



Midpeninsula Regional  
Open Space District

July 24, 2019  
Board Meeting 19-19

## SPECIAL AND REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

July 24, 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, Karen Holman, Zoe Kersteen-Tucker, Pete Siemens, and Curt Riffle

Members Absent: Larry Hassett and Yoriko Kishimoto

Staff Present: None

Public comments opened at 5:30 p.m.

No speakers present.

Public comments closed at 5:30 p.m.

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

Title of Employee: General Counsel

General Counsel Hilary Stevenson attended closed session for this item.

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

Title of Employee: General Manager

General Manager Ana Ruiz attended closed session for this item.

**ADJOURNMENT**

President Siemens adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 p.m.

**REGULAR MEETING**

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

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

**ROLL CALL**

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

Members Absent: Larry Hassett and Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Senior Planner Tina Hugg, Grants Program Manager Melanie Askay, Land and Facilities Manager Michael Jurich, Senior Capital Project Manager Scott Reeves, Public Affairs Specialist II Mike Kahn,

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

**CONSENT CALENDAR**

President Siemens pulled Items 4 and 6 from the Consent Calendar.

Public comment opened at 7:08 p.m.

No speakers present.

Public comment closed at 7:08 p.m.

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exception of Items 4 and 6.

**ROLL CALL VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

1. **Approve July 10, 2019 Minutes**
2. **Claims Report**
3. **Contract Amendment with Timmons Group Inc., for Work Order and Asset Management Software Implementation Services (R-19-105)**

General Manager's Recommendation: Authorize the General Manager to amend a contract with Timmons Group Inc., for an additional \$42,450 to provide professional services for Phase Two of the work order and asset management implementation, for a total amount not-to-exceed \$179,450.

4. **Amendment to the Agreement with Grassroots Ecology for Native Planting and Interpretive Work at Cooley Landing (R-19-106)**

General Manager's Recommendation: Amend the agreement with Grassroots Ecology in the amount of \$90,470 to install native plants at Cooley Landing Park and portions of Ravenswood Open Space Preserve during a three-year period beginning July 2019, for a total not-to-exceed amount of \$180,470.

Alex Von Feldt, Executive Director of Grassroots Ecology, spoke in favor of the item and provided information regarding projects already completed at Cooley Landing and proposed projects to be funded by the contract amendment being considered by the Board.

Director Holman inquired whether the contract is an extension or amendment.

General Counsel Hilary Stevenson explained that the District typically does not distinguish between the two terms; however, the proposed amendment before the Board is to extend the District's partnership with Grassroots Ecology.

**Motion:** Director Riffle moved, and Director Holman seconded the motion to approve the General Manager's recommendation.

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

5. **Contract Award to Ecological Concerns, Inc., for vegetation management services under the Revitalizing Stream, Upland, and Wetland Habitats grant program funded by the Santa Clara Valley Water District (R-19-101)**

General Manager's Recommendations:

1. Award a contract with Ecological Concerns, Inc., of Santa Cruz, California to provide vegetation management services in Santa Clara County for a base contract amount of \$107,990 for Fiscal Year 2019-20.

2. Authorize the General Manager to extend the contract for three additional consecutive years, if the program is successful, for a total not-to-exceed amount of \$431,960 over the four-year term (amount fully reimbursable through a Valley Water grant).
3. Authorize an additional allowance of \$25,000 per fiscal year for materials, supplies, and associated labor costs (up to a total of \$100,000 for four years), to be expended as needed at the District's sole discretion, for a total not-to-exceed contract price of \$531,960. The total contract price (all four years of work) is reimbursable through a Memorandum of Understanding and grant from the Santa Clara Valley Water District.

**6. Amendment to Saratoga-to-the-Sea Trail Partnership Agreement between the City of Saratoga and the Midpeninsula Regional Open Space District (R-19-103)**

General Manager's Recommendations:

1. Authorize the General Manager to amend the Partnership Agreement with the City of Saratoga to provide funding assistance for the permitting and construction phase of the Saratoga-to-the-Sea Trail.
2. Find that the Midpeninsula Regional Open Space District, acting as a Responsible Agency, concurs with the City of Saratoga's Certification of the Mitigated Negative Declaration for the Saratoga-to-the-Sea Trail Project.

Saratoga Vice-Mayor Howard Miller thanked District staff and the Board for their continued support of the project.

**Motion:** Director Cyr moved, and Director Holman seconded the motion to approve the General Manager's recommendation.

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

**7. Award Contract with Wagner & Bonsignore Consulting Civil Engineers for District-wide Water Rights and Water Engineering Services (R-19-102)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with Wagner & Bonsignore Consulting Civil Engineers of Sacramento, California to provide water rights and engineering services for a base contract amount of \$100,000.

**8. Adopt a resolution to submit an application for the rehabilitation of Alma College to the County of Santa Clara's Historic Grant Program, administered through the Santa Clara County Parks and Recreation Department (R-19-97)**

General Manager's Recommendation: Adopt a resolution by roll call vote authorizing the General Manager to file an application and execute a funding agreement with the County of Santa Clara for funding to assist with the rehabilitation of Alma College.

Director Holman suggested including information in future reports regarding the planned use for grant funds.

**9. Wetland Creation Credits as Mitigation for the Ravenswood Bay Trail Project (R-19-99)**

General Manager's Recommendation: Authorize the General Manager to enter into an agreement to purchase 0.050 acres of wetland creation credits for \$75,000 with the San Francisco Bay Wetland Mitigation Bank to mitigate for wetland impacts resulting from the Ravenswood Bay Trail Project.

**BOARD BUSINESS**

**10. Dog Waste Compliance Program (R-19-100)**

Land and Facilities Manager Michael Jurich described the ongoing issue of dog waste in District preserves, including results of the preserve user survey urging the District to address the issue and the negative impact of dog waste on natural resources and visitor experience in the District's preserves. Staff recommends a phased approach at the Lower Windy Hill and Pulgas Ridge preserves where the issue is most pressing: include additional information on the District's website and signboards, conduct weekly compliance counts, and focused outreach. Depending on the level of compliance after four months, staff will install pilot dog waste receptacles.

The members of the Board spoke in favor of installing the waste receptacles now rather than measuring compliance for the next four months.

Director Holman inquired regarding the process for emptying the waste receptacles, by either District staff or an outside vendor.

Mr. Jurich explained staff would likely be tasked with emptying the receptacles but can further study use of a vendor to empty them.

Director Kersteen-Tucker commented the District may be able to use volunteers to restock and empty waste receptacles.

Director Cyr spoke in favor of measuring compliance with a baseline measure.

Public comments opened at 7:43 p.m.

Alexander Hapke, District ranger, spoke in favor of installing dog waste receptacles at all District preserves that allow dog use.

Eric Stanton, Equipment Maintenance Operator at Skyline, suggested creating a staff position to empty the dog waste receptacles and complete other janitorial duties.

Kristin Perry, District ranger, spoke in favor of installing dog waste receptacles at all District preserves that allow dog use.

Public comments closed at 7:45 p.m.

Director Holman suggested the District might phase in installation of dog waste receptacles once the cost of installation and budgetary impact are determined.

Assistant General Manager Brian Malone suggested staff can study the issue to determine where receptacles will be most effective and continue to study compliance.

General Manager Ana Ruiz reported staff will provide an informational report on implementation and associated costs and report back to the Board in Spring 2020 on compliance.

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

1. Install dog waste receptacles at all preserves that allow dog use using a phased approach to install receptacles where they will be most effective first.
2. Direct the General Manager to return to the Board with an informational report on costs and implementation and in the spring of 2020 to share results of the dog waste compliance program.
3. Direct staff to develop a public outreach campaign to encourage compliance.

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

**11. Award of Contract to Granite Rock Company for Construction of the Ravenswood Bay Trail Connection Project (R-19-107)**

Senior Capital Project Manager Scott Reeves provided an overview of the Ravenswood Bay Trail project and described the scope of the construction project and the seasonal restriction construction window that applies to the project. Mr. Reeves provided an update on the status of various permits required for the project, which should be secured in time to start the project this fiscal year. Finally, Mr. Reeves reviewed the proposed next steps for the project.

Director Kersteen-Tucker inquired regarding patrol during the extended hours.

Mr. Reeves reported automatic gates would be installed at the entrances. The District has an agreement with East Palo Alto to patrol the area.

Visitor Services Manager Matt Anderson reported staff will also patrol the area and will collaborate with East Palo Alto.

Public comments opened at 8:23 p.m.

No speakers present.

Public comments closed at 8:23 p.m.

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

1. Award a contract to Granite Rock Company of San Jose, California for \$3,305,356, which includes bid alternates #1 and #3.
2. Authorize a 15% construction contingency of \$495,800 for the contract to be reserved for unanticipated issues, for a not-to-exceed contract amount of \$3,801,156.
3. Separately award bid alternate #4 of \$250,000 for a total not-to-exceed contract amount of \$4,051,156; this fixed charge has been excluded from the 15% contract contingency calculation.

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

**12. Grant Awards for the Fiscal Year 2018-2019 Grantmaking Program (R-19-98)**

Grants Program Manager Melanie Askay provided an overview of the purpose, goals and priorities of the District’s grantmaking program; explained the scoring criteria and process for each of the proposals; and provided an analysis of the proposed finalists for Fiscal Year 2018-2019 Grantmaking Program.

Director Holman commented on the cost of staff time to administer the program.

Ms. Askay reported staff time will be tracked during this first year of implementation to further inform the program for future years.

Public comments opened at 8:43 p.m.

No speakers present.

Public comments closed at 8:43 p.m.

**Motion:** Director Kersteen-Tucker moved, and Director Riffle seconded the motion to approve the recommended grant awards for the Fiscal Year 2018-2019 Grantmaking Program.

**VOTE: 5-0-0** (Directors Hassett and Kishimoto absent)

**13. Bear Creek Redwoods Open Space Preserve Public Opening Summary (R-19-104)**

Public Affairs Specialist II Mike Kahn provided the staff presentation describing activities related to the public opening of Bear Creek Redwoods Open Space, including preserve previews, ribbon-cutting event, and opening weekend visitation.

The Board members thanked and commended staff on the successful event.

Director Holman suggested tracking staff time used for openings in order to determine the cost of staff time spend on the project.

Director Siemens suggested installing signage to remind visitors of the District’s policy on “pack it in, pack it out” with regards to trash.

Public comments opened at 8:57 p.m.

No speakers present.

Public comments closed at 8:57 p.m.

No Board action required.

**INFORMATIONAL MEMORANDUM**

- Legislative Actions Update to Board
- District-wide Strategic Communications Plan

**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

Ms. Ruiz reported she met with the Santa Clara County Parks Director to discuss potential funding for Bear Creek Stables.

Chief Financial Officer Stefan Jaskulak reported on his recent attendance at the CalJPIA annual Board of Directors meeting.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kersteen-Tucker reported she attended the California Special District's Association Leadership Academy. She also attended the District's contractor outreach event in Half Moon Bay to help contractors learn more about the District and the process for bidding. Finally, Director Kersteen-Tucker reported she and a staff member had a table at the Coastside Farmer's Market on Saturday.

Director Riffle reported he and General Manager Ana Ruiz were recently interviewed by a reporter from the Mountain View Voice regarding the Rancho San Antonio multi-modal access study.

Director Cyr reported his attendance at a meeting of the Santa Clara Valley Water District's Water Commission.

Director Holman commented on PG&E's potential removal of trees at Bear Creek Gulch.

Mr. Malone provided an update on the project.

**ADJOURNMENT**

President Siemens adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:23 p.m.

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Jennifer Woodworth, MMC  
District Clerk