



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

May 15, 2019

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

President Siemens called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Real Property Manager Mike Williams, Planner III Elish Ryan

Public comments opened at 5:00 p.m.

No speakers present.

Public comments closed at 5:00 p.m.

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

Property: Potential addition to La Honda Creek Open Space Preserve (San Mateo County APN: 078-190-030)

Agency Negotiator: Michael Williams, Real Property Manager

Negotiating Party: Peter Folger

Under Negotiation: Price and terms

ADJOURNMENT

President Siemens adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:29 p.m.

SPECIAL MEETING

President Siemens called the special meeting of the Midpeninsula Regional Open Space District to order at 5:34 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Planner III Gretchen Laustsen, Planner III Whitney Berry

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

1. District-wide Americans with Disabilities Act Self-Evaluation and Transition Plan Update (R-19-38)

Planner II Whitney Berry reviewed the history of accessibility at the District and described the project goals, scope, and timeline. Ms. Berry introduced the project team, including consultants Tim Gilbert and Ashley Tomerlin from MIG, Inc.

Mr. Gilbert described the Americans with Disabilities Act (ADA) and explained program accessibility, which requires state and local governments to give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. Mr. Gilbert reviewed the requirements included in title II of the ADA and the self-evaluation process used by the District to inform the creation of a transition plan. Mr. Gilbert described the findings of the self-evaluation, including positive findings and areas that need improvement. Using the results of the self-evaluation, staff created a transition plan and timeline for removing barriers to equal access to programs and experiences. The transition plan includes criteria for prioritizing barrier removal projects, and the Board of Directors will evaluate and prioritize projects as part of its annual budget process.

Director Riffle inquired regarding evaluation and documentation of all of the District's trails.

Mr. Gilbert reported that when the District creates a new trail or modifies an existing trail, evaluation and documentation are required.

Director Holman requested clarification regarding making a facility ADA compliant when alterations are being made to that facility.

Ms. Tomerlin explained that if the project budget is more than \$169,000, then the entire facility is required to be ADA compliant. However, if the project budget is below \$169,000, then an amount equal to 20% of the construction cost is required to be used to upgrade the facility.

Director Kersteen-Tucker requested an update related to tools to help members of the public access trail information because the “Transit to Trails” phone application is no longer available.

Ms. Berry reported that District staff is working with an application developer to provide mapping information for a new application.

Director Kersteen-Tucker suggested including information regarding available cellular service in the District’s preserves.

Assistant General Manager Brian Malone reported that due to the various cellular carriers and unreliability of service in the preserves, staff would be unable to guarantee cellular service for visitors.

Director Kersteen-Tucker suggested providing information regarding regional trail connections that may be accessed through District preserves. Additionally, the District should include information regarding service dogs at District preserves on the District’s dog access website.

Planner III Gretchen Laustsen reviewed the proposed prioritization criteria and changes made to address Board comments from the August 22, 2018 review of the plan. Ms. Laustsen described three types of barrier removal – maintenance improvements, small capital improvements, and large capital improvements – and the transition plan schedule. Ms. Laustsen reported the designated ADA Coordinator is being changed from the incumbent in the Planning Manager position to the Assistant General Manager overseeing Planning and Project Delivery business line. Finally, Ms. Laustsen explained the 15-year implementation plan from which projects will be reviewed on an annual basis based on District needs, resources, and accomplishments.

Director Riffle inquired how often the document should be updated.

Mr. Gilbert explained the transition plan may be reviewed annually throughout implementation, but further updates are not required if the District continues implementation of the plan.

Public comments opened at 6:41 p.m.

No speakers present.

Public comments closed at 6:41 p.m.

Director Riffle suggested publicly promoting the District’s work to update the ADA Transition Plan, such as in the District’s newsletter.

Director Holman suggested District staff research issues related to liability if a service dog attached grazing wildlife.

General Counsel Hilary Stevenson reported that as part of the selection and contracting process for District grazing tenants, language related to liability is included. To date the District has not experienced any problems related to service dogs attacking other preserve visitors or grazing animals.

Motion: Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act.
2. Adopt the District-wide Americans with Disabilities Act Self-Evaluation and Transition Plan Update.
3. Direct the General Manager to include funds in the Fiscal Year 2019-20 Budget to begin Year 1 implementation of the District-wide Americans with Disabilities Act Self-Evaluation and Transition Plan Update.

VOTE: 7-0-0

ADJOURNMENT

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

REGULAR MEETING

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

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Planner III Gretchen Laustsen, Engineering and Construction Manager Jay Lin, Capital Project Manager III Tanisha Werner, Capital Project Manager III Leigh Guggemos, Land and Facilities Manager Michael Jurich, Public Affairs Manager Kori Skinner, Natural Resources Manager Kirk Lenington, Water Resources Specialist Aaron Hébert

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Albert Chen, Applications Support Engineer
 - Jack Lin, IT Technician I
 - Rebecca Wolfe, Human Resources Supervisor

CONSENT CALENDAR

Public comment opened at 7:15 p.m.

No speakers present.

Public comment closed at 7:15 p.m.

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

ROLL CALL VOTE: 7-0-0

1. Approve April 24, 2019 Minutes

2. Claims Report

Directors Kishimoto and Holman commented on the purchase of new vehicles urging staff to continue to use and replace District vehicles in a prudent manner, including sharing vehicles when possible.

3. Fiscal Year 2018-19 Quarter 3 Budget Amendments (R-19-55)

General Manager's Recommendation: Adopt a resolution approving the proposed Fiscal Year 2018-19 Budget Quarter 3 amendments (revenues and expenses) and fund transfer.

4. Contract Amendment for Design Revisions to the Vault Toilet at the New Alma Parking Area in Bear Creek Redwoods Open Space Preserve (R-19-59)

General Manager's Recommendation: Authorize the General Manager to execute a contract amendment with Harris Design for design revisions to the vault toilet at the Alma Parking Area in Bear Creek Redwoods Open Space Preserve for an amount of \$21,711, for a not-to-exceed total contract amount of \$625,876.

5. Contract Amendment with Callander Associates for additional Design, Engineering, Permit Assistance, and Construction Administration for the Ravenswood Bay Trail Project at Ravenswood Open Space Preserve (R-19-60)

1. General Manager's Recommendation: Authorize the General Manger to execute a contract amendment with Callander Associates for additional design, engineering, permit assistance, and construction administration to support the Ravenswood Bay Trail Project in the amount of \$70,170, for an amended total contract amount of \$517,453.
2. Authorize a 15% contingency of \$10,526 for additional unanticipated project support through end of construction, raising the total contract amount to \$527,979.
3. Authorize an allowance of \$38,499 in the event the project is postponed by a year, for a total contract amount not-to-exceed \$566,478

6. Ravenswood Bay Trail Joint Permitting Agreement (R-19-61)

General Manager's Recommendation: Adopt a Resolution authorizing the General Manager to execute a Joint Permitting Agreement for the Ravenswood Bay Trail Project

7. Authorization to execute Irrevocable Offers of Right of Way Dedication to the City of Campbell (R-19-62)

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution Authorizing and Delegating Authority to the General Manager to enter into an Irrevocable Offer of Dedication for Public Street Purposes and an Irrevocable Offer of a Public Service Easement with the City of Campbell to secure necessary permits for repurposing the 240 Cristich Lane property as a new South Area Field Office.

8. Grant Agreement with the Santa Clara Valley Water District for Beatty Trail Connection. (R-19-57)

General Manager's Recommendation: Adopt a resolution in support of an application for the Safe, Clean Water Priority D3 Grant Program to receive \$149,906 from the Santa Clara Valley Water District for the Beatty Trail Connection Project, affirming that sufficient funds are available to complete this work, and authorizing the General Manager to execute the grant agreement.

BOARD BUSINESS

9. Award of a Phase I Structural Assessment Contract for the La Honda Creek Redwood Cabin, La Honda Creek White Barn, and Sierra Azul Beatty Home (R-19-63)

Capital Project Manager III Tanisha Werner reported the District is looking at a phased approach for project delivery, including structural assessments, creation of a basis of design, and Board selection of an alternative. Ms. Werner described the consultant selection process and introduced the members of the project team and their qualifications: Steve Patton and Mark Moore of ZFA Structural Engineers and Peter Birkholz of Page and Turnbull.

The project consultants described their collaborative approach to projects, such as at the Mare Island Naval Shipyard and the strengths of each of the firms.

Ms. Werner described each of the structures to be assessed and the proposed scope of work for each: the La Honda Creek Redwood Cabin, La Honda Creek White Barn, and Sierra Azul Beatty Property. Ms. Werner explained structure stabilization is recommended to address deferred maintenance and extend building longevity to preserve them for future generations. Ms. Werner summarized the state and federal design standards and county review that would apply to the project. As part of the phased approach, staff will present three alternatives for the Board to evaluate and select following completion of the site assessment and basis of design.

Director Holman suggested reusing building materials from the Apple Orchard Cabin for restoration of the La Honda Creek White Barn.

Director Kishimoto inquired regarding the use of state guidelines for stabilizing historic structures.

Mr. Moore and Mr. Birkholz provided clarification and examples of projects where state historic resources guidelines were applied.

President Siemens inquired if any of the buildings are listed as historic structures.

Ms. Werner reported the structures qualify as historic but are not listed as county, state, or federal historic structures.

Public comments opened at 7:58 p.m.

No speakers present.

Public comments closed at 7:58 p.m.

President Siemens commented that the District's mission does not include historic preservation.

Director Holman requested staff return with information regarding the success of fencing buildings at preventing vandalism when the item comes to the Board again. Director Holman spoke in favor of reuse of building materials.

President Siemens requested staff return with information regarding the cost of restoration of the sites and interpretive signage as an alternative.

Director Holman expressed concern in supporting the motion because historic preservation is included in the District's vision statement.

Director Kersteen-Tucker commented that preserving the structures might create an invitation for vandalism.

Motion: Director Riffle moved, and Director Kersteen-Tucker seconded the motion to:

1. Authorize the General Manager to enter into contract with ZFA Structural Engineers, of San Francisco, California for a not-to-exceed base contract amount of \$176,635.
2. Authorize a 15% contract contingency of \$26,495 to be reserved for unanticipated issues, thus allowing the total contract amount not-to-exceed \$203,130.

3. Director staff to provide information for an alternative to demolish the buildings with the potential for interpretive signage.

VOTE: 6-1-0 (Director Siemens dissenting)

10. Agricultural Workforce Housing at La Honda Creek Open Space Preserve (R-19-58)

Capital Project Manager III Leigh Guggemos provided the staff presentation describing the current grazing lease for Driscoll Ranch, which includes a provision for agricultural workforce housing. San Mateo County currently has a farmworker housing pilot program, which seeks to support agricultural workforce housing in San Mateo County. Mr. Guggemos described the various options for Board consideration and provided information regarding the benefits, limitations, and cost for each of the options.

Director Hassett inquired regarding the need for new water tanks for option C.

Mr. Guggemos reported that since it is not new construction, a new water tank would not be needed.

Director Riffle suggested the District may want to consider building additional agricultural workforce housing to help increase housing stock in San Mateo County.

Mr. Guggemos reported that additional agricultural workforce housing is not currently needed by the grazing tenant.

Director Kersteen-Tucker commented on the high cost of single-family agricultural workforce housing and suggested looking for alternate locations that could provide higher density housing for a greater cost-benefit.

Public comments opened at 8:54 p.m.

No speakers present.

Public comments closed at 8:54 p.m.

Director Hassett spoke regarding the need for agricultural workforce housing for row crop operations in other areas of San Mateo County.

Motion: Director Holman moved, and Director Riffle seconded the motion to:

1. Designate an existing residential rental house at 5711 La Honda Road as the agricultural workforce housing unit for La Honda Creek Open Space Preserve.
2. Adopt a resolution authorizing the General Manager to enter into a partnership agreement with San Mateo County for a forgivable ten-year, no-interest Farmworker Housing Pilot Program Phase III loan for \$100,000, and permanently designate the residence as agricultural workforce housing.

VOTE: 7-0-0

11. Award of Contract for State and Federal Waters Environmental Permitting Services (R-19-54)

Water Resources Specialist Aaron Hébert provided the staff presentation describing the types of permits the District is required to acquire for District projects which are often governed by multiple jurisdictions. The project aims to streamline the regulatory permitting process by obtaining comprehensive long-term permits to improve working planning and implementation and reduce project delays. The project seeks to create a single source for state and federal permits for routine maintenance, small new facilities, and restoration projects covering the District's current and future lands, except Bay-front properties. Finally, Mr. Hébert summarized the estimate timeline for the project implementation.

Director Kishimoto inquired regarding an increase in work with cultural resources.

Mr. Hébert reported the District does not currently have comprehensive documentation of the District's historic resources.

Director Kishimoto suggested the District take a proactive approach to working with local tribes related to cultural resources, as the District did at Mount Umunhum.

Director Siemens inquired whether this streamlining project still requires the District to notify the agencies of District projects.

Mr. Hébert reported the District would notify the agencies of its work plan and may work directly with the agencies to approve the work plan and projects.

Public comments opened at 9:26 p.m.

No speakers present.

Public comments closed at 9:26 p.m.

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

1. Authorize the General Manager to execute a contract amendment with Horizon Water and Environment, LLC, to provide additional state and federal waters environmental permitting services in an amount not to exceed \$624,847, for a new contract amount of \$724,581.
2. Authorize a 12% contingency of \$74,982 to cover unanticipated issues during permit negotiations, for a total contract amount not-to-exceed \$799,563.

VOTE: 7-0-0

INFORMATIONAL MEMORANDUM

- Bear Creek Redwoods Open Space Preserve Icon
- San Mateo County Master Permit
- Cogliandro Property Acquisition, Sierra Azul Open Space Preserve

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported the Action Plan and Budget Committee met May 14, 2019 to begin review of the FY2019-20 Budget and Action Plan.

Director Kersteen-Tucker reported the Real Property Committee met on April 30, 2019 to discuss the Woodruff Redwoods property.

B. Staff Reports

Mr. Malone reported the District's potential partner for the Hawthorns property has been unable to obtain a permit for the site and is no longer able to pursue the project.

Ms. Ruiz reported staff and members of the Board will try to meet with Portola Valley representatives to discuss the Hawthorns project.

C. Director Reports

The Board members submitted their compensatory reports.

Director Cyr, Hassett, and Siemens reported they attended the Special Parks District Forum hosted by the District and East Bay Regional Parks District and commented on the tours provided.

ADJOURNMENT

President Siemens adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:44 p.m.

Jennifer Woodworth, MMC
District Clerk