



Midpeninsula Regional
Open Space District

Meeting 12-09

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

March 14, 2012

MINUTES

REGULAR MEETING

I. ROLL CALL

President Riffle called the Regular Meeting of the Midpeninsula Regional Open Space District Board of Directors to order at 7:00 p.m.

Members Present: Curt Riffle, Yoriko Kishimoto, Pete Siemens, Nonette Hanko, and Larry Hassett

Members Absent: Cecily Harris and Jed Cyr

Staff Present: General Manager Steve Abbors, General Counsel Sue Schectman, Real Property Manager Mike Williams, Planning Manager Ana Ruiz, Operations Manager David Sanguinetti, Administrative Services Manager Kate Drayson, Acting Natural Resources Department Manager Kirk Lenington, Public Affairs Manager Rudy Jurgensen, Assistant General Counsel James Atencio, Project Manager Gina Coony, Senior Real Property Planner Sandy Sommer, Planner III Tina Hugg, Planner II Julie Andersen, and District Clerk Michelle Radcliffe

II. ORAL COMMUNICATIONS

Mike Bushue spoke in favor of the Board's approval of the Peninsula Open Space Trust Madonna Creek purchase that was approved by the Board on February 8th.

III. ADOPTION OF AGENDA

President Riffle requested that Agenda Item No. #11 be heard after Agenda Item No. #6.

Motion: Upon motion by Director Hanko, seconded by Director Siemens, the Board adopted the agenda as amended. (Vote: 5-0-0; Absent: Cyr and Harris)

IV. ADOPTION OF CONSENT CALENDAR

Motion: Upon motion by Director Hassett, seconded by Director Kishimoto, and unanimously passed, the Board approved adoption of the Consent Calendar to approve **Revised Claims No. 12-09 and the Minutes of February 8, 2012.** (Vote: 5-0-0; Absent: Cyr and Harris)

V. SPECIAL ORDERS OF THE DAY

1. **Agenda Item #4** – Resolution Acknowledging \$10,000 Donation to District's General Fund from Justin Smith and Eliza Kienitz

Motion: Upon motion by Director Hassett, seconded by Director Siemens, the Board approved the resolution acknowledging a \$10,000 donation to the District's General Fund from Justin Smith and Eliza Kienitz. (Vote: 5-0-0; Absent: Cyr and Harris)

2. **Agenda Item #5** -- Resolution Honoring General Counsel Sue Schectman

Motion: Upon motion by Director Hassett, seconded by Director Hanko, the Board approved the resolution acknowledging General Counsel Sue Schectman. (Vote: 5-0-0; Absent: Cyr and Harris)

VI. BOARD BUSINESS

3. **Agenda Item #5** – Authorization to Enter into Retainer Agreement for Legal Services with Shute, Mihaly, and Weinberger, LLP, and Authorization to Enter into Reimbursement Agreement with Ridge Vineyards, LLC (R-12-31)

Real Property Planner Sandy Sommer explained that a qualified legal firm is needed to draft a formal exchange agreement, conservation easement, agricultural easement, and other transactional documents for the proposed exchange of property interests between the District and Ridge Vineyards, Inc. at the Monte Bello Open Space Preserve. She stated that the General Manager and General Counsel recommends retaining Tamara Galanter with the law firm of Shute, Mihaly, and Weinberger, LLP to perform the work needed and that Ridge Vineyards, Inc. has verbally agreed to reimburse the District for costs incurred.

Ms. Sommer explained that there currently is an encroachment issue from Ridge Vineyards, Inc. onto District property and that the exchange would resolve the encroachment. In return, Ridge Vineyards, Inc. would exchange land with the District allowing the District to protect open space land from potential residential

development. She further noted that a trail easement will be granted to the District on Ridge Vineyards, Inc. property and that the District will grant an agriculture easement to Ridge Vineyards, Inc. on certain District lands. Discussion ensued.

Motion: Upon motion by Director Hanko, seconded by Director Siemens, the Board authorized the District to enter into a retainer agreement for legal services with Shute, Mihaly, and Weinberger, LLP and authorized the District to enter into a reimbursement agreement with Ridge Vineyards, Inc. (Vote: 5-0-0; Absent: Cyr and Harris)

4. **Agenda Item #11** – Approval of Proposed Purchase of the Peninsula Open Space Trust (October Farm) Property located at 2200 Lobitos Creek Road in unincorporated San Mateo County (San Mateo County Assessor's Parcel Numbers 066-290-010, -030, -050) as an addition to Purisima Creek Redwoods Open Space Preserve; Adoption of the Preliminary Use and Management Plan; Authorize the General Manager to file for Williamson Act Nonrenewal; and Approve a Categorical Exemption in Accordance with the California Environmental Quality Act (R-12-30) Real Property Manager Mike Williams reported that the District is proposing to purchase the 270-acre Peninsula Open Space Trust (POST) October Farm property for \$3,500,000. He explained that the District will reimburse POST for removal of a dump site and for restoration work that was completed on the property, which brings the total transaction price to \$3,564,000. Mr. Williams also reported that the staff will file for non-renewal of the Williamson Act contract with San Mateo County and explained the Preliminary Use and Management Plan for the property. Lastly, Mr. Williams reported that the District concludes that the purchase will not have a significant effect on the environment and that it is categorically exempt from the California Environmental Quality Act (CEQA). Discussion ensued.

Public Comment: POST Conservation Director Marc Landgraff spoke in favor of the purchase and thanked the Board for its partnership with POST.

Motion: Upon motion by Director Siemens, seconded by Director Kishimoto, the Board approved the purchase of the POST October Farm property, adopted the Preliminary Use and Management Plan, authorized the General Manager to file for Williamson Act nonrenewal, and approved a Categorical Exemption in accordance with CEQA. (Vote: 5-0-0; Absent: Cyr and Harris)

5. **Agenda Item #7** – Consider Adoption of an Addendum to the Mitigated Negative Declaration and Corrected Mitigation Monitoring Program for the El Corte de Madera Creek Parking/Staging Area and Trails Project in Accordance with the California Environmental Quality Act to Address San Mateo County's Required Changes to the Project (R-12-15)

Planner III Tina Hugg reported that the El Corte de Madera Creek Parking/Staging Area and Trails Project has been under San Mateo County permit review since June 2010 and that the San Mateo County Planning Commission approved the project at its January 25th meeting with conditions of approval the require modification to the permit drawings. She explained that in accordance with the California Environmental Quality Act, an Addendum to the Mitigated Negative Declaration should be

considered to reflect the technical project modifications that were approved by the Board on February 10, 2010. Ms. Hugg explained that the project modifications are to move the driveway entrance 100 feet south from the proposed location, add 800 feet to the proposed trail located north of the project's proposed pedestrian crossing, and clarify and coordinate San Mateo County and Caltrans' tree replacement requirements and downsize replacement trees from 15-gallon plants to 1-gallon plants and plant the trees on District land instead of along Highway 35 as previously required by Caltrans. Discussion ensued.

Motion: Upon motion by Director Hassett, seconded by Director Hanko, and unanimously passed, the Board adopted the addendum to the Mitigated Negative Declaration and Corrected Mitigation Monitoring Program for El Corte de Madera Creek Parking/Staging Area and Trails Project. (Vote: 5-0-0; Absent: Cyr and Harris)

6. **Agenda Item #8** – Consider Authorization to Amend a Contract with ARCADIS, Inc. for Engineering and Design Services Address Caltrans Input and San Mateo County's Required Changes to the El Corte de Madera Creek Parking/Staging Area and Trails Project (R-12-32)

Planner III Tina Hugg explained that to implement the modifications in the El Corte de Madera Parking/Staging Area and Trails project as reported earlier in the Agenda Item, staff is requesting an amendment to the contract with Arcadis, Inc. for an additional amount of \$15,000, which includes a base fee of \$8,820 and a contingency of \$6,180, for a total contract amount not to exceed \$159,000. She explained that due to the length and uncertainty of the permitting process in San Mateo County, the contingency amount is recommended to allow the District to address any unanticipated tasks that may come up during the permitting process. Brief discussion ensued.

Motion: Upon motion by Director Kishimoto, seconded by Director Siemens, the Board authorized the contract amendment with Arcadis, Inc. (Vote: 5-0-0; Absent: Cyr and Harris)

7. **Agenda Item #9** – Adoption of Mitigated Negative Declaration and Mitigation Monitoring Program for Implementation of Pond Management Plan Project at La Honda Creek Open Space Preserve (R-12-33)

Planner II Julie Andersen provided an overview and stated that the goal of the Pond Management Plan is to improve habitat conditions for the California red-legged frog and to extend the long-term viability of the existing livestock ponds to support ongoing grazing activities. She explained that the project is to repair pond basins, earthen berms, and spillways at eleven ponds located at La Honda Creek Open Space Preserve and that the recommended CEQA action is to adopt a Mitigated Negative Declaration. Ms. Andersen stated that the Board is only considering completion of CEQA compliance regarding the Pond Management Plan and not any site specific work. Discussion ensued.

Motion: Upon motion by Director Siemens, seconded by Director Hassett, the Board adopted the Mitigated Negative Declaration and Mitigated Monitoring Program for implementation of the Pond Management Plan project at La Honda Creek Open Space Preserve. (Vote: 5-0-0; Absent: Cyr and Harris)

- 8. Agenda Item #10** – Approval to Apply for the California Department of Fish and Game Fisheries Restoration Grant for Ranch Road Upgrades, Improvements, and Abandonment within the Driscoll Ranch Area of La Honda Creek Open Space Preserve and Approval of Provisional Landowner Access Agreement (R-12-34)

Ms. Andersen reported that the District had an opportunity to submit a grant application to the California Department of Fish and Game Fisheries Restoration Grant Program to help fund high priority erosion control treatments for road segments within the Driscoll Ranch area of La Honda Creek Open Space Preserve. She stated that the roads are located within the San Gregorio Creek watershed which is a salmonid watershed that is listed as impaired by coliform bacteria and sediment. Ms. Andersen explained that the total amount of the grant will not exceed \$600,000 and that the District will provide a cost share of 25% to 30% of the project amount. Discussion ensued.

Public Comment: Mike Bushue spoke in favor of the project and stated he looks forward to the opening of La Honda Creek Open Space Preserve.

Motion: Upon motion by Director Hanco, seconded by Director Siemens, the Board approved applying for the California Department of Fish and Game Fisheries Restoration Grant and approved a provisional landowner access agreement. (Vote: 5-0-0; Absent: Cyr and Harris)

VII. INFORMATIONAL REPORTS

COMMITTEE REPORTS

There were none.

STAFF REPORTS

Administrative Services Manager Kate Drayson provided a status update on the Integrated Accounting and Financial Software.

Planning Manager Ana Ruiz reported that she attended a meeting at the Metropolitan Transportation Commission regarding public outreach and discussion was held on the role of open space. She also provided an update on the Hawthorns property.

Real Property Manager Mike Williams announced that the District was awarded a \$500,000 grant from the Habitat Conservation for the purchase of the POST Madonna Creek property.

Operations Manager David Sanguinetti provided an update on the Fremont Older Road Agreement. He also reported that he was contacted by the City of Walnut Creek Open

Space Department regarding the District and was asked to share examples of District signs, ordinances, organizational structure, etc.

Acting Natural Resources Manager Kirk Lenington reported that the District was not awarded the grant for Pond DR07 and DR08, but that the District did receive funding to support Sudden Oak Death research. He also reported that he and Planner II Gretchen Lausten attend the San Mateo County Farm Bureau meeting regarding the Mindego Gateway Project and stated that some members of the public expressed disappointment that grazing has not returned on the property.

General Counsel Sue Schectman reported that her last day with the District is March 30th and that a transition plan for Sheryl Schaffner is in place.

General Manager Steve Abbors reported he met with Lennie Roberts regarding sustainable farming on the San Mateo coast. He also reported that the Planning department is working on new ward maps to post in the Administrative Office and that he continues to attend the Peninsula Working Group meetings.

DIRECTOR REPORTS

The Board submitted their compensable forms to the District Clerk.

Director Kishimoto reported that she will be speaking at the Cupertino Rotary Club. Director Hanko expressed concern that the budget for Director stipends were depleted and asked what measures will be taken to ensure that Directors are paid in a timely manner. Mr. Abbors responded that the Board has had a number of both Board and Committee meetings and that the District does not anticipate having the same amount of activity. Ms. Drayson also stated that a “tickler” has been included in the mid-year budget review process to ensure there are funds for the fiscal year.

Director Riffle announced that General Counsel Sheryl Schaffner will start on Monday, March 19th.

VIII. ADJOURNMENT

President Riffle adjourned the Regular Meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:43 p.m.

Michelle Radcliffe, CMC
District Clerk