



Midpeninsula Regional
Open Space District

December 10, 2014
Board Meeting 14-34

REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY

Administrative Office
330 Distel Circle
Los Altos, CA 94022

December 10, 2014

DRAFT MINUTES

I. CALL TO ORDER

President Harris called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:11 p.m.

II. ROLL CALL

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

Members Absent: None

Staff Present: General Manager Steve Abbors, Assistant General Manager Ana Ruiz, Assistant General Manager Kevin Woodhouse, General Counsel Sheryl Schaffner, Administrative Services Manager Kate Drayson, Real Property Manager Mike Williams, Administrative Assistant Lupe Hernandez, Natural Resources Manager Kirk Lenington, Planner III Cindy Roessler, and District Clerk Jennifer Woodworth

III. ORAL COMMUNICATIONS

No speakers present.

IV. ADOPTION OF AGENDA

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

VOTE: 7-0-0

V. SPECIAL ORDER OF THE DAY

Introduction of Staff: Lupe Hernandez, Administrative Assistant

VI. CONSENT CALENDAR

- 1. Approve Minutes of the Special and Regular Board Meetings of November 25, 2014.**
- 2. Approve the Claims Report**
- 3. Contract Amendment for Administrative Office Heating, Ventilation, and Cooling System Repairs (R-14-134)**

General Manager's Recommendation: Authorize the General Manager to amend an existing contract with ACCO Engineered Systems, increasing the amount by \$24,570, which includes a 15% contingency of \$3,205, for a total not-to-exceed amount of \$31,297, to repair and recalibrate the Administrative Office Heating, Ventilation, and Cooling System.

Director Hassett expressed his concerns that staff be properly trained on proper use of the system.

- 4. Amendments to the District's Conflict of Interest Code (R-14-137)**

General Manager's Recommendation: Adopt a Resolution amending the District's Conflict of Interest Code.

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

VOTE: 7-0-0

VI. BOARD BUSINESS

- 5. Proposed Exchange of Real Property Interests between Ridge Vineyards, Inc., located at 18100 Montebello Road, Cupertino, CA (Portions of Santa Clara County Assessor's Parcel Numbers 351-38-006, -009, -011, and -012) and Midpeninsula Regional Open Space District (District) at Monte Bello Open Space Preserve (Portion of Santa Clara County Assessor's Parcel Number 351-39-004), and Approval of the Re-circulated Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act (R-14-147)**

Real Property Manager Mike Williams presented the staff report describing the location of the property and various geographic features of the property. Mr. Williams outlined the various goals of the project including protection of open space, prohibition residential and non-agricultural development, and reestablishment of historic vineyards compatible with existing public trail uses. Mr. Williams described in detail the various facets of the proposed conservation and agricultural easement exchange. Mr. Williams described the history of the mitigated negative declaration proposed for Board adoption including several meetings with

interested parties and neighbors, additional hydrological analysis, and a recirculation of the initial study and mitigated negative declaration.

Director Kishimoto expressed her concern that land would be closed to public access and encouraged Ridge Vineyards to promote educational opportunities at the site.

Director Hanko inquired regarding potential closure of trails to public access.

Mr. Williams explained that trail closures may occur only during harvest season with specific parameters concerning the closures, including mandatory advance public notification of the trail closures, prohibition against closures on weekend days, etc.

Director Kishimoto inquired if a limit would exist on the maximum amount of water which could be taken from the wells.

Mr. Williams explained that a pumping rate requirement is included in the transactional documents.

Public hearing opened at 8:21 p.m.

Lynne Farris spoke in opposition to the proposed exchange with Ridge Vineyards stating that the environmental impact of four potential homes on the site would be less of an impact than that of Ridge's agricultural use of the property.

Kazuyo Levitan, resident of Monte Bello Road, shared comments from Rosa Myers a former District docent and Mark Harmon resident of Monte Bello Road in opposition to the proposed exchange with Ridge Vineyards.

Howard Levitan spoke in opposition to the proposed exchange with Ridge Vineyards.

Tony Rigoni, resident of Monte Bello Road, spoke in support of Ridge Vineyards and in support of the proposed exchange with Ridge Vineyards.

John Schafer, resident of Monte Bello Road, read a letter from Dr. Hans Vogel in opposition of the proposed exchange with Ridge Vineyards. Mr. Schafer also shared his comments in opposition to the proposed exchange with Ridge Vineyards.

Bill Betchart, resident of Monte Bello Road, spoke regarding the proposed wells to be located on the site and the potential for interference with neighboring wells.

Robin Douglass, resident of Monte Bello Road, spoke in support of the proposed exchange with Ridge Vineyards.

Mark Vernon, president of Ridge Vineyards, spoke regarding erosion control best management practices to be used at Ridge Vineyards and spoke in favor of docent led tours on the property. Mr. Vernon also provided comments regarding current and proposed wells on the site including a cap on water use from the wells.

Paul Draper spoke regarding the building of homes in the area and the historic nature of the proposed exchange with Ridge Vineyards.

Bob Segalla, District docent, spoke in opposition to the proposed exchange with Ridge Vineyards.

Lennie Roberts, speaking for the Committee for Green Foothills and as a person involved in the formation of the District and its subsequent annexations, spoke in support of the exchange with Ridge Vineyards.

Public hearing closed at 8:57 p.m.

Motion: Director Kishimoto moved, and Director Hanko seconded the motion to:

1. Approve the Recirculated Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in Accordance with the California Environmental Quality Act, and adopt the findings set out in the draft Resolution.
2. Adopt a Resolution authorizing the execution of the Fee and Easement Exchange Agreement between Ridge and the District and all other documents needed for the property exchange with the following additions: institute a cap on the water to be withdrawn from the two proposed wells as outlined in response A-2 of Attachment 6 to the staff report, and direct District staff to work with Ridge Vineyards to organized docent led tours of the property.
3. Adopt the Use and Management Plans as recommended, and designate the property interests conveyed to the District as an addition to Monte Bello Open Space Preserve.
4. Dedicate the fee and easement property interests as public open space pursuant to the District's Annual Policy for Dedication of Lands.

VOTE: 7-0-0

The Board recessed at 9:13 pm and reconvened at 9:21 pm with all Directors present.

6. Adoption of a Final Environmental Impact Report for the Integrated Pest Management Program, and Approval of the Integrated Pest Management Program and Policy (R-14-148)

Cindy Roessler, Senior Resources Management Analyst summarized previous Board actions related to the Integrated Pest Management Policy and introduced Amanda Olekszulín from Ascent Environmental who summarized the proposed policy, the public review period and District's outreach and noticing process. Ms. Olekszulín summarized comments received in response to the Environmental Impact Report and summarized various potential impacts of the Integrated Pest Management Policy.

Public hearing opened at 9:41 p.m.

No speakers present.

Public hearing closed at 9:41 p.m.

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

1. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District adopting a Final Environmental Impact Report, Findings of Fact, and Mitigation Monitoring and Reporting Program in accordance with the California Environmental Quality Act for the Integrated Pest Management Program.
2. Approve the Integrated Pest Management Policy for incorporation into the District's Resource Management Policies as a replacement for the Invasive Species Management chapter.
3. Approve the Integrated Pest Management Program.

VOTE: 7-0-0

VIII. COMMITTEE REPORTS

Director Cyr reported that the Planning and Natural Resources Committee met and discussed the Bear Creek Stables Site Plan, which will be going to the Committee again before going to the full Board of Directors. The Committee also discussed removal of automobiles from Long Ridge Open Space Preserve and proposed bridges along the Stevens Creek Nature Trail.

Director Kishimoto reported that the Action Plan and Budget Committee met earlier this evening to discuss the Employee Compensation Guiding Principles, which will be going to the full Board of Directors in January for a Study Session.

IX. STAFF REPORTS

General Manager Steve Abbors provided remarks regarding a proposed new staff Open Space Technician position.

X. DIRECTOR REPORTS

The Board submitted their compensatory forms to the District Clerk.

XI. ADJOURNMENT TO CLOSED SESSION

President Harris convened the closed session at 9:53 p.m.

XII. ADJOURNMENT

President Harris adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:25 p.m.

Jennifer Woodworth, CMC
District Clerk