levels provided for in individual contract for District projects.

Assistant General Manager Ana Ruiz explained that contract contingencies are only utilized if issues arise in a project to keep projects on schedule and expedite the process. Ms. Ruiz suggested that staff could report to the Board in the biweekly report if and when contract contingencies are utilized.

Project Manager Gina Coony explained that differing contingency amounts are used because the amounts are tailored to individual projects. Ms. Coony also reported on several past District projects where contingency funds were and were not used.

General Manager Steve Abbors commented that staff can complete a random audit of the past year's projects to determine if contract contingencies were utilized.

Director Hassett explained that he would like staff to report back with a process for reporting on contingency use.

Public hearing opened at 7:27 p.m.

Mike Bushue a member of the District's Community Advisory Committee and Equestrian Trail Riders' Action Committee spoke regarding the demolition of structures at Hicks Creek Ranch located at Sierra Azul Open Space Preserve and its potential use as a equestrian facility or backpack camp. Mr. Bushue urged the Board to look into ways for the District to create opportunities for equestrian uses.

Contingent Project Manager Aaron Hébert explained that the access road to Hicks Creek Ranch was deemed unstable by Santa Clara County and District consultant Tim Best. Mr. Hebert also explained that the equestrian facilities are being hand disassembled for use at other District properties or auctioned.

Public hearing closed at 7:32 p.m.

**Motion:** Director Hassett moved, and Director Riffle seconded the motion to approve the Consent Calendar with the exception of item 3.

**VOTE: 5-0-0** (Directors Hanko and Siemens absent)

## **VII. BOARD BUSINESS**

### **7. Contract to Provide Pond Restoration work at the La Honda Creek Open Space Preserve (R-14-99)**

Planner II Julie Andersen addressed Director Hassett's concerns regarding contract contingencies explaining that the pond projects all include a 20% contingency. Ms. Andersen described past

pond projects completed by the District and the amount of the projects' contingencies that were utilized explaining that the District was able to complete important restoration work by utilizing contract contingencies. Ms. Andersen provided the staff report describing the location of Pond DRO5 and its current condition, including the failure of a berm and presence of invasive fish species. Finally, Ms. Andersen described various add alternates which may be included in the project.

Director Kishimoto inquired as to reasons why only one bid was received.

Ms. Andersen explained that possible reasons may be due to the low dollar amount of the project, the tight timeframe for the project, and the complexity of the project.

Director Harris inquired how the red legged frog population is restored in these ponds.

Ms. Andersen explained that the red legged frog populations tend to naturally rebound once their habitat has been restored.

Public hearing opened at 7:58 p.m.

No speakers present.

Public hearing closed at 7:58 p.m.

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

1. Authorize the General Manager to enter into an agreement with TKO General Engineering and Construction Inc. of Woodside, CA, for a total contract amount not to exceed \$122,351 to provide Pond Restoration work at the La Honda Creek Open Space Preserve.
2. Determine that the recommended action is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Plan for Implementation of the La Honda Creek Master Plan, approved by the Board on August 22, 2012.

**VOTE: 5-0-0** (Directors Hanko and Siemens absent)

## **8. Consideration of District Volunteer Memorial Signs (R-14-100)**

Volunteer Programs Manager Paul McKowan introduced Mira Cohen a local Los Altos Girl Scout who will be installing the proposed signs as part of her Gold Award project. Mr. McKowan provided the staff report describing the efforts of the many volunteers and docents that have served and continue to serve the District and an appropriate way to recognize their efforts. Mr. McKowan described the locations proposed for the volunteer memorial signs and the criteria to be used for determining who will be included on the proposed sign. Finally, Mr. McKowan described the initial and ongoing costs for sign construction and maintenance.

Ms. Cohen described the Girl Scouts' Gold Award requirements explaining that projects must have a long lasting impact on people and the environment in a positive way, and projects require 80 hours of time including leadership and work to implement the chosen project. Ms. Cohen's efforts involved working with District staff, organizing volunteers, and work on trails surrounding the proposed signs.

Director Riffle inquired how the sign would be updated and anticipated additions to the sign.

Mr. McKowan explained that the sign would be reserved for volunteers who meet the recommended criteria and would be updated annually.

Public hearing opened at 8:32 p.m.

No speakers present.

Public hearing closed at 8:32 p.m.

**Motion:** Director Kishimoto moved, and Director Riffle seconded the motion to approve the proposed signs for memorializing deceased volunteers and docents who have provided a significant contribution to the District and have volunteered for at least 10 years and provided 250 hours of volunteer service with a provision that the General Manager can make exceptions in extraordinary cases.

**VOTE: 3-2-0** (Directors Cyr and Hassett opposed; Directors Hanko and Siemens absent.)

General Counsel Sheryl Schaffner commented that she had looked into the District's enabling legislation, and Public Resources Code §5547 requires motions to be passed by a majority of the Board's membership and not a majority of a quorum present.

**Motion fails.**

**Motion:** Director Cyr moved, and Hassett seconded the motion to approve the General Manager's recommendation and approve the proposed signs for memorializing deceased volunteers and docents with the exception of the criteria outlining the requirements for when deceased volunteers will be included. The criteria for inclusion on the volunteer memorial signs will be continued to the next regular Board meeting to be held on August 13, 2014.

**VOTE: 5-0-0** (Directors Hanko and Siemens absent.)

## **VIII. COMMITTEE REPORTS**

No committee reports provided.

## **IX. STAFF REPORTS**

No staff reports provided.

## **X. DIRECTOR REPORTS**

The Board submitted their compensatory forms to the District Clerk.

Director Harris asked about the informational memo included in the agenda packet regarding the Facilities Use Agreement for the Driscoll Ranch Event Center.

General Manager Steve Abbors commented that the memo was intended to inform the Board of the progress of the project.

Mike Bushue inquired regarding the facility use fee for trail rides and whether an individual would have to pay the same fee.

Ms. Ruiz commented that the facility is intended for use for events and is not currently open to public access. The matter would be reexamined once the area was opened to public access.

Directors Hassett and Cyr reported that they will be attending Bo Gimbal's memorial service on Saturday.

Director Cyr reported that he recently hiked the Sierra Marina trail in the El Corte de Madera Open Space Preserve.

Director Kishimoto reported that she was contacted by neighbors of the Ridge Winery and will be meeting with them soon.

Ms. Kishimoto also reported that she attended a meeting of the Santa Clara Valley Water District Commission and reported on current drought conditions and ongoing outreach and conservation efforts.

Director Riffle provided comments on whether the District should be making efforts to mitigate long term damage to wildlife caused by the continuing drought.

Mr. Abbors responded that he has asked staff to look into the impact of grazing during the drought to ensure that it does not overwhelm the current water supply.

Director Harris reported that she will be attending the legislative luncheon next week.

## **XI. ADJOURNMENT**

President Harris adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:10 p.m.

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Jennifer Woodworth, CMC  
District Clerk