



Midpeninsula Regional
Open Space District

Board Meeting 15-25

SPECIAL MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

330 Distel Circle
Los Altos, CA 94022

Wednesday, October 14, 2015

DRAFT MINUTES

SPECIAL MEETING

CALL TO ORDER

President Siemens called the special meeting of the Midpeninsula Regional Open Space District to order at 6:02 p.m.

ROLL CALL

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

Members Absent: Cecily Harris

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, Senior Resources Management Specialist Matt Baldzikowski, Real Property Manager Mike Williams, Senior Real Property Agent Elaina Cuzick, and Senior Management Analyst Gordon Baillie

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 6-0-0 (Director Harris absent.)

SPECIAL ORDER OF THE DAY

- Introduction of new staff members
Heather Reiter, Training and Safety Specialist
Mindy Vargas, Human Resources Analyst
Alicia Halpern, Planner I

CONSENT CALENDAR

1. **Approve September 23, 2015 Board Meeting Minutes.**
2. **Approve Claims Report**
3. **Resolution Implementing New Fee Structure for Board Policy 4.04 – *Concessions Operating on District Lands (R-15-148)***

General Manager's Recommendation: Adopt a resolution amending the fee structure for Board Policy 4.04 – *Concessions Operating on District Lands*.

4. **Agreement to Expand Volunteer Opportunities on District Preserves (R-15-145)**

General Manager's Recommendation: Authorize the General Manager to approve a partnership agreement with Acterra for \$34,788, plus a 15% contingency, for a total amount not to exceed \$36,800 in Fiscal Year 2015-16 to manage volunteer outdoor service projects at two District preserves.

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

VOTE: 6-0-0 (Director Harris absent.)

BOARD BUSINESS

5. **Update on Actions of Mutual Interest taken by the District and by Lehigh Southwest Cement Company during the Past Year (R-15-147)**

General Manager Steve Abbors provided comments regarding District's work with Lehigh Hanson and the District's ongoing relationship with the company including a floating easement for the Black Mountain Trail, which will be finalized once the trail alignment is finalized.

Kari Saragusa, Region West President of Lehigh Hanson, described the plant's process and precautions in place for mining the quarry during the rainy season including reactivation of the water treatment system in September, especially as related to a forecasted El Niño weather pattern for this winter. Mr. Saragusa also provided an update on the West Materials Storage Area and future plans to revegetate it and use the material as infill once the supply has been exhausted. Mr. Saragusa described the ongoing air quality and noise pollution oversight and reporting requirements completed by Santa Clara County, Bay Area Air Quality Management District, and Lehigh Hanson and reported on a current study being conducted to test for noise pollution from the quarry. Finally, Mr. Saragusa provided an update on the restoration of Permanente Creek, including a revised plan created in cooperation with the Sierra Club. Once approved restoration

will begin during the dry-season periods over multiple years with the goal of returning Permanente Creek to “pre-plant condition.”

Public comments opened at 6:54 p.m.

Tim Brand from Bay Area Clean Environment provided comments regarding the West Materials Storage Area and regarding the noise pollution study being completed by Santa Clara County.

Karen Del Compare shared her concerns regarding the release of toxins into waterways by Lehigh Quarry.

Rod Sinks, Mayor of Cupertino but representing himself, thanked the Board and District staff for their efforts related to public access and for providing updates related to Lehigh Quarry. Mr. Sinks also provided comments regarding creek restoration.

Public comments closed at 7:04 p.m.

6. Approval of Assignment and Amendment of the Bear Creek Stables Rental Agreement (R-15-146)

Senior Real Property Agent Elaina Cuzick presented the staff report describing Bear Creek Stables Rental Agreement providing background information regarding management of the stable and describing the process by which the proposed amendment to the Bear Creek Stables Rental Agreement was completed, including a meeting with the stable tenants. Ms. Cuzick also described the benefits of the transition, such as presence of an onsite caretaker and continued community outreach and education.

Director Hassett asked questions regarding the auto liability insurance and also regarding the difficulties of getting all of the stable boarders to comply with the requirement to sign agreements.

Ms. Cuzick noted these requirements have been problematic, but there will now be a greater emphasis on gaining compliance.

Public comments opened at 7:22 p.m.

No speakers present.

Public comments closed at 7:22 p.m.

Ms. Pam Ashford expressed her desire to continue the legacy of the previous stable manager.

Ms. Glenda Smith spoke and thanked the District for all of the work done by staff and for the cooperative working relationship.

Director Riffle inquired regarding the selection process for choosing the new stables manager.

General Counsel Sheryl Schaffner explained there is not a legal requirement for a competitive bid since the lease agreement allows for assignment of the management.

Motion: Director Riffle moved, and Director Hassett seconded the motion to authorize the General Manager to approve the Assignment and Amendment of the Bear Creek Stables Rental Agreement from Glenda Smith to Pamela Ashford.

VOTE: 6-0-0 (Director Harris absent.)

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported on the recent Planning and Natural Resources committee meeting to discuss the Bear Creek Redwoods Preserve.

B. Staff Reports

Assistant General Manager Kevin Woodhouse reported staff held an Emergency Management Operations and disaster response training exercise earlier in the day. Mr. Woodhouse provided an update on the implementation of the Financial and Operational Sustainability Model.

General Counsel Sheryl Schaffner provided an update on an ongoing tenant issue at the District residence at 16060 Skyline Boulevard in Woodside.

Mr. Abbors provided reports on several recent meetings between District staff members and other local officials, including Supervisor Joe Simitian and members of East Palo Alto city staff. Mr. Abbors also reported on his recent presentation to the Peninsula Open Space Trust Board of Directors.

C. Director Reports

The Board members submitted their compensatory reports.

Director Siemens reported his attendance at the California Special District Association Annual Conference and several seminars he attended there, including one discussing public comments at a public meeting.

ADJOURNMENT

President Siemens adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:15 p.m.

Jennifer Woodworth, CMC
District Clerk