



**SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, January 24, 2018**

**DRAFT MINUTES**

**SPECIAL MEETING – CLOSED SESSION**

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

**ROLL CALL**

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

Members Absent: Nonette Hanko

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Acting Assistant General Manager Christine Butterfield, Real Property Manager Mike Williams, Senior Real Property Specialist Allen Ishibashi

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

**1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to Government Code Section 54956.9(c): *(one potential case)*

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

**Property:** Santa Clara County APN(s): 517-24-030 and 517-24-024

**Agency Negotiator:** Allen Ishibashi, Senior Real Property Agent

**Negotiating Party:** James Morris, Broker, Keller-Williams Realty

**Under Negotiation: Purchase Terms**

Acting General Manager Ana Ruiz, Acting Assistant General Manager Christine Butterfield, Real Property Manager Mike Williams, Senior Real Property Specialist Allen Ishibashi left after Item 2.

**3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)**

Title of Employee: Acting General Counsel

**ADJOURNMENT**

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:54 p.m.

**REGULAR MEETING**

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

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

**ROLL CALL**

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

Members Absent: Nonette Hanco

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Chief Financial Officer/Administrative Services Director Stefan Jaskulak, Acting Assistant General Manager Christine Butterfield, Acting Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

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

**SPECIAL ORDERS OF THE DAY**

- Introduction of staff
  - Sean Smith, Capital Project Manager II

**CONSENT CALENDAR**

Director Hassett pulled Item 3 from the Consent Calendar and requested it be heard at the end of the agenda.

Public comment opened at 7:08 p.m.

No speakers present.

Public comment closed at 7:08 p.m.

**Motion:** Director Riffle moved, and Director Harris seconded the motion to approve the Consent Calendar, with the exception of Item 3.

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

1. **Approve January 10, 2018 Minutes**
2. **Claims Report**
3. **Appointment of Board of Directors Standing Committee Members and District Representatives to Various Bodies, Including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, for Calendar Year 2018 (R-18-02)**

Item 3 was heard after Item 6.

President Cyr announced the following changes to the appointments to the standing Committees:

**Board Appointee Evaluation:**

- Jed Cyr
- ~~Larry Hassett~~
- Cecily Harris
- Curt Riffle

**Legislative, Funding and Public Affairs:**

- Nonette Hanco
- Cecily Harris
- ~~Yoriko Kishimoto~~
- Larry Hassett

**Real Property:**

- Nonette Hanco
- Larry Hassett
- ~~Curt Riffle~~
- Yoriko Kishimoto

**Motion:** Director Siemens moved, and Director Riffle seconded the motion to approve the Board President's appointments to the Board Standing Committees and other bodies, including the

Governing Board of the Midpeninsula Regional Open Space District Financing Authority, and determine the compensation status for attendance at these meetings.

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

**4. Consideration of Commemorative Trail and Bench for Stephen E. Abbors in the Rancho San Antonio Open Space Preserve (R-18-10)**

Acting General Manager's Recommendation: Confer special recognition on Stephen E. Abbors by renaming the PG&E Trail at Rancho San Antonio Open Space Preserve to the Stephen E. Abbors Trail, and to install a commemorative bench and plaque approximately 0.75 miles from the intersection of the PG&E and Upper Wildcat Canyon Trails.

**5. Approval of the Corrected Classification and Compensation Plan (R-18-12)**

Acting General Manager's Recommendation: Adopt the attached Resolution to include the Facilities Maintenance Specialist position in the corrected Classification and Compensation Plan to reflect the Board of Directors' approval for the new position as given on June 22, 2016.

**BOARD BUSINESS**

**6. Addition of Design-Build Provisions to Board Policy 3.03 - *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing*, and Addition of a *Design-Build Conflicts of Interest Policy* as Board Policy 6.09 (R-18-11)**

Acting General Counsel Hilary Stevenson provided the staff presentation describing the background of Senate Bill 793, which allows for District use of the design-build process until 2023 unless extended by the California legislature. Ms. Stevenson described the differences between the design-bid-build process currently used by the District and the design-build process. Potential advantages exist for the design-build process, including a single point of accountability because the same firm is responsible for both the design and construction of a facility; fewer change orders and claims; reduced delivery time when design and construction overlap; greater cost certainty; and lower overall project cost. Ms. Stevenson outlined the proposed changes to the District's Board policy on purchasing and the newly proposed *Design-Build Contracts – Conflicts of Interest* policy to allow for implementation of the design-build process.

Director Kishimoto requested additional clarification regarding criteria that could be added to the Request for Qualifications and/or Requests for Proposals.

Ms. Stevenson explained that the District may not want to be too restrictive in designing the criteria because overly narrow criteria may prevent firms from being interested in District projects.

Director Siemens suggested the District may consider offering stipends to potential firms who submit proposals.

Ms. Stevenson explained the policy does not constrain the Board from making that type of determination in the future.

Public comment opened at 7:33 p.m.

No speakers present.

Public comment closed at 7:33 p.m.

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

1. Approve the proposed changes to Board Policy 3.03 - *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing* to incorporate the Board's ability to award Design-Build contracts pursuant to Senate Bill 793
2. Approve the addition of a *Design-Build Contracts - Conflicts of Interest* policy as Board Policy 6.09

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

### **INFORMATIONAL REPORTS**

#### A. Committee Reports

The Real Property Committee and Legislative, Funding and Public Affairs Committees met on January 16, 2018.

#### B. Staff Reports

Chief Financial Officer Stefan Jaskulak reported on meetings of the Measure AA Bond Oversight Committee. Moreover, he reported that the sale date has been set for the second tranche of Measure AA bonds for February 1.

Acting General Manager Ana Ruiz reported that the California Special District Association will be holding its Legislative Days on May 23 and 24, 2018. Ms. Ruiz also reported on upcoming meetings with the Peninsula Working Group and Walter Moore, President of the Peninsula Open Space Trust.

#### C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto reported she was re-elected to serve as Chair of the Santa Clara Valley Water District Water Commission.

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:55 p.m.

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Jennifer Woodworth, MMC  
District Clerk