



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, February 28, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 6:00 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: 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 6:00 p.m.

No speakers present.

Public comments closed at 6:00 p.m.

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

Property: Santa Clara County APN(s): 562-23-007

Agency Negotiator: Allen Ishibashi, Sr. Real Property Agent

Negotiating Party: Ismael Benhamida, Broker, Marcus & Millichap

Under Negotiation: Purchase Terms

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. GOVERNMENT CODE SECTION 54957(B)(1)

Title of Employee: Acting General Manager

ADJOURNMENT

President Cyr continued the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District to the close of the regular meeting at 6:58 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:03 p.m.

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

ROLL CALL

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

Members Absent: Cecily Harris

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, Planner II Whitney Berry, Planner III Gretchen Lausten, and Executive Assistant/ Deputy District Clerk Maria Soria

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

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

CONSENT CALENDAR

Public comment opened at 7:06 p.m.

No speakers present.

Public comment closed at 7:06 p.m.

Motion: Director Siemens moved, and Director Riffle seconded the motion to approve the Consent Calendar.

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

1. **Approve February 14, 2018 Minutes**
2. **Claims Report**
3. **Board Policy 3.10 – District Grantmaking Program (R-18-19)**

Acting General Manager’s Recommendation: Approve Board Policy 3.10 – District Grantmaking Program as a Replacement to the Resource Management Grant Program.

4. **Establishment of a Post-Employment Benefits Section 115 Trust to Pre-Fund a Portion of Future Pension Obligations (R-18-21)**

Acting General Manager’s Recommendation: Adopt a Resolution authorizing the adoption of the Public Agencies Post-Employment Benefits (Section 115) Trust as administered by Public Agency Retirement Services to provide an alternative investment strategy for pre-funding pension obligations, and authorizing the General Manager or designee to execute all documents necessary to establish the trust.

5. **Contract Amendment with O.C. Jones and Sons, Inc., for an additional \$82,110.62 for the fabrication and installation of pre-cast concrete barriers for the Mount Umunhum Road Project (R-18-17)**

Acting General Manager’s Recommendation: Amend a contract with O.C. Jones and Sons, Inc., for the Mount Umunhum Road Project in the amount of \$82,110.62, for a total not-to-exceed contract amount of \$5,846,782.62, for the fabrication and installation of 672 feet of pre-cast concrete barriers on Mount Umunhum Road.

BOARD BUSINESS

6. **Americans with Disabilities Act Self-Evaluation and Transition Plan Update (R-18-20)**

Planner III Gretchen Lausten provided the staff presentation explaining it will give the Board and public an opportunity to share information, ask questions, and give feedback on this project. Ms. Lausten reported MIG, the Districts consultants, initiated the early phases of work by evaluating District programs, policies, preserves, and facilities. The District completed its original Self-Evaluation and Transition Plan in 1993 based on the 1991 Standards for Accessible Design. While the obligation for programmatic access today remains unchanged, technical design standards have evolved and expanded to include more information on outdoor recreation and site conditions.

Ms. Lausten introduced the consultant team from MIG, Ashley Tomerlin and Tim Gilbert. Mr. Gilbert provided an overview of the ADA Self-Evaluation and Transition Plan update process, including background on recommended accessibility guidelines for elements and features in

preserves, such as trails, that are not governed by the building codes and solicited feedback on the District-wide American's with Disabilities Act Self-Evaluation and Transition Plan Update.

Director Siemens indicated the District does have wheelchair access trails but suggested other trails could be identified as low impact trails by designating them with a separate symbol on District preserve maps.

Mr. Gilbert explained people often seek and expect different levels of challenge in their activities. Rather than attempting to identify the different range of difficulty, the nationwide approach is to provide information about the resource, such as trail grades, surface conditions, etc. for the trail, to allow the public to determine their ability to utilize the trails.

Planner II Whitney Berry reiterated key considerations regarding what triggers ADA improvements to the built environment. The ADA Standards apply differently depending on whether the District is providing access to programs or services in existing facilities, altering an existing facility, or building a new facility. When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 Standards. All new facilities built by public entities must be accessible and usable by people with disabilities. The 2010 Standards set out minimum accessibility requirements for newly constructed facilities, which are also used when designing new District facilities. The 2010 Standards introduced the concept of safe harbor, a new exception that allows facilities that were built prior to March 15, 2012 and were in compliance with the 1991 ADA Standards to remain as-is until a public entity plans an alteration to the structural feature. Ms. Berry explained that for accessible programs and services are viewed in their entirety, the District's public programs and services must be accessible to people with disabilities, but not all facilities must necessarily be made accessible.

Director Siemens asked if the new trail at Mt. Umunhum was surveyed and whether it is ADA compliant.

Ashley Tomerlin reported the Mt. Umunhum trail was not surveyed as part of the 20 miles of trail surveyed, which is likely because staff already knew that the trail would exceed the 12% grade considered an easy access trail by the District's definition. Ms. Tomerlin reported MIG did survey the upper and lower parking areas, pedestrian walkway above, summit stairs, new picnic area, and brochure board.

Director Siemens suggested he would be interested in having MIG survey the trail since it is a new trail not previously assessed.

Director Siemens also requested that MIG assess the elevator of the new Administration Office building being remodeled for ADA compliance, and inquired if there are any exceptions to the new standards.

Director Riffle commented the District would need to consider the varying levels of mobility of preserve visitors when planning for future trail use and budget purposes.

Public comment opened at 8:03 p.m.

No speakers present.

Public comment closed at 8:03 p.m.

INFORMATIONAL MEMORANDUM

- Project Update for the Cooley Landing Park Business and Operating Plan Project and Upcoming Open House Event at the Education Center

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Acting General Manager Ana Ruiz reported that Chief Financial Officer/Administrative Services Director Stefan Jaskulak and the Finance Department has been working with the Bond Oversight Committee (BOC) to review the previous fiscal year's Measure AA expenditures. The BOC will be presenting to the Board the Annual Bond Oversight Committee Report on April 11, 2018.

Ms. Ruiz also stated that the General Manager's Office along with the Managers are preparing for the March 15, 2018 Board Retreat.

Mr. Ruiz also reported the Executive Director of Sempervirens Fund Sara Barth contacted her to provide her perspective on the development of Sempervirens Funds' five-year strategic plan in order to understand the opportunities Midpen sees for their organization, past and future partnership opportunities, and opportunities for potential growth.

C. Director Reports

Director Hanko reported the Board members submitted their compensatory reports.

Director Hassett commented that he was impressed with the retirement party for the former General Manager Steve Abbors. Director Hassett thanked the following individuals: Board President Cyr and Acting General Manager Ana Ruiz for their speeches along with all the other guest speakers; Master of Ceremonies Controller Mike Foster; the committee of Board members who worked on the retirement party Director Cyr, Director Kishimoto, himself; and especially District Clerk/Assistant to the General Manager Jennifer Woodworth and Executive Assistant/Deputy District Clerk Maria Soria.

Director Siemens and Director Riffle agreed with Director Hassett.

President Cyr reported he has been asked by Senator Beall to reach out to seven members of the Legislature who supported SB 492 to sign on to a budget request letter that Senator Beall will be sending to the Finance Committee for \$10 million. Senator Jerry Hill has already agreed to sign on to the letter.

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:15 p.m.

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:55 p.m.

Maria Soria
Executive Assistant/Deputy District Clerk