



Midpeninsula Regional  
Open Space District

October 22, 2014  
Board Meeting 14-29

## SPECIAL AND REGULAR MEETING

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

**October 22, 2014**

### APPROVED MINUTES\*

#### SPECIAL MEETING – CLOSED SESSION

#### CALL TO ORDER

President Harris called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 6:02 p.m.

#### ROLL CALL

Members Present: Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Jed Cyr and Nonette Hanko

Staff Present: General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Operations Manager Michael Newburn, and Real Property Manager Mike Williams

### III. CLOSED SESSION

#### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

**Property:** Rancho San Antonio Contract with Santa Clara County

**Agency Negotiator:** Stephen E. Abbors, General Manager and Kevin Woodhouse, Assistant General Manager

**Negotiating Party:** Robb Courtney, Santa Clara County Director of Parks and Recreation Department

**Under Negotiation:** Terms of real property transaction

#### 2. CONFERENCE WITH LEGAL COUNSEL – CONSIDERATION OF AMICUS FILING IN PENDING LITIGATION (Government Code Section 54956.9(d)(4)).

**Name of Case:** *City of Pasadena v. Superior Court*

**Case Number:** Second District Court of Appeals, Case No. B254800

**IV. MEETING ADJOURNED**

President Harris adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:54 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 7:00 p.m.

**II. ROLL CALL**

Members Present: Cecily Harris, Larry Hassett, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Jed Cyr and Nonette Hanko

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, Resource Planner III Matt Baldzikowski, Planning Manager Jane Mark, Senior Planner Tina Hugg, Senior Planner Meredith Manning, and District Clerk Jennifer Woodworth

**III. REPORT OUT OF CLOSED SESSION (IF NECESSARY)** (The Board shall publicly state any reportable action taken in closed session pursuant to Government Code Section 54957.1)

General Counsel Schaffner reported that the Board authorized filing of an amicus brief in the *City of Pasadena v. Superior Court* litigation agendized and discussed during the closed session.

**IV. ORAL COMMUNICATIONS**

No speakers present.

**V. ADOPTION OF AGENDA**

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

**VOTE:** 5-0-0 (Directors Cyr Hanko absent)

**VI. CONSENT CALENDAR**

Director Hanko arrived at 7:02 p.m.

District Clerk Jennifer Woodworth informed the Board that Director Kishimoto had asked for an addition to be made to the minutes for October 8, 2014. Ms. Woodworth explained that after

review of the recording from the October 8, 2014 meeting, the minutes were amended and provided to the members of the Board and public.

**1. Approve Minutes of the Special and Regular Board Meetings of October 8, 2014, as amended.**

**2. Approve the Claims Report**

Public hearing opened at 7:03 p.m.

No speakers present.

Public hearing closed at 7:03 p.m.

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

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

## **VII. BOARD BUSINESS**

**3. Rancho San Antonio Air Monitoring Study Final Report and Presentation (R-14-126)**

Resource Planner III Matt Baldzikowski provided the staff report summarizing the impetus for the District's conducting the air monitoring study. Mr. Baldzikowski also explained that the final monitoring study report was also reviewed by a third party industrial hydrologist who concurred with the results of the air monitoring report. Finally, Mr. Baldzikowski introduced Dr. Eric Winegar of Winegar Air Services who conducted the Rancho San Antonio Air Monitoring Study.

Dr. Winegar provided a presentation summarizing the results of the Rancho San Antonio Air Monitoring Study. Dr. Winegar described the size and types of particles found during the study and the effects of wind, oceanic air, and temperature on the results found during the study. Dr. Winegar summarized the results of the study regarding amount and size of particles found at each monitoring site and how the results compared to California Air Quality Standard and the San Francisco Bay Basin Air Average Concentration. Finally, Dr. Winegar provided his conclusions regarding the air quality at Rancho San Antonio Open Space Preserve stating that it is excellent, and the preserve is safe for use for its intended uses by members of the public, District staff, and nearby residents.

Director Riffle inquired if the air quality would be poor at Rancho San Antonio on a windless day.

Dr. Winegar explained that even on windless days, the air quality continues to be safe at Rancho San Antonio.

General Manager Abbors inquired how rainfall would affect the air quality.

Dr. Winegar explained that he would expect air quality to improve with rain due to the fact that dust would be suppressed due to the rainfall.

Director Hanco suggested the District place signage at the site to inform the public of the results of the air monitoring study.

Public hearing opened at 8:05 p.m.

Barry Chang, member of Cupertino City Council but representing himself and Bay Area Citizens for Clean Environment, provided comments regarding the District's willingness to complete the air monitoring study and the results of the study.

Janet Geiger, resident of Cupertino, provided comments regarding particulate matter she finds on her vehicle and thanked the District for conducting the study.

Lou Franklin provided comments regarding using the air monitoring study as a baseline for continuing study and asked if the data would be made available to the public.

Mr. Baldzikowski stated he plans to release the data next week.

Bill Allman resident of Los Altos Hills and member of the Quarry No group expressed his relief based on the study's results related to the risk at Rancho San Antonio Open Space Preserve and thanked the District for conducting the study.

Public hearing closed at 8:11 p.m.

Director Hassett suggested the information be shared with staff that work at Rancho San Antonio receive the information provided to the Board.

Mr. Baldzikowski stated that the report is available to staff members, and they were notified of tonight's Board meeting.

Board accepted the final monitoring report for the air quality monitoring study conducted at Rancho San Antonio Open Space Preserve.

#### **4. Award a Contract for Water Engineering and Consulting Services (R-14-127)**

Senior Planner Meredith Manning provided the staff report summarizing the District's water rights reporting obligations. The consultant would assist the District with those reporting obligations to ensure the District's water rights are maintained, which is important to the District's grazing tenants.

Director Riffle inquired if this would be an ongoing expense or a onetime project.

Ms. Manning explained that it would be helpful to have the consultant on call due to the District's complicated water rights and needs for diversion. Mr. Abbors explained that the District's annual reporting requirements would necessitate ongoing consulting.

Public hearing opened at 8:45 p.m.

No speakers present.

Public hearing closed at 8:45 p.m.

**Motion:** Director Kishimoto moved, and Director Hanko seconded the motion to authorize the General Manager to award a contract to Wagner & Bonsignore Engineers for an amount not-to-exceed \$75,000 to provide water engineering and consulting services regarding District water systems and rights.

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

**VIII. COMMITTEE REPORTS**

Director Hassett reported that the Real Property Committee met at Alpine Ranch and toured the property.

Director Riffle reported that the Planning & Natural Resources Committee met to learn about the draft Construction and Demolition policy that will be coming to the Board in the future and received an update on the proposed parking structure at the Fremont Older Open Space Preserve.

Director Harris reported that the Measure AA Implementation Ad Hoc Committee met to review the Measure AA project lists to be presented by staff during next week's study session. Senior Planner Tina Hugg described the Measure AA project lists provided to the ad hoc committee and members of the Board.

**IX. STAFF REPORTS**

Mr. Abbors showed a time-lapsed video of staff building the Ancient Oaks Trail at Mt. Umunhum.

**X. DIRECTOR REPORTS**

The Board submitted their compensatory forms to the District Clerk.

Director Kishimoto reported that she recently attended meetings of CALAFCO and the Santa Clara Valley Water District Water Commission.

**XI. ADJOURNMENT**

President Harris adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:07 p.m.

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Jennifer Woodworth, CMC  
District Clerk