



Midpeninsula Regional  
Open Space District

July 11, 2018  
Board Meeting 18-28

## SPECIAL AND REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

Wednesday, July 11, 2018

#### DRAFT MINUTES

#### SPECIAL MEETING – CLOSED SESSION

President Cyr called the special meeting of the Midpeninsula Regional Open Space District to order at 5:15 p.m.

#### ROLL CALL

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

Members Absent: Nonette Hanko

Staff Present: General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Real Property Manager Mike Williams

Public comments opened at 5:15 p.m.

No speakers present.

Public comments closed at 5:15 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 18CV329767.

#### ADJOURNMENT

President Cyr adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:49 p.m.

**SPECIAL MEETING – STUDY SESSION**

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

**ROLL CALL**

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

Members Absent: Nonette Hanko

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, District Clerk/Assistant to the General Manager Jennifer Woodworth

**1. Measure AA Bond Oversight Committee Interviews**

No Board action required.

**ADJOURNMENT**

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

**REGULAR MEETING**

President Cyr called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:02 p.m.

President Cyr reported the Board met in closed session.

Acting General Counsel Hilary Stevenson reported that in closed session the Board gave approval to legal counsel to defend the District in litigation. The case is *Burkhart v. Midpeninsula Regional Open Space District* filed in Santa Clara County Superior Court, and the substance of the litigation is a complaint for inverse condemnation, and complaint for damages for breach of easement.

**ROLL CALL**

Members Present: Jed Cyr, Nonette Hanko, Cecily Harris, Larry Hassett, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, Acting General Counsel Hilary Stevenson, Acting Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Real Property Manager Mike Williams, Real Property Agent II Iain Reilly,

Acting Land & Facilities Manager Michael Jurich, Management Analyst II Deborah Bazar, Property Management Specialist II Susan Weidemann, Finance Manager Andrew Taylor, Human Resources Manager Candice Basnight, Natural Resources Manager Kirk Lenington, and Senior Resource Management Specialist Coty Sifuentes-Winter

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

**VOTE: 7-0-0**

**SPECIAL ORDERS OF THE DAY**

- Pledge of Allegiance
- Introduction of staff
  - Tom Reyes, Integrated Pest Management Coordinator
  - Sophie Christel, Planner I
  - Aaron Peth, Planner II
  - Loana Rich, Administrative Assistant
  - Audrey Paras, Administrative Assistant
  - Luke Mulhall, Administrative Assistant

**CONSENT CALENDAR**

Public comment opened at 7:15 p.m.

Danny Chambers requested additional information regarding Item 5.

Public comment closed at 7:17 p.m.

**Motion:** Director Harris moved, and Director Riffle seconded the motion to approve the Consent Calendar, with the exception of Item 5.

**VOTE: 7-0-0**

- 1. Approve June 27, 2018 Minutes**
- 2. Claims Report**
- 3. Extension to the American Tower L.P. License Agreement for Continued Use of Coyote Peak Radio Tower (R-18-78)**

General Manager’s Recommendation: Authorize the General Manager to approve a five-year extension of an existing license agreement with American Tower, L.P., with three additional

renewal periods of five years each, totaling twenty years, for continued use of the Coyote Peak Radio Tower. The cost for the first year of the license agreement will be \$23,187.36 (August 1, 2018 to July 31, 2019), with an annual escalator of 3% effective each August 1 during the extension term and all renewal terms.

**4. October Farm Grazing Lease at Purisima Creek Redwoods Open Space Preserve (R-18-79)**

General Manager's Recommendation: Adopt a resolution authorizing the General Manager to enter into a five-year grazing lease with one five-year extension, with Doug Edwards, at October Farm in the Purisima Creek Redwoods Open Space Preserve.

Director Riffle spoke in support of the General Manager's recommendation.

**5. Proposed Agreement to Exchange Interests in Real Property between Eben and Carol Haber (Haber) and the Midpeninsula Regional Open Space District to obtain access easements for properties located along Charcoal Road in unincorporated Santa Clara County (APNs: 351-15-033 & 351-15-007), at Saratoga Gap Open Space Preserve requiring a unanimous vote of the Board of Directors (R-18-60)**

Real Property Manager Mike Williams explained the proposed Board action formalizes patrol use of the easement through the Haber land, which has been informally used for 40 years.

Mr. Chambers explained he owned property near upper Charcoal Road and reported a former neighbor illegally driving on his property.

Mr. Williams described the location on the proposed easement and explained District use of the road was suspended until the easement was formalized.

Mr. Chambers stated he did not want the proposed Board action to impact his access to Charcoal Road or his property.

Mr. Williams stated he would speak to Mr. Chambers about his issue further following Board action.

Mr. Chambers suggested Santa Clara County or other entities might be interested in developing land near Charcoal Road.

Mr. Williams reported he knows of no interest in developing the land near Upper Stevens Creek Park by the District or Santa Clara County

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

**VOTE: 7-0-0**

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 Interests in Real Property between the District and Haber.
3. Adopt the Preliminary Use and Management Plan for the Exchange Property.
4. Withhold dedication of the Exchange Property as public open space at this time.

**6. Establishing Fiscal Year 2018-2019 Tax Levy for the Midpeninsula Regional Open Space District’s General Obligation Bonds - Series 2015A, Series 2015B and Series 2018 (R-18-78)**

General Manager’s Recommendation: Adopt Resolutions of the Board of Directors of the Midpeninsula Regional Open Space District for each of San Mateo, Santa Clara and Santa Cruz Counties to establish an ad valorem property tax levy of \$1.80 per \$100,000 (or \$0.0018 per \$100) in assessed value for the General Obligation Bonds – Series 2015A, Series 2015B and Series 2018 (Measure AA).

**BOARD BUSINESS**

**7. Approval of the General Counsel’s Employment Agreement (R-18-77)**

Public comments opened at 7: 37 p.m.

No speakers present.

Public comments closed at 7:37 p.m.

Directors Riffle, Kishimoto, and Cyr spoke in favor of the General Manager’s recommendation commenting on the search process and the high quality of the candidates.

**Motion:** Director Siemens moved, and Director Hassett seconded the motion to:

1. Appoint Hilary Stevenson as the General Counsel for Midpeninsula Regional Open Space District effective July 11, 2018.
2. Adopt a resolution approving the General Counsel’s Employment Agreement.

**VOTE: 7-0-0**

General Counsel Hilary Stevenson thanked the Board for their comments and shared her enthusiasm for continuing to work at the District with its Board and staff.

**8. Annual Integrated Pest Management Report for Calendar Year (R-18-81)**

Senior Resource Management Specialist Coty Sifuentes-Winter presented the third year of pest management activities as governed by the integrated pest management program, which was established in 2014. Mr. Sifuentes-Winter summarized pest problems, including flora and fauna, summary of pest control treatments and their effectiveness, and pesticide use. Pest problems are addressed by three departments: Natural Resources, Land & Facilities, and Visitor Services. In addition to staff time, volunteers and District contractors also participate in pest management practices, such as hand pulling, mowing, herbicide, cutting, etc. Mr. Sifuentes-Winter highlighted pest management activities at Bear Creek Redwoods and described the effectiveness

of the District's pest control program there. Finally, Mr. Sifuentes-Winter described pesticide use on District land and next steps for the integrated pest management program.

Director Harris commented on the use of District staff to complete Measure AA projects rather than ongoing District projects, such as pest management.

General Manager Ana Ruiz reported staff is working to adjust staff assignments as necessary to provide additional dedicated staff time and modify resource loading to ensure core projects and targets are met.

Director Riffle inquired if the District mapped pests in District preserves.

Mr. Sifuentes-Winter reported the District's program Calflora does map pest throughout the District.

Public comments opened at 8:17 p.m.

No speakers present.

Public comments closed at 8:17 p.m.

No Board action required.

## **9. Glyphosate Review Report (R-18-82)**

Mr. Sifuentes-Winter introduced Michael Blankinship of Blankinship and Associates who reviewed scientific data, policy issues, etc. related to glyphosate and its use.

Mr. Blankinship described how glyphosate works as an herbicide and its very low toxicity in mammals related to reproductive/developmental toxicity at doses relevant to human health. A variety of agencies has weighed in on whether glyphosate is a carcinogen with a majority determining it is not a carcinogen. Mr. Blankinship reviewed state and international policies regarding glyphosate and described its environmental characteristics. Mr. Blankinship explained that due to various factors, including protective equipment, poor dermal absorption, and the low toxicity of the substance leads to no unacceptable risk for staff and preserve visitors. Finally, Mr. Blankinship provided recommendations for the District's integrated pest management program.

Public comments opened at 8:43 p.m.

Mike Liebhold spoke regarding past glyphosate use and thanked the District for being responsive to public concerns and the District's comprehensive integrated pest management program. Mr. Liebhold expressed concerns regarding the potential impact of glyphosate on non-humans, including other flora and fauna species, and encouraged the District to conduct further studies and to have a chief scientist on District staff.

Public comments closed at 8:49 p.m.

Director Kishimoto spoke in favor of science-based work and the need to look at the long-term impact of District decisions. She also expressed concerns regarding the long-term cumulative

impact of glyphosate use. Finally, Director Kishimoto spoke regarding the importance of proper best practices for use.

No Board action required.

**INFORMATIONAL REPORTS**

A. Committee Reports

No Committee reports.

B. Staff Reports

District Clerk/Assistant to the General Manager Jennifer Woodworth announced the nomination period for Wards 1, 2, 5, and 6 opens on Monday, July 16, 2018 and ends on Friday, August 10, 2018.

C. Director Reports

The Board members submitted their compensatory reports.

Director Kishimoto and President Cyr reported their attendance at the presentation at Cloverdale Ranch for the Butano Creek restoration.

President Cyr reported he attended the volunteer and docent graduation on June 30, 2018 and will be attending the annual meeting of the CalJPIA Board of Directors in La Palma, CA on July 18, 2018.

**ADJOURNMENT**

President Cyr adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:06 p.m.

---

Jennifer Woodworth, MMC  
District Clerk