



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, August 28, 2019

DRAFT MINUTES

SPECIAL MEETING – STUDY SESSION

President Siemens called the special meeting of the Midpeninsula Regional Open Space District to order at 5:02 p.m.

ROLL CALL

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

Members Absent: Larry Hassett

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, Senior Planner Tina Hugg, Senior Property Maintenance Specialist Elaina Cuzick

1. Historic Structures Policies, Guidelines, and Practices (R-19-117)

General Manager Ana Ruiz provided an overview of the District's current projects related to historic resources, including the budget for these projects through fiscal year 2021-2022.

Senior Planner Tina Hugg provided the staff presentation describing existing federal, state, local and District policies, guidelines, and practices related to the disposition of historic sites, structures, buildings, and objects. These regulations and policies help determine the historic significance of structures and govern how historic structures should be treated, including preservation, rehabilitation, restoration, reconstruction, and deactivation.

Ms. Hugg then reviewed the District's resource management policies, including the Open Space Use and Management Planning Process, Open Space Vision Plan, Factors to Consider for Structures Disposition policy, etc.

Director Holman commented on the need to have consistency among the District's policies and stated the policies should support and be consistent with the Open Space Vision Plan.

Ms. Hugg reported many of the policies were adopted prior to Board adoption of the Open Space Vision Plan and are more general in nature. The policies as a whole support the Vision Plan but may not specifically reference it due to the time of adoption.

Director Holman inquired if the District considered listing additional structures with the counties as historic structures in order potentially increase opportunities for grant funding.

Planning Manager Jane Mark reported the District has listed a structure for historic status in San Mateo County, but listing the structures in Santa Clara County requires landmarking the structure, which is an additional process.

President Siemens commented that the District has not previously taken an active role in listing District structures on county historic registers because this has not been the focus of the District's work.

Director Kishimoto commented on using the current review of policies as an opportunity to bring policies into consistency. Additionally, the District's focus may also change to focus more on historic preservation.

Ms. Hugg reviewed the District's process for structures disposition as part of the acquisition process, including structure condition assessment, historic assessment, biological assessments, etc. This information forms the basis of a staff determination for the structure's disposition. Following a staff determination, the Board and its committees review the recommendations to make a final determination on structure disposition. Finally, Ms. Hugg reported the District will be holding future study sessions related to the topic of historic structures.

Director Holman inquired regarding whether the District maintains a structures inventory and the classification of each.

Ms. Hugg reported the District does have a database of structures, but it is not comprehensive as this time. District staff continues to gather data on structures to improve and add to the database.

Director Holman commented that reuse of materials from demolished historic structures for repairs to similar structures may reduce the cost of maintenance.

Public comments opened at 6:26 p.m.

April Haberstadt, commissioner for the Santa Clara County Historic Heritage Commission, commented on the need to identify protect cultural resources. Ms. Haberstadt commented on the need for a comprehensive structures inventory in Santa Clara County. Ms. Haberstadt stated structures should be photo documented prior to demolition. Ms. Haberstadt stated the Santa Clara County has funds for historic preservation projects, namely the Mount Umunhum Radar Tower roof.

Public comments closed at 6:40 p.m.

Director Holman suggested having a further discussion related to the hierarchy of Board policies and stated that the policies should be consistent with each other.

Director Kersteen-Tucker suggested reviewing the District’s list of historic structures to discuss their current categories of disposition to better understand the District’s inventory.

Laura Jones Director of Heritage Services and University Archaeologist for Stanford University commented on best practices for land use management and archeological sites and suggested leveraging community skills to inventory historic resources at a lower cost.

Director Kishimoto suggested providing additional information on the mothballing process, including associated costs, at a future study session.

No Board action required.

President Siemens adjourned the special meeting at 6:57 p.m.

REGULAR MEETING

President Siemens called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 p.m.

ROLL CALL

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

Members Absent: Larry Hassett

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, Natural Resources Manager Kirk Lenington, Capital Project Manager III Zachary Alexander

ORAL COMMUNICATIONS

No speakers present.

ADOPTION OF AGENDA

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

VOTE: 6-0-0 (Director Hassett absent)

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Nina Vuoso, Environmental Education Specialist
 - Irma Mora, Executive Assistant

- Xucan Zhou, Planner II

CONSENT CALENDAR

President Siemens announced Items 4 and 5 are being continued to the next regular Board meeting on September 11, 2019.

Public comment opened at 7:06 p.m.

No speakers present.

Public comment closed at 7:06 p.m.

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

VOTE: 6-0-0 (Director Hassett absent)

- 1. Approve August 14, 2019 Minutes**
- 2. Claims Report**
- 3. Award of Contract for Bergman Residences Reconstruction Phase III at Russian Ridge Open Space Preserve (R-19-115)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Belz Construction to complete the Bergman Residences Reconstruction Phase III at Russian Ridge Open Space Preserve for a base contract amount of \$238,000.
2. Authorize a 15% contingency of \$35,700, to be reserved for unanticipated issues, thus allowing the total contract amount not-to-exceed \$273,700.

4. Proposed Agreement to exchange interests in real property between Frederick Holley and Maud Gleason (Holley-Gleason) and Midpeninsula Regional Open Space District (District). District to receive a public trail easement along a portion of Kennedy Trail in Sierra Azul Open Space Preserve (portion of Santa Clara APN 537-15-028) in exchange for a solar panel easement conveyed to Holley-Gleason at Sierra Azul Open Space Preserve (portion of Santa Clara APN 537-15-027). Pursuant to Public Resources Code section 5540.5, a unanimous vote of all seven Board members is required. (R-19-110)

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the agreement to exchange interest in real property between the District and Holley-Gleason.
3. Amend the Use and Management Plan to include the exchanged interest in real property.
4. Withhold dedication of the Exchange Property as public open space at this time.

Item 4 continued to September 11, 2019.

5. Proposed Agreement to exchange interests in real property between Pacific Gas and Electric Company (PG&E) and Midpeninsula Regional Open Space District (District). District to receive a public roadway easement for a portion of Mt. Umunhum Road and a public trail easement for a portion of Woods Trail in Sierra Azul Open Space Preserve (portion of Santa Clara APN 583-24-004) in exchange for an easement for an existing gas line to be conveyed to PG&E at Pulgas Ridge Open Space Preserve (portion of San Mateo County APN 050-470-090). Pursuant to Public Resources Code section 5540.5, a unanimous vote of all seven Board members is required. (R-19-109)

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the report.
2. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the agreement to exchange interest in real property between the District and PG&E.
3. Amend the Use and Management Plan to include the exchanged interest in real property.
4. Withhold dedication of the Exchange Property as public open space at this time.

Item 5 continued to September 11, 2019.

6. Award of Contract to Humboldt Fence Company for Replacement of Livestock Perimeter Fencing in Toto Ranch, which is a part of Tunitas Creek Open Space Preserve (R-19-116)

General Manager's Recommendations:

1. Authorize the General Manager to award a contract to Humboldt Fence Company to construct a replacement livestock perimeter fence for a base contract amount of \$90,824 in support of the conservation grazing program at Toto Ranch.
2. Authorize a 5% contingency of \$4,541 to be expended only if unforeseen site conditions are encountered, such as bank slippage or minor adjustments to fence location, for a total contract not-to-exceed \$95,365.

7. Written Response to Daniel Yost, Woodside Mayor

General Manager's Recommendation: Approve the written response to Mayor Yost

8. Award of Contract to Hanford Applied Restoration & Conservation for the Ravenswood Bay Trail Connection Revegetation and Plant Maintenance Project (R-19-119)

General Manager's Recommendations:

1. Authorize the General Manager to award a contract to Hanford Applied Restoration & Conservation of Petaluma, CA for a base amount not-to-exceed \$294,500 to complete the Ravenswood Bay Trail Connection Revegetation and Plant Maintenance Project.
2. Authorize a 15% contingency of \$44,175 based on the base amount to be expended only if necessary to cover unforeseen conditions.
3. Authorize an allowance of \$47,615 for Bid Alternates #11 through #14 (alternate project schedule and additional watering, weeding, and seeding events), bringing the total not-to-exceed contract amount to \$386,290.

9. Award of Contract for Environmental Services for the Beatty Parking Area and Trail Connection Project at Sierra Azul Open Space Preserve (R-19-111)

General Manager's Recommendations:

1. Authorize the General Manager to enter into a multi-year contract with LSA Associates, Inc., to provide environmental and planning consulting services to support the Beatty Parking Area and Trail Connections Project for a base contract amount of \$159,124.
2. Authorize a 15% contingency of \$23,876, to be expended only if necessary to cover unforeseen conditions, for a not-to-exceed contract amount of \$183,000.

BOARD BUSINESS

10. Resolution requesting the Santa Clara County Board of Supervisors extend the 4/5ths supermajority vote required to move the Stanford University Academic Growth Boundary for an additional 99 years to protect important open space lands (R-19-114)

Assistant General Manager Susanna Chan provided the staff presentation describing the project and introduced Kristina Loquist, Chief of Staff to Santa Clara County Supervisor and Board President Joe Simitian.

Director Kishimoto spoke in favor of protecting open space in perpetuity and containing growth and development within urban boundaries.

Director Holman noted the resolution was not attached to the electronic version of the report.

Director Kersteen-Tucker left the dais at 7:25 p.m.

District Clerk Jennifer Woodworth read the resolution in its entirety into the record.

Public comments opened at 7:26 p.m.

No speakers present.

Public comments closed at 7:26 p.m.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to adopt a Resolution requesting that the Santa Clara County Board of Supervisors extend the 4/5ths supermajority vote required to move the Stanford University Academic Growth Boundary for an additional 99 years to continue protecting important open space lands in the county.

VOTE: 5-0-0 (Directors Hassett and Kersteen-Tucker absent)

11. Award of Contract to San Francisco Estuary Institute for Formation of a Science Advisory Panel (R-19-120)

Natural Resources Manager Kirk Lenington provided the staff report describing the purpose of the Science Advisory Panel and proposed deliverables for each round of panel review, including white papers and reviews of specific projects. Mr. Lenington described the process for panel and Board involvement throughout the process, including verbal and written reports at Committee

and Board meetings, Board approval of topics for study, and presentation of results. Finally, Mr. Lenington reviewed the proposed timeline for the panel's work to coincide with the Board's annual strategic plan and budget retreats.

Director Kersteen-Tucker returned at 7:29 p.m.

Director Riffle inquired if it would be possible to amend the contract for the second year of the contract depending on the success of the first year.

Ms. Ruiz reported the Board is welcome to amend the contract if desired.

Director Kersteen-Tucker inquired regarding Board involvement in the process.

Mr. Lenington reported staff will be developing a list of suggested topics for panel study, and additional topics may be suggested and approved by the Board when reviewing staff's list of recommended topics.

Public comments opened at 7:49 p.m.

No speakers present.

Public comments closed at 7:49 p.m.

Director Riffle suggested studying the effect of public access on wildlife habituation.

President Siemens suggested studying the effect of dog access on wildlife.

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

1. Award a contract to San Francisco Estuary Institute for the formation of a Science Advisory Panel and first round of scientific review for a contract amount of \$100,000 across Fiscal Year 2019-20 and Fiscal Year 2020-21.
2. Authorize the General Manager to extend the contract for an additional round of scientific review, if the program is successful, for an additional \$100,000, bringing the total contract to \$200,000 ending in Fiscal Year 2021-22.

VOTE: 6-0-0 (Director Hassett absent)

12. Contract Change Order with Graniterock Company to Construct the Mud Lake Improvements as part of the larger Bear Creek Redwoods Public Access Project (R-19-118)

Capital Project Manager III Zachary Alexander presented the staff report providing an overview of the current project at Bear Creek Redwoods and existing Mud Lake drainage conditions, including erosion, flooding, and collapsed outlet pipe. The proposed project will address all of these issues.

Public comments opened at 8:10 p.m.

No speakers present.

Public comments closed at 8:10 p.m.

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

1. Authorize a contract change order for the base amount of \$356,489 with Graniterock Company of Watsonville, California to construct the Mud Lake Improvements as part of the larger Bear Creek Redwood Public Access Project, bringing the total contract amount to \$4,231,825.
2. Authorize a 15% contingency of \$53,474 to cover unforeseen conditions related to the Mud Lake Improvements, for a total contract change order of \$409,963 and total not-to-exceed contract amount \$4,285,299.

VOTE: 6-0-0 (Director Hassett absent)

INFORMATIONAL MEMORANDUM

- Agricultural Policy Project – Update on Process and Schedule
- State Legislative Update

INFORMATIONAL REPORTS

A. Committee Reports

No committee reports.

B. Staff Reports

Ms. Chan reported on a recent meeting of the Santa Clara County Historical Heritage Commission where the Mount Umunhum Radar Tower was discussed.

Assistant General Manager Brian Malone reported Lehigh Quarry extended an invitation to Board members to tour the quarry. Mr. Malone also reported the Traffic Advisory Committee for the City of Saratoga made a recommendation in favor of parking restrictions near Fremont Older Open Space Preserve.

Ms. Ruiz reported on recent public meetings related to wildland fire resiliency and Bear Creek Stables.

C. Director Reports

The Board members submitted their compensatory reports.

The Board members commended staff for their work related to the closure of Rancho San Antonio caused by mountain lion activity.

Director Kersteen-Tucker reported that at a recent meeting with San Mateo County Supervisor Don Horsley, where he mentioned potential funding for additional agricultural workforce housing.

Director Riffle reported his attendance at the La Honda Public Access Working Group meeting, Bear Creek Stables open house, and Wildfire Resiliency public meeting in Los Gatos.

Director Kishimoto reported her attendance at a recent meeting of the Bay Area Open Space Council in Mountain View, the Silicon Valley Bicycle Coalition Summit, two Santa Cruz Mountain Stewardship Network spotlight events, and Wildfire Resiliency public meeting in Woodside.

Director Holman thanked staff for keeping the Board well informed on District projects.

President Siemens commented on a recent conversation with a resident regarding emergency access routes across District lands.

ADJOURNMENT

President Siemens adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:38 p.m.

CLOSED SESSION

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

Title of Employee: Controller
 General Counsel
 General Manager

Public comments opened at 8:38 p.m.

No speakers present.

Public comments closed at 8:38 p.m.

ADJOURNMENT

President Siemens adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:30 p.m.

Jennifer Woodworth, MMC
District Clerk