



Midpeninsula Regional  
Open Space District

Board Meeting 15-13

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, May 13, 2015**

#### **DRAFT MINUTES**

#### **SPECIAL MEETING – CLOSED SESSION**

##### **CALL TO ORDER**

President Siemens called the Special Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 5:00 p.m.

##### **ROLL CALL**

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

Members Absent: Jed Cyr

Staff Present: General Manager Steve Abbors, General Counsel Sheryl Schaffner, and Controller Mike Foster

##### **ORAL COMMUNICATIONS**

None.

The Board convened into closed session at 5:00 p.m.

#### **1. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GOVERNMENT CODE SECTION 54957(b)(1))**

**Title of Employees: Controller, General Counsel and General Manager**

**ADJOURNMENT**

President Siemens adjourned the Special Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 p.m.

**REGULAR MEETING**

**CALL TO ORDER**

President Siemens called the Regular Meeting of the Midpeninsula Regional Open Space District to order at 7:04 p.m.

President Siemens reported the Board met in closed session, and no reportable action was taken.

**ROLL CALL**

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

**Members Absent:** Jed Cyr

**Staff Present:** General Manager Steve Abbors, Assistant General Manager Kevin Woodhouse, Assistant General Manager Ana Ruiz, General Counsel Sheryl Schaffner, Controller Mike Foster, Operations Manager Michael Newburn, Planning Manager Jane Mark, Casey Hiatt GIS Administrator, Senior Planner Tina Hugg, Real Property Manager Mike Williams, Senior Real Property Specialist Allen Ishibashi, and Interim District Clerk Kim Marie Smith

**ORAL COMMUNICATIONS**

None.

**ADOPTION OF AGENDA**

President Siemens stated that Item 9 will be heard after Item 7 followed by Items 8, 11 and 10, in that order.

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

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

**SPECIAL ORDER OF THE DAY**

Assistant General Manager Ana Ruiz introduced Frank Hernandez, Finance & Budget Analyst II for the Administrative Services Department.

Natural Resources Manager Kirk Lenington introduced Coty Sifuentes-Winter, Integrated Pest Management Coordinator.

### **CONSENT CALENDAR**

1. **Approve Claims Report**
2. **Written Communications:** Karl Rowley
3. **Contract for Completion of the Mindego Ranch Remediation and Demolition Project at Russian Ridge Open Space Preserve (R-15-75)**

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 \$180,055 to complete the Mindego Ranch Remediation and Demolition Project at the Russian Ridge Open Space Preserve. The not-to-exceed amount includes a base bid of \$145,995 for demolition and remediation, a 15% contingency amount of \$21,900, and an allowance of \$12,160 for potential stand down time related to delays to protect the federally-endangered San Francisco garter snake, if encountered during construction.

4. **Contract for Legal Services in Litigation, *Mahronich et al v. Presentation Center, et al.* (R-15-80)**

General Manager's Recommendation: Approve a contract with Howard Rome Martin & Ridley LLP for an amount not-to-exceed \$30,000 for legal services relating to pending litigation.

5. **Special Legal Services Contract relating to Real Property Issues (R-15-76)**

General Manager's Recommendation: Approve the proposed contract with Price, Postel & Parma, LLP, for Special Legal Services relating to Real Property for a total not-to-exceed amount of \$100,000

**Motion:** Director Hassett moved and Director Harris seconded the motion to adopt the Consent Calendar.

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

### **BOARD BUSINESS**

6. **Appointment of Chris Furniss and Natalie Hanna as Peace Officers (R-15-61)**

Operations Manager Michael Newburn introduced Chris Furniss and Natalie Hanna as the District's two newest rangers.

**Motion:** Director Riffle moved, and Director Hanko seconded the motion to adopt two resolutions of the Board of Directors of the Midpeninsula Regional Open Space District appointing Chris Furniss and Natalie Hanna as Peace Officers.

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

Rangers Chris Furniss and Natalie Hanna were sworn in as District Rangers by Mr. Newburn.

Kevin Moon, his brother in law, performed the badging ceremony for Chris Furniss  
Supervising Ranger Chris Barresi performed the badging for Natalie Hanna.

**7. Resolution Approving Documents Relating to Issuance of General Obligation Bonds, Series 2015A (R-15-72)**

Controller Mike Foster described the first tranche of bonds, which are planned to go on sale in July 2015. The bonds will have debt service of approximately \$2.5 million over 30 years, and the current interest rate is approximately 3.8%. Mr. Foster described the next steps of the process, including a presentation to Standard & Poors and Fitch on July 9<sup>th</sup>, determination of whether any taxable bonds will be issued, and choosing an underwriter. The finalized interest rate and audited financial statement will be included in the final Official Statement.

Director Harris stated that on page A-25 San Joaquin County is listed as being to the east of San Mateo County and requested removal of Marin from the metropolitan district composition description of San Mateo County on page A-27.

Director Siemens stated that in the fourth sentence of the second paragraph on A-8 it should be corrected to say September 2015 instead of 20134.

Public hearing opened at 7:29 p.m.

No speakers present.

Public hearing closed at 7:29 p.m.

**Motion:** Director Hanko moved, and Director Kishimoto seconded the motion to adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District authorizing the issuance and sale of General Obligation Bonds, Series 2015A, approving an Official Statement, and providing other matters properly related thereto.

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

**8. Resolution of Support Endorsing Six Priority Conservation Areas in San Mateo County and Nine Priority Conservation Areas in Santa Clara County nominated by the Midpeninsula Regional Open Space District; and a Resolution of Support for Two Priority Conservation Areas Nominated by the California State Coastal Conservancy and a Resolution of Support for One Priority Conservation Area Nominated by the City of Menlo Park (R-15-73)**

Item 8 was heard after Item 11.

Planning Manager Jane Mark provided an overview of the project since staff last reported on this item to the Board of Directors in January 2015. Ms. Mark explained that the District notified the affected local jurisdictions with the Priority Conservation Areas (PCAs) in the spheres of influence of the District's desire to have the lands declared as PCAs. District staff received requests from these jurisdictions to have additional lands included in the District's PCA application. Ms. Mark explained that District lands are also being included in the PCA

applications for other jurisdictions, including Ravenswood Open Space Preserve as part of Menlo Park's proposed Baylands PCA. Finally, Ms. Mark explained PCA designations can help agencies attract funding for projects within a Priority Conservation Area, such as restoration work or long-term agricultural preservation efforts, and if approved, 95% of the District's lands will have a PCA designation.

Director Kishimoto inquired why all District lands do not have a PCA designation.

Ms. Mark explained that a scientific justification is needed for PCA designation. The work completed through the District's Vision Plan has largely informed the application for the PCA designation application.

Public hearing opened at 9:10 p.m.

No speakers present.

Public hearing closed at 9:10 p.m.

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

1. Adopt a resolution of support endorsing the nomination of six (6) Priority Conservation Areas in San Mateo County and nine (9) Priority Conservation Areas in Santa Clara County, as well as the PCA designation categories selected for the existing and new Priority Conservation Areas.
2. Adopt resolutions of support for the nomination of the following Priority Conservation Areas by other agencies: 1) the Menlo Park and East Palo Alto Baylands, which includes Ravenswood Open Space Preserve, nominated by the City of Menlo Park and 2) the corridors for the California Coastal Trail and San Francisco Bay Area Water Trail nominated by the California State Coastal Conservancy.

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

**9. Intent to Accept a Gift of a Conservation Easement over three Los Trancos County Water District Parcels, two located in unincorporated San Mateo County (Assessor Parcel Numbers 080-060-126 and 080-071-010) and one located in the Town of Portola Valley (Assessor Parcel Number 080-241-410) (R-15-77)**

Item 9 was heard after Item 7.

Assistant General Manager Ana Ruiz stated that acceptance of the Conservation Easement is a result of the ongoing dissolution of the Los Trancos County Water District (LTCWD). Ms. Ruiz described the locations, natural features of, and structures on the properties. Ms. Ruiz described the terms of the conservation easements, including a duty to preserve and protect the conservation values of the easements, the ability to enter the properties to monitor for compliance, and notify fee title holders of any noncompliance.

Director Riffle inquired about the requirements of monitoring the easement.

Ms. Ruiz explained monitoring is completed by the Real Property department. The monitoring is completed on various schedules for the District's approximately 25 conservation easements.

When the Land and Facilities department is created, that department's staff will take over monitoring, which typically involves creation of a baseline document to which periodic photos and notes will be compared to from subsequent site visits.

Public hearing opened at 7:50 p.m.

Bill Coats, President of Los Trancos County Water District, stated the LTCWD cannot currently commit to cost reimbursement for the baseline document, but money has been set aside to cover various aspects of the dissolution.

Charlie Krenz, member of the Silicon Valley Mountain Bikers Association, spoke in favor of a 400 foot proposed trail on the Red Shed property that would connect to Portola Valley trails. Mr. Krenz also stated that the community is very active on this property and expressed the thanks of the community that the District is accepting the conservation easements.

David Swernoff spoke regarding the historic value of the Red Shed and spoke in favor of the District eventually owning the property.

Jerry Hearn, resident of Los Trancos Woods, spoke expressed support for the conservation easements and spoke in favor of a single owner of the properties. Mr. Hearn also stated that there are a number of individuals willing to work with the District to monitor the properties.

Public hearing closed at 8:06 p.m.

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

1. Authorize the General Manager to negotiate the terms and conditions of a Conservation Easement over three Los Trancos County Water District parcels with San Mateo County and Woodside Fire Protection District, the successors in interest to the LTCWD property, to conform to the terms specified in the staff report. Additionally, the District will be reimbursed for fulfilling the responsibilities of the conservation easement, including creation of the baseline document and ongoing monitoring. This authorization is contingent upon the completion of the LTCWD dissolution and transfer of properties as further described in the staff report.
2. Direct the General Manager to return to the Board of Directors for acceptance of the Conservation Easement once the various dissolution and property transfer approvals are secured through other agencies.

Director Hassett expressed his concerns regarding the potential costs of the conservation easements that the District is currently unaware of and suggested the District be indemnified against various liabilities.

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

**10. Proposed Purchase of the Ashworth Property as an addition to La Honda Creek Open Space Preserve located on Bear Gulch Road in unincorporated San Mateo County (Assessor's Parcel Number 075-340-240) (R-15-74)**

Item 10 was heard after Item 8.

Senior Real Property Agent Allen Ishibashi provided the staff report describing the location and features of the Ashworth property. Mr. Ishibashi explained that the purchase of the Ashworth property brings the La Honda Creek Open Space Preserve and El Corte de Madera Creek Open Space Preserve closer to connecting. Mr. Ishibashi stated that the purchase of the Ashworth property is a Measure AA project important to a future Bay Area Ridge Trail connection between the two preserves. Finally, Mr. Ishibashi described the use and management considerations for the property and the terms and conditions of the sale.

Public hearing opened at 9:17 p.m.

No speakers present.

Public hearing closed at 9:17 p.m.

**Motion:** Director Hanko moved, and Director Harris seconded the motion to:

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Ashworth property.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Indicate the intention to withhold the Ashworth property as public open space.

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

**11. Proposed purchase of the Peninsula Open Space Trust (Hendrys Creek) property in partnership with Santa Clara Valley Water District as an addition to the Cathedral Oaks Area of the Sierra Azul Open Space Preserve, located at 20610 Aldercroft Heights Road, Los Gatos in unincorporated Santa Clara County (Santa Clara County Assessor's Parcel Numbers 558-27-007, 558-27-008, and 558-51-005) (R-15-71)**

Item 11 was heard after Item 9.

Real Property Manager Mike Williams provided the staff report describing the Hendrys Creek property, its location, history, and structures on the property. Mr. Williams described the habitat and resource values of the property and the property's transaction history. Mr. Williams outlined the terms and conditions of the purchase, easement terms, and long term management plan.

Director Hassett inquired regarding passage over the Hendrys Creek 14 road crossings and whether the crossings would need to be able to handle the weight and size of firefighting apparatus.

Senior Planner Meredith Manning explained there will be a seasonal wet crossing, if necessary, at the main stem of the creek where District patrol vehicles will be able to reach the area if needed. All other road crossings will be removed.

Public hearing opened at 8:37 p.m.

Tricia Suvari, Vice President of POST in charge of land transactions, spoke in support of the District's purchase and expressed her thanks to the District for its management of the property.

Ngoc Nguyen, engineering unit manager at Santa Clara Valley Water District, thanked the Board and the District for their support for the purchase of the property and the conservation easement that will allow the Santa Clara Valley Water District to complete its mitigation monitoring obligations.

Public hearing closed at 8:44 p.m.

**Motion:** Director Riffle moved, and Director Hanko seconded the motion to:

1. Adopt a Resolution approving the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring Program for Hendrys Creek Project in accordance with the California Environmental Quality Act, and adopt the findings set out in the Draft Resolution.
2. Adopt a Resolution authorizing execution of a Memorandum of Understanding with Peninsula Open Space Trust and Santa Clara Valley Water District to purchase the property and convey a Conservation Easement and Long-term Management Plan to Santa Clara Valley Water District.
3. Adopt the Amended Preliminary Use and Management Plan, which will be incorporated into the Long-term Management Plan, and name the property as an addition to the Cathedral Oaks Area of Sierra Azul Open Space Preserve.
4. Dedicate the property as public open space pursuant to the District's Annual Policy for Dedication of Lands.

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

### **INFORMATIONAL REPORTS**

#### A. Committee Reports

Director Hanko reported the Legislative, Funding and Public Affairs Committee will be meeting soon to discuss a memorial bench to honor Herb Grench, the District's first General Manager.

Director Siemens reported the Board Appointee Evaluation Committee met.

#### B. Staff Reports

Assistant General Manager Ana Ruiz reported that she and Planning Manager Jane Mark met with Sara Rosenthal, aide to San Mateo County Supervisor Don Horsley, to discuss streamlining the county's planning permit process. Ms. Ruiz also reported that the first Mt. Umunhum Conservancy site tour is scheduled for Saturday.

Assistant General Manager Kevin Woodhouse provided comments regarding implementation of the Financial and Operational Sustainability Model Study.

General Counsel Sheryl Schaffner provided an update regarding a lawsuit by neighbors to the Wozniak property along Summit Road in the Santa Cruz Mountains. Santa Cruz County's Environmental Impact Report related to the county's approving permits for special events to be held on property adjacent to the Bear Creek Redwoods Open Space Preserve.



C. Director Reports

The Board submitted their compensatory forms to the District Clerk.

Director Riffle reported that he spoke at a meeting of the League of Women Voters regarding the current status of Measure AA implementation. Mr. Riffle also provided comments on a seminar held by the District about engaging Latino communities.

Director Kishimoto reported that she toured the Bear Creek Redwoods with staff and also attended the seminar regarding engaging Latino communities.

Director Hassett reported that he, Director Cyr, and Director Siemens attended the ribbon-cutting ceremony at the Ancient Oaks Trail extension.

Director Hassett also reported that he attended the Wingding event at Skyline Ranch.

**ADJOURNMENT**

President Siemens adjourned the meeting at 9:40 p.m.

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Jennifer Woodworth, CMC  
District Clerk