



Midpeninsula Regional
Open Space District

Meeting 12-34

SPECIAL MEETING

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

October 17, 2012

APPROVED MINUTES

SPECIAL MEETING – CLOSED SESSION

I. ROLL CALL

President Riffle called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 6:05 p.m.

Members Present: Jed Cyr, Yoriko Kishimoto, Pete Siemens, Larry Hassett, Nonette Hanko (arrived at 6:20 p.m.), Cecily Harris, and Curt Riffle

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, and Senior Planner Meredith Manning

The Board entered into Closed Session.

SPECIAL MEETING – REGULAR SESSION

I. ROLL CALL

President Riffle called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:05 p.m. at the Historic Del Monte Building located at 1000 S. Murphy Street, in Sunnyvale, CA.

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

Members Absent: None

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, Operations Manager David Sanguinetti, Natural Resources Manager Kirk Lenington, Real Property Manager Mike Williams, Senior Planner Meredith Manning, Mount Umunhum Project Manager Gina Coony, Planner III Tina Hugg, Planner II Gretchen Laustsen, Planner III Lisa Bankosh, Co-Acting Public Affairs Manager Paul McKowan, Co-Acting Public Affairs Manager Renée Fitzsimons, Slender False Brome Project Manager Ellen Gartside, Human Resources Analyst Pamela Mullen, Public Affairs Specialist Peggy Koenig, Planner II Zachary Alexander, Support Services Supervisor David Topley, Management Analyst Gordon Baillie, Website Administrator Vicky Gou, Real Property Specialist Allen Ishibashi, GIS Technician Alex Roa, Interim Media Communications Specialist LaNor Maune, IT Administrator Benny Hsieh, IT Technician Owen Sterzl, and District Clerk Michelle Radcliffe

II. ORAL COMMUNICATIONS

There were none.

III. ADOPTION OF AGENDA

Motion: Upon motion by Director Kishimoto, seconded by Director Siemens, the Board adopted the agenda.

IV. BOARD BUSINESS

1. **Agenda Item #1** – Approval of Remaining Project Elements of the Mount Umunhum Environmental Restoration and Public Access Project, Including Selection of a Radar Tower Option and Approval of Summit Area Amenities, as an Amendment to the Use and Management Plan for Sierra Azul Open Space Preserve (R-12-104)

Senior Planner Meredith Manning stated that the purpose of the meeting is to seek Board selection of a radar tower option and approval of the remaining Project elements. She provided a background on the Project and explained that the Board is being asked to deliberate on the remaining Project elements, which include selection of a radar tower option; approval of public access amenities for the summit of Mount Umunhum; approval of future public vehicle access to the summit via Mount Umunhum Road; approval of future shuttle service; approval of four additional staff positions to be phased as needed; phased Project Implementation Plan; and design of a parking fee system.

Ms. Manning explained the three different radar tower options and stated that all three options were evaluated as part of the Environmental Impact Report prepared for the Project. She further explained that since the September 19 special meeting, two additional interim actions have been added for Board consideration to allow time for partnerships and/or outside funding to be secured to implement one of the options and

address its long-term management and maintenance. Ms. Manning explained that Interim Action A would be a near-term repair and securing of the radar tower while seeking external partnerships. She stated that this option provides approximately five years for proponents of the tower to seek partnerships, outside funding, and other additional resources to allow for implementation of Option 3. Ms. Manning further explained that if no partnerships or additional funding can be secured during this timeframe, the Board would reconsider all three options based on future funding and staffing constraints. She noted that the near-term repairs needed for Interim Action A are estimated to cost \$414,855 and would include sealing all exterior openings, performing epoxy crack repair on the first floor, replacing guardrail at rooftop, replacing interior stair handrails where missing, improving stairs to rooftop and roof hatch, installing fortified locks at interior doors to each floor, and covering openings in floors inside the structure.

Next, Ms. Manning explained that the Interim Action B option would also provide additional time for proponents of the tower to seek partnerships, outside funding, and additional resources to allow for implementation of Option 3 and that this option involves installation of a construction-grade chain link fence around the radar tower. She stated that this near-term fence solution is necessary for public safety if no repairs or upgrades are made to the tower and that the cost for fence construction is estimated at \$74,200.

Questions were asked by the Board. Director Kishimoto asked about access on the summit, in particular parking. Ms. Manning explained that summit plans are conceptual as staff will need to determine what the demands are. She stated that the District would need to first open the site up to the public and monitor the visitorship to determine parking demands. Following this, a recommended design would be brought to the Board. Director Kishimoto requested that the staff recommendation be amended to state that the site planning will take a phased and conceptual approach. President Riffle questioned the reasons for the near-term repair options and Ms. Manning explained that the public has largely only been able to see the tower from the valley floor. President Riffle also asked whether the near-term repair option would deter vandalism and trespassing at the site and Ms. Manning stated she believes that once the site is open, the trespassing and vandalism issues will be substantially reduced.

Public Comment: The following speakers stated their views on the remaining project elements of the Mount Umunhum Environmental Restoration and Public Access Project: Richard Bretschneider of San Jose; Sam Drake of San Jose; Thomas P. Higgins of San Jose; Robbie Lamons of San Jose; Dave Jenson of San Jose; Bryce Reynolds of San Jose; Robert Garner of San Jose; Johnny Reed of Milpitas; Tom Taber of San Mateo; Basim Jaber of San Jose; Daniel Bremond of Sunnyvale; Ronald Harii of San Jose; Paul McWilliams of San Jose; Charles Berles of San Jose; Dave Leeson of Santa Clara County; Sue Lloyd of San Jose; Josh Kroman of San Jose; Taylor Wing of San Jose; Mike Cook of Milpitas; James Urban; Audrey Stapleton of San Jose; Charles Smith of San Jose; Jan Reynolds of San Jose; Kitty Monahan of San Jose; Kent Miller of Morgan Hill; Mike Boulland of San Jose; Roberta Home of San Jose; Michael Stawowy of Los Gatos; Janice Carey of San Jose; Jacob Finkle of San Jose; and Jordan Makower of Sunnyvale.

Extensive discussion was held by the Board regarding the radar tower options.

Director Cyr stated that as a Board member he is obligated to the long-term health and financial stability of the District and that the tax payers who fund the District have very little contact with Mount Umunhum due to its location. He continued to say that the District also has an obligation on how the decisions it makes will affect its neighbors and hopes that partnering can be used as a solution for the Mount Umunhum project.

Director Hanko stated she supports Interim Option A and that polling results indicate that there is a lot of support from the public outside of the District's boundaries, in particular within the City of San Jose. She questioned whether the District could create an assessment district to tax residents outside of District boundaries to help fund the project. General Counsel Sheryl Schaffner stated she will need to research the question in greater depth, but believes that the District cannot create an assessment District as residents of San Jose are currently taxed by another open space agency.

Director Harris expressed concerns about the radar tower and stated that she represents Ward 7 in San Mateo County and that the Mount Umunhum radar tower is not part of her constituents' lives as it is for the San Jose residents. She stated that she believes that for big projects, the District needs community partners to help with fundraising and other District programs especially with the Mount Umunhum radar tower.

Directors Hassett expressed concerns on spending District funds on a project that is outside his ward boundary on which his constituents are paying taxes. He stated he will support Interim Option A, but urged staff and the Board to consider the cost implications of the project.

Director Kishimoto stated that throughout this process she has been open to all options for the radar tower and that by weighing all the issues before her, she stated she is supporting Interim Option A as the best balance of everything that the District is being asked to do. Director Kishimoto stated that although she believes that the radar tower is a historical landmark and has regional importance, the District's single most important mission is open space and due to the huge demand on the District's resources, the District must be prudent with its spending. She stated she would like to see the radar tower stay with the help of regional partners and suggested that a parking and/or user fee be implemented.

President Riffle briefly expressed his thoughts on the District's mission statement and how he uses the District's mission for his decision-making on the Board. He stated that the District is an open-space agency, but it needs to be a regional partner and help keep the radar tower. President Riffle continued to state that he is in support of Interim Option A, that the District will do its part in restoring the land and that a knowledgeable partner is needed to fund, run and restore the radar tower.

Director Siemens briefly stated the District's policy regarding using District funds for historical preservation. He explained that the District does not use its own funds to do historical preservation, but has accepted outside gifts, grants, and management and that the use of District funds for refurbishment of old structures have been limited to where the refurbishments have been used to further the District's mission. Director Siemens stated his primary goal is to get people to the top of the mountain and that Interim Option A will allow the District to stabilize the radar tower and allow people earlier access to the mountain. He also explained that Interim Option A will allow the staff time to assess long-term security costs and will provide staff time to determine how much money is needed for renovation, security, and running the radar tower.

At 9:33 p.m., the Board recessed and at 9:53 p.m., the Board reconvened with Directors Hassett, Harris, Siemens, Kishimoto, Hanko, Cyr, and Riffle present.

Motion: Upon motion by Director Hanko, seconded by Director Harris, the Board adopted the California Environmental Quality Act Findings of Fact for the entire Mount Umunhum Environmental Restoration and Public Access Project. (Vote: 7-0-0)

Motion: Upon motion by Director Cyr, seconded by Director Kishimoto, the Board approved the Mitigated Monitoring Response Plan for the entire Mount Umunhum Environmental Restoration and Public Access Project. (Vote: 7-0-0)

Motion: Upon motion by Director Siemens, seconded by Director Hanko, the Board approved Interim Action A and deferred the radar tower options for up to five years, to allow time for community efforts to develop viable preservation efforts. (Vote: 7-0-0)

Motion: Upon motion by Director Siemens, seconded by Director Harris, the Board approved the following Project elements on a phased, conceptual basis, which would be implemented once specific parameters, as described, are met: a) summit area amenities; b) future public vehicle access to the summit via Mount Umunhum Road; c) iterative approach for future shuttle service; d) additional staff positions to be phased as needed (two rangers, one maintenance staff, and one administrative staff); e) phased Project Implementation Plan; and f) design of a parking fee system. (Vote: 7-0-0)

Motion: Upon motion by Director Siemens, seconded by Director Harris, the Board adopted the resolution as proposed in the report, and amended as follows:

- a) Add at the end of the title: "WITH THE EXCEPTION OF THE SELECTION OF AN OPTION FOR THE RADAR TOWER, WHICH IS DEFERRED FOR FIVE YEARS, PENDING OUTCOME OF COMMUNITY EFFORTS TO PRESERVE IT.";
- b) Between the seventh and eight "Whereas", insert the following:
 - 1) WHEAREAS, substantial public interest has been expressed in the preservation of the radar tower; and
 - 2) WHEREAS, the Board wishes to give the community interested in preserving the radar tower the opportunity to seek partnerships and to develop viable

- preservation options before the Board makes the final decision on a radar tower option; and
- 3) WHEREAS, as the partnering efforts unfold, the summit area amenities should be developed for public access; and
 - 4) WHEREAS, the implementation of the summit areas amenities are anticipated to require several years, and the partnering efforts also need time to develop; and
- c) Delete the existing “BE IT RESOLVED” paragraph and replace it with the following:
- 1) BE IT RESOLVED, by the Board of Directors that implementation is approved for the remainder of the Project, including development of summit improvements as described in the Board Report, but excluding the final decision regarding the radar tower; and
 - 2) BE IT FURTHER RESOLVED that staff is directed to implement Interim Action A as described in the Board Report and as amended, for “Near-term repair and securing of the structure while considering external partnerships” for five years.
- d) Approved by reference in the resolution (see “c” above), “Interim Action A” as set out in the Board Report at page 4, was amended to delete the word “seeking” and replace it with “considering”, and the first full sentence was amended regarding the time-frame as follows: “This is the new interim action to provide five years for proponents of the tower to seek partnerships, outside funding, and other additional resources to allow for implementation of Option 3. (Vote: 7-0-0)

Motion: Upon motion by Director Hanko, seconded by Director Cyr, the Board directed staff to pursue small-scale capital fundraising for individual Project elements. (Vote: 7-0-0)

V. **ADJOURNMENT**

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:31 p.m.

Michelle Radcliffe, CMC
District Clerk