



Midpeninsula Regional  
Open Space District

September 24, 2014  
Board Meeting 14-26

## **SPECIAL AND REGULAR MEETING**

**BOARD OF DIRECTORS  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**  
330 Distel Circle  
Los Altos, CA 94022

**September 24, 2014**

### **APPROVED MINUTES\***

#### **SPECIAL MEETING – STUDY SESSION**

#### **CALL TO ORDER**

President Harris called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:03 p.m.

#### **ROLL CALL**

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

Members Absent: Larry Hassett

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Planning Manager Jane Mark, Senior Planner Tina Hugg, Natural Resources Manager Kirk Lenington, and District Clerk Jennifer Woodworth

#### **III. Measure AA Bond Oversight Committee (R-14-111)**

District Clerk Jennifer Woodworth presented the staff report summarizing the makeup and role of the Bond Oversight Committee as outlined in Measure AA and described potential options for an advisory role for the Oversight Committee or separately appointed advisory body. Ms. Woodworth described the planned recruitment timeline and terms for the Oversight Committee members and Measure AA requirements regarding appointment of members to the Committee.

Board members discussed various potential advisory roles for the Bond Oversight Committee and the charges given to the Committee in Measure AA.

Ms. Woodworth explained that the Board may charge the Bond Oversight Committee with additional responsibilities but cannot limit the responsibilities authorized by Measure AA.

**Motion:** Director Kishimoto moved, and Director Harris seconded a motion to define the scope and responsibilities of the Bond Oversight Committee as authorized by District Ordinance 14-02 and approved by the voters of the District as Measure AA.

**VOTE: 5-1-0** (Director Siemens opposed; Director Hassett absent)

Board members discussed the staff recommended timeline for recruitment of Bond Oversight Committee members and whether the Committee should meet prior to completion of the FY2015-16 audit.

**Motion:** Director Kishimoto moved, and Director Harris seconded the motion to adopt the staff recommendation for the first term of the Bond Oversight Committee to begin on April 1, 2016 and direct staff to complete all associated recruitment and additional duties to meet that requirement. Additionally, staff is directed to return to the Board with an outreach plan to receive input from members of the public who wish to comment on the process.

**VOTE: 4-2-0** (Directors Cyr and Siemens opposed; Director Hassett absent)

Board members discussed various methods for appointing applicants to the Bond Oversight Committee.

**Motion:** Director Siemens moved that Bond Oversight Committee members be appointed through a nomination process whereby each Director would nominate one applicant to the Committee following the interview process.

Motion dies for lack of a second.

**Motion:** Director Kishimoto moved, and Director Hanko seconded the motion to include in the Bond Oversight Committee's bylaws guidelines that the members of the Committee will be appointed following a public interview process and appointments will be made by the full Board of Directors. Additionally, criteria for choosing Committee members will reflect the demographics and geographics of the District as much as possible with a Board preference that at least one member of the Committee will have a financial background.

**Friendly Amendment:** Director Riffle offered a friendly amendment that the motion read to reflect the "diversity and geographics" of the District rather than the "demographics and geographics."

Director Kishimoto accepted the friendly amendment.

**VOTE: 5-0-1** (Director Siemens abstained; Director Hassett absent)

**Motion:** Director Kishimoto moved, and Director Cyr seconded the motion to direct staff to draft an appointment process for Bond Oversight Committee members in accordance with the direction that each applicant requires at least four votes to be appointed, and each Board member may vote up to the number of applicants as current openings on the Committee.

Director Cyr withdrew his second on the motion.

Director Riffle seconded Director Kishimoto's motion.

**Substitute Motion:** Director Riffle moved, and Director Siemens seconded a substitute motion to direct staff to return to the Board of Directors with a process to appoint Bond Oversight Committee members following the close of the application period.

**VOTE on SUBSTITUTE MOTION: 6-0-0** (Director Hassett absent)

Main motion fails due to passage of the substitute motion.

#### **IV. MEETING CONTINUED**

President Harris continued the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:54 p.m. until the closed session following the regular meeting.

#### **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 7:02 p.m.

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

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

Members Absent: Larry Hassett

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Natural Resources Manager Kirk Lenington, Rangeland Ecologist Clayton Koopman, Planner III Gina Coony, Senior Planner Meredith Manning, Real Property Manager Mike Williams, Real Property Specialist Allen Ishibashi, and District Clerk Jennifer Woodworth

##### **III. ORAL COMMUNICATIONS**

Ron Keefer, representative Lupin Lodge, spoke regarding the use of water at Lupin Lodge and requirements for maintenance of a viable water source on the property for fire fighting.

Cindy Gregory, resident of Lupin Lodge, spoke regarding the residential community and water use at Lupin Lodge.

Glyn Stout read a letter from Sal Carilli, former neighbor of Lupin Lodge and provided copies to the Board.

Lori Stout spoke regarding use of third-party mediation, fire fighting and liability during a forest fire.

Charles Perkins, member of Lupin Lodge, spoke regarding water usage.

Rochelle Strider, resident of Lupin Lodge, read portions of a letter from James Ciampa of the California Rural Waters Association.

Martha Shumway, resident of Lupin Lodge, spoke regarding environmental stewardship and water conservation during the drought.

Hibert Engler, member of Lupin Lodge, spoke regarding the history of Lupin Lodge related to historic natural disaster response and water usage.

Pamela Pridemore, resident of Lupin Lodge, spoke regarding water usage at Lupin Lodge.

#### **IV. ADOPTION OF AGENDA**

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

**VOTE: 6-0-0** (Director Hassett absent)

#### **V. CONSENT CALENDAR**

**1. Approve Minutes of the Special and Regular Board Meetings of September 10, 2014, as amended**

**2. Approve the Claims Report**

Director Hanko inquired regarding Claim Number 67587.

Natural Resources Manager Kirk Lenington explained that the payments were to District tenants as reimbursement for their livestock killed by mountain lions.

Director Harris inquired regarding preventative measures used by District tenants.

Mr. Lenington explained that predation of cattle by mountain lions is unusual, and District staff is currently looking at deterrence measures.

**3. Authorization to Purchase One Hybrid Vehicle (R-14-121)**

General Manager's Recommendation: Authorize the General Manager to execute a purchase contract with the State Department of General Services and associated contract dealers to purchase one hybrid vehicle not to exceed \$30,000.

**4. Partnership with the City of East Palo Alto to Apply for a Habitat Conservation Fund Program Grant for Cooley Landing Park (R-14-123)**

General Manager's Recommendation: Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District approving a grant application, prepared by the City of East Palo Alto, as applicant, for funds from the Habitat Conservation Fund Program to implement future phases of Cooley Landing Park.

Public hearing opened at 7:33 p.m.

No speakers present.

Public hearing closed at 7:33 p.m.

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

**VOTE: 6-0-0** (Director Hassett absent)

## **VI. BOARD BUSINESS**

### **5. Agreement to Install Water Infrastructure at the Russian Ridge Open Space Preserve (R-14-119)**

Rangeland Ecologist Clayton Koopman provided the staff report describing the proposed project, location of the project, and described the design of the various water infrastructure elements included in the proposed project.

Director Riffle inquired regarding the location of the various structures in relation to District trails and visitors to District preserves.

Mr. Koopman explained that the structures will be located off the trails and primarily out of sight to District visitors.

Public hearing opened at 7:48 p.m.

Mike Bushue inquired regarding availability of water in the Mindego area.

Mr. Koopman described locations of available water in the area.

Public hearing closed at 7:49 p.m.

**Motion:** Director Riffle moved, and Director Siemens seconded the motion to 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 \$101,061, which includes the base bid of \$87,879 and a fifteen percent contingency amount of \$13,182, to install water infrastructure at the Russian Ridge Open Space Preserve.

**VOTE: 6-0-0** (Director Hassett absent)

**6. Authorization to Reject All Bids Received August 12, 2014 for the Mount Umunhum Interim Radar Tower Repair Project located in Sierra Azul Open Space Preserve (R-14-115)**

Planner III Gina Coony presented the staff report summarizing past Board decisions and staff work regarding Mt. Umunhum. Ms. Coony described the bid process used by District staff and the bids received for the project. Ms. Coony outlined the various factors contributing to the high bids received, including current construction market, location of the site, and expanded scope of the project beyond the engineer's estimate.

Public hearing opened at 8:18 p.m.

Mike Buncic, resident of Los Gatos, inquired if rejecting all bids will delay access to the site by the Mt. Umunhum Conservancy and if alteration to the project's scope will change fundraising needs for the Conservancy.

Ms. Coony explained that staff reviewed the possible delay and determined the District is still committed to completing the interim repairs prior to the deadline of the end of the 2014-15 fiscal year. Ms. Coony continued by stating that the temporary metal panels covering the access doors to the radar tower continue to function properly and additional metal panels will be installed on the remaining openings allowing for safe access to the site. Depending on the continuing functionality of the metal panels, the project's scope and related Conservancy fund raising requirements may be reduced.

Brandon Lewke, resident of Redwood City, inquired regarding the difference in costs as listed by the Mt Umunhum Conservancy and those listed by the District.

Ms. Coony explained that the construction costs are estimated at \$300,000 and the \$414,000 amount listed by the Mt. Umunhum Conservancy is the estimate for total project costs.

Public hearing closed at 8:21 p.m.

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

1. Authorize the General Manager to reject all bids received to complete the Mount Umunhum Interim Radar Tower Repair Project at Sierra Azul Open Space Preserve.
2. Authorize staff to re-evaluate the Project scope and solicit new bids to complete the Mount Umunhum Interim Radar Tower Repair Project at Sierra Azul Open Space Preserve.

**VOTE: 6-0-0** (Director Hassett absent)

**VII. STAFF REPORTS**

No reports from members of staff.

**VIII. DIRECTOR REPORTS**

The Board submitted their compensatory forms to the District Clerk.

Director Kishimoto reported that she toured three Santa Clara Valley Water District facilities as part of her role on their water commission. Director Kishimoto also reported that she will be attending the CALAFCO conference in October.

Director Hanko reported that she attended the Volunteer Recognition Event and commented on the entertainment provided and staff's efforts.

Directors Riffle, Harris, and Siemens reported they attended the Volunteer Recognition Event and thanked staff for their efforts in organizing the event to thank District volunteers.

Director Harris reported that she attended a meeting of the Save the Redwoods League.

**IX. ADJOURN TO CLOSED SESSION**

President Harris adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District to a closed session at 8:36 p.m.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)**

**Property:** 1725 Stevens Canyon Road, Cupertino, CA 95014, Santa Clara County APN 351-16-020

**Agency Negotiator:** Allen Ishibashi, Real Property Specialist

**Negotiating Party:** Christopher Lysons

**Under Negotiation:** Price and terms of payment

**X. ADJOURNMENT**

President Harris adjourned the closed session of the Board of Directors of the Midpeninsula Regional Open Space District at 9:25 p.m.

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Jennifer Woodworth, CMC  
District Clerk