



SPECIAL AND REGULAR MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

June 12, 2019

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

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

ROLL CALL

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

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Real Property Manager Michael Williams, Senior Real Property Agent Allen Ishibashi

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

Director Kersteen-Tucker arrived at 5:36 p.m.

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))**

Name of Case: *Burkhart v. Midpeninsula Regional Open Space District*; Santa Clara County Superior Court Case Number 18CV 334473.

**2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(d)(1))**

Name of Case: *Scranton v. Prokofyeva and Midpeninsula Regional Open Space District*

Superior Court Case Number 19CV345161

ADJOURNMENT

President Siemens adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:52 p.m.

REGULAR MEETING

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

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

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, Chief Financial Officer Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Controller Mike Foster, District Clerk/Assistant to the General Manager Jennifer Woodworth, Budget & Analysis Manager Carmen Narayanan, Finance Manager Andrew Taylor, Natural Resources Manager Kirk Lenington, Visitor Services Manager Matt Anderson, Planning Manager Jane Mark, Land & Facilities Manager Michael Jurich, Engineering & Construction Manager Jay Lin, Human Resources Manager Candice Basnight, Information Systems & Technology Manager Casey Hiatt, Public Affairs Manager Kori Skinner, Real Property Manager Mike Williams, Budget Analyst I Lupe Hernandez, and Budget Analyst I Elissa Martinez

ORAL COMMUNICATIONS

Paula Wallis spoke against the proposed expansion of the Lehigh Quarry and urged the District to proactively oppose the expansion.

ADOPTION OF AGENDA

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

VOTE: 7-0-0

CONSENT CALENDAR

A member of the public requested to pull Item 4 from the Consent Calendar.

Director Kishimoto pulled Item 3 from the Consent Calendar.

Public comment opened at 7:04 p.m.

No speakers present.

Public comment closed at 7:04 p.m.

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

VOTE: 7-0-0

1. **Approve May 22, 2019 Minutes**
2. **Claims Report**
3. **Award of Contracts with Two Firms for Printing and Mailing Services (R-19-78)**

General Manager's Recommendation: Authorize the General Manager to enter into two-year contracts for printing and mailing services with Advantage LLC and GS lithio (GSL) for amounts not-to-exceed \$150,000 per year for each contract, for a total of \$600,000 over the two years for both contracts.

Director Kishimoto spoke in favor of using only recycled paper.

Public Affairs Specialist II Peggy Gibbons reported that according to the print shops requiring recycled paper would increase printing costs by 30 to 50%, and the District's policy currently requires selection of the lowest responsible, responsive bidder. Additionally, many paper manufacturers are no longer producing recycled paper, which has increased the cost of recycled paper.

Director Holman commented on the use of local printers, which would lower the impact of transit on the environment.

General Counsel Hilary Stevenson reported that the Board may change the purchasing policy to include a local preference, but this potential change will need to be studied further.

Motion: Director Kishimoto moved to approve the General Manager's recommendation with the requirement that 100% recycled paper be used.

Friendly Amendment: Director Holman suggested lowering the threshold to 60% due to the higher cost.

Ms. Gibbons suggested the Board could approve a one-year contract to allow for review of the policy language and research recycled paper options.

Director Kishimoto amended her motion to approve the contracts for one year with a requirement to use 80% recycled paper.

General Manager Ana Ruiz recommended authorizing the contracts for one year and directing staff to research the varying levels of recycled content in paper and return with information regarding these various levels and their associated costs.

Director Kishimoto amended her motion to authorize the General Manager to enter into one-year contracts for printing and mailing services with Advantage LLC and GSllithio (GSL) for amounts not-to-exceed \$150,000 per year for each contract, for a total of \$300,000 over the year for both contracts and directed staff to report back to the Board with information and recommendations for increasing the recycled content in the paper used.

Director Hassett seconded the motion.

President Siemens also request staff research the manufacturing process for recycled paper to determine if harmful chemicals are utilized, that could damage the environment.

VOTE: 7-0-0

4. Written Response to the Umunhum Conservancy

General Manager’s Recommendation: Approve the written response to the Umunhum Conservancy.

Sam Drake spoke in favor of the project’s next steps to receive the engineer’s report. Mr. Drake spoke in favor of the District seeking funds from Santa Clara County for historic resources to repair the Mount Umunhum Radar Tower.

Motion: Director Riffle moved, and Director Kersteen-Tucker seconded the motion to approve the General Manager’s recommendation.

VOTE: 7-0-0

5. Contract Amendment for Environmental Review Services on the Toto Ranch Rangeland Management Plan (R-19-77)

General Manager’s Recommendation:

1. Authorize the General Manager to amend a contract with Harris and Associates, Inc., of Salinas, California to provide environmental review services on the Toto Ranch Rangeland Management Plan in the amount of \$18,085, for a not-to-exceed contract amount of \$68,023.
2. Authorize a 15% contingency of \$2,713 to cover unforeseen conditions, for a total contract amount not-to-exceed \$70,736.

BOARD BUSINESS

6. Proposed purchase of the Folger Trust (Woodruff Redwoods) Property as an addition to La Honda Creek Open Space Preserve, in unincorporated San Mateo County (Assessor Parcel Number 078-190-030) (R-19-79)

Real Property Manager Michael Williams provided the staff presentation describing the location of the proposed purchase, old growth redwoods, and other natural resources on the property, and purchase terms and conditions.

Public comments opened at 7:36 p.m.

No speakers present.

Public comments closed at 7:36 p.m.

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

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 the purchase of the Folger Trust (Woodruff Redwoods) property for \$2,150,000 with a corresponding authorization for a Fiscal Year 2018-19 budget increase of the same amount.
3. Adopt a Preliminary Use and Management Plan for the Folger Trust (Woodruff Redwoods) property, as set out in the staff report.
4. Withhold dedication of the Folger Trust (Woodruff Redwoods) property as public open space at this time.

VOTE: 7-0-0

7. Proposed Fiscal Year 2019-20 Budget and Action Plan Review and Public Hearing (R-19-80)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided an overview of the FY2019-20 budget, comparing it to the adopted FY2018-19 budget. Mr. Jaskulak described the budget by funding source, including Measure AA, grants, and general fund, and changes to the proposed budget since the Board's February retreat. Mr. Jaskulak described the cash projections and funding revenues forecast for the upcoming budget year as compared to previous budget years.

Mr. Jaskulak described changes in personnel costs, including labor reimbursements from Measure AA and described the 4.5 new proposed positions and conversion of 1 FTE to a permanent position for a net of 3.5 new FTEs. Mr. Jaskulak reviewed the budget for each of the District departments.

Director Riffle suggested reviewing the District's positions, including those recommended by the Financial and Operational Sustainability Model, to confirm all positions are still needed. For those positions needed, Director Riffle supported competitive salaries and staff retention.

Director Kersteen-Tucker inquired regarding the District's process to determine when additional staff is needed.

Ms. Ruiz described the process and provided an example for staffing requirements for the Land & Facilities department to maintain and increase services.

Assistant General Manager Susanna Chan described the Land Acquisition and Preservation Program, including potential new land purchases and resolution of protection/acquisition of

property rights for land currently owned by the District, including Johnston Ranch, Cloverdale, Ranch, San Jose Water Company lands, and Gordon Ridge.

Assistant General Manager Brian Malone presented the Natural Resource Protection and Restoration Program, including review and development of an agriculture policy, Caltrans review process of the Highway 17 wildlife crossing, continued implementation for the Climate Action Plan, projects supporting the District's Wildfire Program, and restoration and mitigation work.

Ms. Chan described the projects included in the District's Public Access and Education Program, including a strategic communications plan and projects related to public access at La Honda Creek and Bear Creek Redwoods Open Space Preserves. Additionally, staff will continue working on numerous other program projects, including the Ravenswood Bay Trail, Highway 17 wildlife and trail crossing, Districtwide ADA barrier removal, and Saratoga to the Sea Trail.

Mr. Malone described projects included in the Vehicles, Equipment, Facilities, and Other Program. Projects include agricultural workforce housing at the La Honda Creek Open Space Preserve, construction at the new administrative and South Area offices, improvements at various residences, and improvements to business system and administrative processes.

Director Hassett requested clarification regarding the lease at Toto Ranch.

Mr. Malone reported that under the lease, the District is responsible for initial infrastructure capital improvements, such as fence replacement, barn roof, well drilling, etc. Ongoing maintenance is the responsibility of the lessee.

Public hearing opened at 9:49 p.m.

No speakers present.

Public hearing closed at 9:49 p.m.

Director Holman suggested the District should
The Board members provided comments thanking staff for their efforts and commending the budget process.

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to direct the General Manager to bring the proposed FY2019-20 Budget and Action Plan back for adoption at the June 26, 2019 regular meeting of the Board of Directors.

VOTE: 7-0-0

8. Consideration of the Controller's Report on the Proposed Fiscal Year 2019-20 Budget (R-19-76)

Controller Mike Foster provided the Controller's report outlining projected expenditures for operating and capital expenses. Mr. Foster reported the tax revenue continues to grow and stated the District's FY2019-20 is affordable and sustainable. Mr. Foster provided his FY2019-20 cash projection, 30-year cash flow projection, and projected Measure AA tax rate for the life of the bonds. Mr. Foster described potential costs related to District facilities, including the new

Administrative Office, South Area Field Office, and potential Coastal Area Office. Mr. Foster stated the District will potentially issue a third tranche of Measure AA bonds in approximately two years.

Public comments opened at 10:28 p.m.

No speakers present.

Public comments closed at 10:28 p.m.

Motion: Director Holman moved, and Director Cyr seconded the motion to approve the Controller's Report on the Fiscal Year 2019-20 Budget.

VOTE: 7-0-0

INFORMATIONAL MEMORANDUM

- Hawthorns Historic Complex Update, Windy Hill Open Space Preserve
- Update to Board Regarding Amendments to Board Compensation

President Siemens suggested directing staff look into potential benefits plans for Board members. Additionally, staff could also look into options for former Board members to continue to participate in District benefits plans.

By consensus the Board directed staff to return with information on potential benefits options prior to a January Board item on Board compensation.

INFORMATIONAL REPORTS

A. Committee Reports

Director Hassett reported the Legislative, Funding, and Public Affairs Committee met on June 11, 2019 to discuss the grantmaking program awards, potential mitigation funding, and receive a legislative update.

B. Staff Reports

District Clerk Jennifer Woodworth provided an update on the interview process for the La Honda Public Access Working Group.

Ms. Ruiz reported she recently met with representatives of Lehigh Quarry to learn about the reclamation application and requested they provide an update the Board on this topic.

Ms. Chan reported the District is holding an open house in the morning to reach out to local contractors, and staff created an informational brochure to help contractors learn more about working with the District.

C. Director Reports

The Board members submitted their compensatory reports.

Directors Holman, Hassett, Cyr, Riffle, Siemens, and Kersteen-Tucker reported their attendance at the Bear Creek Redwoods opening and complimented and thanked staff for their efforts.

Director Hassett reported that he, Director Siemens, and staff representatives met with Denise Enea of Woodside Fire Protection District and Rich Sampson of CalFIRE to discuss wildfire prevention.

Director Kishimoto reported her attendance at a meeting of the Santa Cruz Mountain Stewardship Network's spotlight series, the Santa Clara County California Special Districts Association, and Santa Clara County LAFCO.

Director Riffle reported his attendance at an event at the Markegard Ranch. Director Riffle suggested having a workshop on Board development, specifically as related to increasing skills in working with members of the press.

Director Kersteen-Tucker invited the Board to attend an event on June 21, 2019 honoring Lennie Roberts at Devil's Slide County Park. Director Kersteen-Tucker suggested a future Board item to discuss engaging the residents on the Coast in the mission of the District.

Ms. Ruiz outlined how this topic could be approached in the upcoming and future fiscal years.

By consensus, the Board directed staff to return with information on this item.

Director Holman provided comments on the time required to implement large public access projects.

President Siemens reported he attended a meeting of the Santa Clara County California Special Districts Association on June 3, 2019.

ADJOURNMENT

President Siemens adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 11:04 p.m.

Jennifer Woodworth, MMC
District Clerk