



Midpeninsula Regional
Open Space District

April 25, 2018
Board Meeting 18-15

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office
330 Distel Circle
Los Altos, CA 94022

Wednesday, April 25, 2018

DRAFT MINUTES

SPECIAL MEETING – CLOSED SESSION

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

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko and Yoriko Kishimoto

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 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: 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

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:38 p.m.

SPECIAL MEETING

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

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

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko and Yoriko Kishimoto

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Acting Assistant General Manager Christine Butterfield, Acting Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Engineering & Construction Manager Jay Lin, Capital Projects Manager III Zachary Alexander

1. Project goals and delivery process for the Mount Umunhum Radar Tower Long-Term Repair Project at Sierra Azul Open Space Preserve (R-18-42)

Acting General Manager Ana Ruiz described previous Board decisions and Midpen actions related to the repair and maintenance of the Mount Umunhum Radar Tower (Tower) and discussed the need to continue to maintain the Tower to provide a safe environment for visitors to the Mount Umunhum Summit.

Acting Assistant General Manager Christine Butterfield described the purpose of the Tower long-term repair project: to ensure safe visitor experience near and around the structure, minimize long-term maintenance, provide safe conditions for interior and exterior maintenance, and adhere to the Board's decision to retain and seal the structure.

Capital Project Manager III Zachary Alexander presented the staff report describing the project's purpose and goals, chronology of past efforts, and ongoing structural degradation and maintenance issues of the Tower; including interior standing water, interior and exterior peeling paint, roof issues, wildlife entry points and exclusion measures, and interior hazmat requirements, etc.

Director Siemens requested clarification related to the need for the proposed Tower repairs to repair interior damage.

Ms. Ruiz explained the proposed repairs would help ensure staff safety when they have to enter the Tower.

Acting Assistant General Manager Brian Malone described safety measures currently used by staff to ensure safety when entering the Tower.

Director Siemens suggested Midpen staff complete the necessary Tower assessments and inspections rather than an outside consultant.

Engineering and Construction Manager Jay Lin explained Midpen staff is currently committed to other Midpen projects, and many of the Tower project tasks may require expert experience to evaluate.

Mr. Alexander described the reasoning for pursuing a design-bid-build process for the project due to its complex nature. Finally, Mr. Alexander outlined the next steps of the project.

Director Riffle suggested inclusion of a goal for the project to meet all regulatory requirements.

Acting General Counsel Hilary Stevenson explained a commitment to meet all regulatory requirements is implied with all Midpen projects.

Director Hassett requested clarification related to removal of interior and exterior lead paint previously completed by the Army Corps of Engineers.

Mr. Alexander explained the project completed by the Army Corps of Engineers only removed loose paint, but due to environmental factors, more paint is now flaking and requires removal. Staff recommends removal of all paint to prevent future paint flaking.

Public comments opened at 6:54 p.m.

Sam Drake, President of the Umunhum Conservancy, spoke in favor of the continuing process to repair the Tower and spoke in favor of the proposed project goals. Mr. Drake suggested adding a goal that the work should not reduce the historic integrity of the building, and the proposed repairs should meet aesthetic criteria.

Lester Earnest, former Stanford computer scientist researcher, spoke regarding the ineffectiveness of the radar tower system used at Mount Umunhum. Mr. Earnest suggested the installation of a plaque on the site describing the ineffectiveness of the system.

Melany Moore spoke in favor of sealing out wildlife from the Tower to protect them. Ms. Moore spoke in support of the Umunhum Conservancy and Tower.

Kevin Mankin spoke regarding the sealing of similar radar towers throughout the United States, and Midpen may want to use their programs as examples.

Public comments closed at 7:03 p.m.

Director Hassett discussed the encapsulation of the Tower and the availability of materials, and suggested installation of a foam roof on the Tower.

Director Riffle expressed support of the Acting General Manager's recommendations.

Director Harris expressed concern regarding spending additional taxpayer funds on the Tower.

Motion: Director Riffle moved, and Director Cyr seconded the motion to approve the project goals, project delivery process, and timeline for the Mount Umunhum Radar Tower Long-Term Repair Project.

VOTE: 3-1-1 (Director Harris opposed; Director Siemens abstained; Directors Hanko and Kishimoto absent)

Motion fails.

ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:09 p.m.

REGULAR MEETING

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:10 p.m.

ROLL CALL

Members Present: Jed Cyr, Cecily Harris, Larry Hassett, Curt Riffle, and Pete Siemens

Members Absent: Nonette Hanko and Yoriko Kishimoto

Staff Present: Acting General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Acting Assistant General Manager Brian Malone, Acting Assistant General Manager Christine Butterfield, District Clerk/Assistant to the General Manager Jennifer Woodworth, Acting Public Affairs Manager Cydney Bieber, Grants Specialist Melanie Askay, Information Systems & Technology Manager Garrett Dunwoody

ORAL COMMUNICATIONS

Rhoda Fry spoke regarding the Lehigh Cement Quarry and the lack of regulatory enforcement of the Quarry by the Regional Water Quality Control Board. Ms. Fry spoke regarding dust emitted during blasting and the exemption of Lehigh Quarry from particulate matter regulations. Finally, Ms. Fry expressed concern related to a newly proposed mining site and encouraged Midpen to review the new regulations.

ADOPTION OF AGENDA

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

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Filipe Nistal, Senior Capital Projects Manager

CONSENT CALENDAR

Public comment opened at 7:19 p.m.

No speakers present.

Public comment closed at 7:19 p.m.

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

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

1. Approve April 11, 2018 Minutes

Director Riffle clarified his comments regarding potential legislation related to the threshold for passage of tax measures. Director Riffle explained his intent was to request that the Board discuss the topic at a future meeting to determine if it is an issue the Board is interested in asking staff to research.

Motion: Director Harris moved, and Director Siemens seconded the motion to approve the April 11, 2018 with the suggested corrections.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

2. Claims Report

3. Grant Agreement with the Santa Clara Valley Water District for the Webb Creek Bridge Replacement (R-18-38)

General Manager's Recommendation: Adopt a resolution confirming an application for the Safe, Clean Water Priority D3 Grant Program, affirming that sufficient funds are available to complete this work, and authorizing the General Manager to execute the grant agreement with the Santa Clara Valley Water District to receive \$149,500 for replacement of Webb Creek Bridge.

BOARD BUSINESS

4. Award of Contract to Graniterock Company for Construction of the Bear Creek Redwoods Public Access Project (R-18-39)

Senior Capital Project Manager Matt Brunnings provided the staff presentation describing the project scope of work, including at-grade pedestrian crossing and parking lot on Bear Creek Road, removal and replacement of Webb Creek Bridge, and a new trailhead vault toilet.

Director Harris inquired if the increased project costs can be absorbed by the applicable Measure AA portfolio.

Ms. Butterfield explained staff has met to discuss the project costs in relation to other projects included in the portfolio to determine portfolio savings to offset cost increases.

Director Siemens suggested a Phase II loop trail between the parking lot and gates BC08 and BC09.

Ms. Ruiz explained the pedestrian crossing on Bear Creek Road in this area is unsafe.

Director Siemens suggested reopening the eastern side of the Bear Creek Redwoods Preserve to permit holders after construction is complete.

Mr. Malone reported staff is concerned that reopening the eastern side at that time could create confusion for visitors who may not have a permit to access the eastern side; however, permit access would continue for those at Bear Creek Stables.

Public comments opened at 7:34 p.m.

Nancy Cole representing Friends of Bear Creek Stables spoke regarding the time being taken related to planning the stables site.

Melany Moore, representing the Friends of Bear Creek Stables, reported the organization has received two grants to pay for the fittings for two water tanks. The Friends of Bear Creek Stables will continue to make improvements on the site. Finally, Ms. Moore invited the Board to attend the Friends of Bear Creek Stables open house in May 5, 2018 from 10:00 am to 1:00 pm.

Public comments closed at 7:38 p.m.

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

1. Award a contract to Graniterock Company of Watsonville, California for a not-to-exceed base contract amount of \$3,369,858.
2. Authorize a 15% construction contract contingency of \$505,478 to be reserved for unanticipated issues, thus allowing the total contract amount not-to-exceed \$3,875,336.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

5. Contract Amendment for Design Services with Mills Design (R-18-41)

Acting Assistant General Manager Christine Butterfield provided the staff presentation describing the history of the contract and use of on-call contracts. Due to unexpected projects in 2017, the contract with Mills Design has exceeded its contract limit. Staff will issue a request for proposals and qualifications in May 2018 for new design contracts.

Public comments opened at 7:43 p.m.

No speakers present.

Public comments closed at 7:43 p.m.

Motion: Director Riffle moved, and Director Hassett seconded the motion to authorize the Acting General Manager to amend an on-call design services contract with Mills Design for an additional \$50,001 for a not-to-exceed total of \$100,000.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

6. Award of Contracts for Fiber Optic Line installation and Ethernet Virtual Private Network Services with Comcast Business Inc. (R-18-40)

Information Systems & Technology Manager Garrett Dunwoody presented the staff report describing past communications infrastructure upgrades to improve staff communications and connectivity and the proposed fiber optic line installation, which will connect all District offices through a network.

Director Cyr inquired if moving to a new administrative office location will affect the connectivity.

Mr. Dunwoody explained only a small cost would be incurred when moving office locations in urban areas because fiber lines are already in the area.

Director Hassett suggested a mixed vendor solution may be less expensive and suggested speaking with Coastside Net to determine if there could be cost savings for the field offices.

Mr. Dunwoody explained additional network interfaces would be needed if utilizing a mixed vendor solution to allow for different types of vendor software.

Public comments opened at 8:16 p.m.

No speakers present.

Public comments closed at 8:16 p.m.

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

1. Authorize the General Manager to execute a contract with Comcast Business Inc., for the installation of fiber optic line to four office facilities for a base contract amount of \$456,309 based upon the State of California CALNET 3 pricing.
2. Authorize the General Manager to execute a three-year service contract with Comcast Business Inc., for an Ethernet virtual private line (EVPL) for an annual not-to-exceed amount of \$115,000, for a total contract amount of \$345,000, based upon the State of California CALNET 3 pricing.

VOTE: 5-0-0 (Directors Hanko and Kishimoto absent)

INFORMATIONAL REPORTS

- A. Committee Reports

Director Riffle reported the Action Plan and Budget Committee met on April 24, 2018 to review the proposed FY2018-19 Budget and Capital Improvement and Action Plan.

B. Staff Reports

Ms. Butterfield reminded the Board of the Bear Creek Redwoods groundbreaking ceremony on May 1, 2018.

Ms. Ruiz reported her attendance at a recent meeting of Santa Clara County parks directors during which they toured Marshall Cottle Park. Ms. Ruiz reported on a recent update to the all staff meeting to allow for more interactions with field offices.

C. Director Reports

The Board members submitted their compensatory reports.

Director Harris reported her attendance at the Redwood City Chamber of Commerce Progress Seminar. Director Harris suggested the District might want to consider a relationship with the Mountain View REI store similar to relationships other open space districts have with REI stores. Finally, Director Harris reported on recent meetings with California legislators that she, President Cyr, and staff attended.

Director Hassett reported he will be out of the country for the next few meetings.

President Cyr reported his attendance at the recent wildflower hike and 10th annual wildflower survey. President Cyr reported he will be attending the San Jose Conservation Corps luncheon.

ADJOURNMENT

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:32 p.m.

Jennifer Woodworth, MMC
District Clerk