



Midpeninsula Regional
Open Space District

Board Meeting 15-18

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

330 Distel Circle
Los Altos, CA 94022

Wednesday, July 8, 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 5:01 p.m.

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, General Counsel Sheryl Schaffner, Real Property Manager Mike Williams, Real Property Senior Agent Allen Ishibashi, Planner III Elish Ryan, Senior Real Property Agent Elaina Cuzick, Public Affairs Manager Shelly Lewis, Operations Manager Michael Newburn, Senior Planner Meredith Manning, Planner II Zachary Alexander

ORAL COMMUNICATIONS

None.

CLOSED SESSION

The Board of Directors convened into closed session at 5:01 p.m. in the Long Ridge Conference Room.

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

Property: Portions of the following properties identified as Santa Clara County Assessor Parcel Numbers 562-04-014, 562-08-012, 562-22-017 and 562-22-041.

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent
Negotiating Party: Scott McQueen, Michael Rossetta, and Catherine Meyers
Under Negotiation: Terms of real property transactions

Real Property Senior Agent Allen Ishibashi, Public Affairs Manager Shelly Lewis, Operations Manager Michael Newburn, Senior Planner Meredith Manning, Planner II Zachary Alexander left after Item 1 was discussed at 6:24 p.m.

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

Property: Peninsula Open Space Trust (Apple Orchard and Event Center) Properties (San Mateo County Assessor Parcel Numbers 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, 083-361-100, and portions of 082-130-110 and 082-130-120)
Agency Negotiator: Michael Williams, Real Property Manager
Negotiating Party: Tricia Suvani, Vice President, Land Transactions, Peninsula Open Space Trust
Under Negotiation: Terms of real property transaction

All staff members left following Item 2 at 6:49 p.m.

3. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)

Title of Employees: District Controller
General Counsel
General Manager

CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6

Agency designated representatives: Board of Directors
Unrepresented Employees: District Controller
General Counsel
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 7:05 p.m.

President Siemens led the Pledge of Allegiance.

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

General Counsel Sheryl Schaffner reported that in closed session held on June 16, 2015, the Board of Directors voted unanimously to approve a settlement of potential litigation with ARCADIS, Inc. -- the engineering contractor that designed the original parking lot and related stormwater system at El Corte de Madera.

ARCADIS has agreed to the proposed terms and the settlement agreement has been fully executed. Under that agreement, ARCADIS will pay the District \$350,000 in exchange for a full release of claims arising from the winter 2012-13 stormwater system failures and related costs of re-design and repairs. This agreement was reached by means of mediation, and fully resolves all issues in the case.

Once the check is received, the matter will be final and the file will be closed. The settlement agreement is a public record.

ROLL CALL

Members Present: Jed Cyr, Nonette Hanco, 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, General Counsel Sheryl Schaffner, Real Property Manager Mike Williams, Administrative Services Manager Kate Drayson, and District Clerk Jennifer Woodworth

ORAL COMMUNICATIONS

Cornell Scanlan spoke regarding the District's indemnification policy related its permitting process for groups organized through social media.

General Counsel Sheryl Schaffner described administrative changes that have been implemented in response to Mr. Scanlan's concerns.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

CONSENT CALENDAR

Director pulled item 5 from the Consent Calendar.

1. **Approve June 24, 2015 Board Meeting Minutes.**
2. **Approve Claims Report**
3. **Approval of Agreement with City of Mountain View to Provide District Radio**

Dispatch Services (R-15-102)

General Manager's Recommendation:

1. Authorize the General Manager to execute a two year extension of the current agreement with the City of Mountain View to provide District 24 hour radio dispatch services.
2. Authorize the General Manager to approve expenditures for District radio dispatch services by the City of Mountain View in an amount not to exceed \$325,878 in Fiscal Years 2015-16 and 2016-17.

4. **Approval of Agreement between the City of Mountain View and Midpeninsula Regional Open Space District for the Operation of Deer Hollow Farm and Determination that the Recommended Actions are Exempt from the California Environmental Quality Act (R-15-91)**

General Manager's Recommendation:

1. Authorize the General Manager to execute the Agreement with the City of Mountain View for the continued operation of Deer Hollow Farm.
2. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in the staff report.

5. **Design and Engineering Services Contract for the Mount Umunhum Road Improvement Project (R-15-103)**

This item was heard after approval of the Consent Calendar.

Director Harris inquired whether bicycles will share the roadway with vehicles.

Planner II Zachary Alexander explained District staff will be exploring options to mitigate safety concerns with the assistance of the consultant.

Senior Planner Meredith Manning explained Mt. Umunhum Road will be brought up to state and county standards where feasible based on the limitations of the landscape. Ms. Manning explained numerous options are being studied to allow for multi-use users.

Director Kishimoto requested the following information be included in the record:

Currently the Mount Umunhum Environmental Restoration and Public Access Project Draft EIR estimates a peak of 63 two-way vehicle trips on Saturdays after the summit of Mount Umunhum is opened to the public. The road will be engineered to accommodate the estimated visitor levels.

Mount Umunhum Road currently has a posted speed limit of 25 mph. Proposed roadway improvements will be engineered to the existing speed limit.

Public comment opened at 7:36 p.m.

No speakers present.

Public comment closed at 7:36 p.m.

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

1. Authorize the General Manager to enter into a professional services contract with Pavement Engineering Inc, for an amount of \$268,172 to design and engineer roadway safety and drainage improvements on Mount Umunhum Road in Sierra Azul Open Space Preserve.
2. Authorize a 15% contingency of \$40,228 to allow, if needed, additional design work due to unforeseen permitting requirements and/or uncovered subsurface issues for a not-to-exceed total contract amount of \$308,400.
3. Include in the project objective, design and engineering to require low impact vehicular and bicycle traffic with low impact being defined as a low number of cars and/or speed.

VOTE: 7-0-0

Motion: Director Kishimoto moved and Director Hanko seconded the motion to adopt the Consent Calendar, with the exception of Item 5.

VOTE: 7-0-0

BOARD BUSINESS

6. Proposed Purchase of the Toepfer 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 072-343-110) (R-15-94)

Real Property Manager Mike Williams provided the staff presentation describing the property’s location, geographical features of the area, the site’s history and its resource values. Mr. Williams described the purchase’s relation to Measure AA as part of portfolio five “La Honda Creek: Upper Area Recreation, Habitat Restoration and Conservation Grazing Projects.” Finally, Mr. Williams outlined the purchase terms of the property.

Public comments opened at 7:48 p.m.

No speakers present.

Public comments closed at 7:48 p.m.

Motion: Director Hassett moved, and Director Harris seconded the motion to.

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 Toepfer property.
3. Adopt a Preliminary Use and Management Plan for the Toepfer property, as set out in the staff report.
4. Indicate the intention to withhold the Toepfer property as public open space.

VOTE: 7-0-0

7. Year-End Review of the Fiscal Year 2014-15 District Budget and Expenditures (R-15-90)

Administrative Services Manager Kate Drayson provided the staff report summarizing revenues and expenditures for Fiscal Year 2014-15. Ms. Drayson described several categories of District expenditures, including property management, land acquisition, and Hawthorns endowment fund.

Public comments opened at 8:00 p.m.

No speakers present.

Public comments closed at 8:00 p.m.

Motion: Director Hanko moved, and Director Kishimoto seconded the motion to accept the year-end review of the Fiscal Year 2014-15 budget and expenditures.

VOTE: 7-0-0

INFORMATIONAL REPORTS

A. Committee Reports

Brief discussion ensued regarding the ongoing need for Committee reports as part of the Board meeting agenda.

The Board determined that the Committee reports will continue to be provided by Committee members to allow for other Board members to ask questions.

B. Staff Reports

Assistant General Manager Ana Ruiz reported District staff is working with an intern from Santa Clara Valley Water District to gather information on agency best practices used throughout the region.

General Manager Steve Abbors reported several members of the Board and District staff attended the Santa Clara Valley Authority's Coyote Valley Open Space Preserve. District staff continues to meet with bond rating agencies to determine the District's bond rating. Finally, Mr. Abbors reported the Congress Springs Park in Saratoga will be opening this weekend.

C. Director Reports

The Board members submitted their compensatory reports.

ADJOURNMENT

President Siemens adjourned the regular meeting at 8:22 p.m.