



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

**Wednesday, December 13, 2023**

*The Board of Directors conducted this meeting in accordance with  
California Government Code section 54953.*

**DRAFT MINUTES**

**SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA  
REGIONAL OPEN SPACE DISTRICT – STUDY SESSION**

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

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: Karen Holman and Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, and Capital Projects Field Manager Bryan Apple, and Special Project Maintenance Supervisor Cody Fickes

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website.

Director Holman attended the meeting at 5:03 p.m.

- 1. Selection of a Multi-use Through Trail Alignment at Bear Creek Redwoods Open Space Preserve (R-23-142)**

Capital Projects Field Manager Bryan Apple presented three multi-use through trail alignment options for Bear Creek Redwoods Open Space Preserve and explained that staff engaged in trail scouting, public outreach, and assessments to arrive at the proposed alignment options.

Director Riffle requested Mr. Apple explain the comment regarding mountain bicyclists having a minimal need to connect the multi-use trail to the planned new North Parking Area.

Mr. Apple explained feedback from prior workshops revealed most cyclists intended to connect from Lexington Basin on a longer route up to the Summit/Skyline area as opposed to connecting from the planned North Parking Area.

President Kishimoto inquired if the County would issue permits given the proximity of the San Andreas Fault.

Mr. Apple stated that the District is currently constructing bridges within the area and already received building permits through the County of Santa Clara. He explained that once an alignment option is chosen, the next steps will be to create a proper seismic design for trail bridges to account for any geological hazards.

Director Riffle inquired if all alignment options include equestrian and hiking access to the North Parking area.

Mr. Apple stated that the North Parking area would be limited to hikers and equestrians if there is no trail connection to the parking area for cyclists.

Ms. Ruiz explained that the trail crossing by Bear Creek Stables in alignment two is not a fixed location and may alter as plans and construction develop.

Mr. Apple noted that the section in Alignment 2 near the backside of the Stable's dressage area would need to be steeper than the trail standard due to geological issues.

Ms. Ruiz asked if the trail closest to Bear Creek Stables would pass near existing buildings.

Mr. Apple stated that the trail may be near paddocks and the haybarn depending on the final trail site location.

Director MacNiven inquired how Alignment 2 provides the greatest on-trail separation of bicyclists from equestrians if all three alignment options allow bicyclists, equestrians and hikers.

Mr. Apple reported that the existing trails would enable equestrians to make loops without the potential overlap of cyclists if they chose to do so, but the multiuse trails will indeed be accessible to bicyclists, hikers and equestrians.

Director Gleason asked if any of the alignment options become cheaper if they are solely hiking/bicycling trails.

Mr. Apple stated it would not reduce cost or construction requirements.

Director Riffle inquired and received confirmation that Alignment 2 brings bicyclists into the Stables with the greatest proximity being by the paddocks and dressage area. He asked if a bicyclist wanting to drive to the Preserve and unload their bike would have to use the Alma parking lot.

Mr. Apple stated that it is true for Alignments 1 and 3, but for Alignment 2, bicyclists could utilize the North Parking Area.

Director Riffle inquired and received confirmation that public equestrian trailer parking at the Stable's driveway would no longer be needed if the North Parking lot was developed.

Mr. Apple highlighted that Alignment 3 has an intersection near the southside of the bridge where hiking, equestrian and multiuse trails meet for no more than 100 feet. The intersection grade is approximately 15%.

Director Riffle asked why the potential public opening for Alignments 2 and 3 were the same when Alignment 2 appears to be more complex.

Mr. Apple stated that both Alignments 2 and 3 have a potential public opening of 2027 due to the design permitting timeline.

Assistant General Manager Brian Malone stated that Alignments 2 and 3 may have differences in the cost and timeline due to the uncertainty that occurs with larger projects.

Director Gleason asked if the proposed 2025 opening for Alignment 1 included bike access.

Ms. Ruiz explained that the existing trail network and Summit Road on the western side of the preserve is missing a connection, which is topographically complicated. The District also needs to consider how to safely bring people directly onto the Summit/Skyline Boulevard intersection. Furthermore, portions of the multiuse trail may potentially be phased in for an earlier opening date.

Director Holman inquired about the additional cost of adding the equestrian bypass in Alignments 1 and 3.

Mr. Apple responded the bypass would be constructed by staff and is not a significant cost.

Director Cyr commented that once bicycles are introduced to a trail, it may be difficult to keep bicyclists exclusively on multiuse trails.

Mr. Apple explained the District would address concerns operationally by posting informational signs and Rangers would educate the public about which trails are multiuse.

Director Riffle left at 6:20 p.m. and returned at 6:22 p.m.

Public comment opened at 6:22 p.m.

Brandy Van Zandt advocated for bike and equestrian separation and expressed concern with the term "advanced rider" since horses can get spooked regardless of the experience of the rider.

Many horses have never seen bicycles and may get spooked. She emphasized that even without bicycles, there are several wildlife distractions on the trail.

Robert Filkowski commented that he joined Bear Creek Stables back in May and mentioned it is difficult for people who do not have horses to understand the perspective of an equestrian and the love they have for their horse. He stated that he knows many equestrians who have had issues with mountain bicyclists and believes it would be best to keep bicyclists and equestrians separate.

Helen Midgard, a boarder at Bear Creek Stables, concurred with the previous public comments. She noted horses are prey animals and have a fear of being snuck up on. She voiced her concern that the separation will not be sufficient to prevent horses from being spooked if they see a bike in the near distance. Ms. Midgard commented that many equestrians on the trails are novices and urged the Board to accept Alignment 2 for the most separation between bicyclists and equestrians.

Katja Wick, a boarder at Bear Creek Stables, stated it is unsafe to mix horses and bicyclists. She advocated for Alignment 2 since it provides the most separation. She voiced concern that Alignment 3 has no connection for bicyclists to the new parking lot, which may lead to bicyclists parking wherever is convenient to access the multiuse trail. She recommended implementing the equestrian bypass or postponing opening Bear Creek Preserve to bicyclists.

Public comment closed at 6:32 p.m.

Director Cyr inquired if the initial intent for the preserve was for bicyclists to transit from Highway 17 up to Summit/Skyline.

Mr. Apple confirmed that was the intent so bicyclists would not have to use Bear Creek Road, which can be dangerous for bicyclists.

Director Cyr asked if Alignment 2 offered the least contact between bicyclists and equestrians.

Mr. Apple confirmed and noted Alignment 3 strives to keep bicyclists and equestrians separate but does not achieve the same degree of separation as Alignment 2.

Director Gleason inquired if Alignment 3 had the flexibility to bring the shared segment of trail closer to a perpendicular crossing.

Mr. Apple noted it is possible, but it would still be skewed given the location of the connection to the trail.

Special Project Maintenance Supervisor Cody Fickes stated he believes the intersection can be improved but it would require more earth movement.

Engineering Geologist Consultant Tim Best noted the site is constrained with the Briggs Creek Trail coming down at a moderate to steep grade. There is a dip in the trail to allow water to runoff. To the east, there is an active landslide with ground cracking close to the road. It is not feasible to go straight across from the bridge because it is on a slope.

Director Riffle commented that sightlines are a big issue with Alignment 3 and inquired if the trail intersection has visibility to allow horses and users to see ahead and make adjustments.

Mr. Best explained that the intersection was fairly wide open to allow visibility, but chicanes would be advisable if there is a trail crossing to slow bicyclists down.

Director Gleason requested clarification for why the equestrian bypass was not included in Alignment 2.

Mr. Apple stated the Board could request the equestrian bypass to be included in Alignment 2 but it does not serve as a direct separation component as with Alignments 1 and 3.

Ms. Ruiz indicated that if the Board decides to add the equestrian bypass to Alignment 2, field crew work will be diverted from other projects.

Mr. Malone responded to Ms. Van Zandt's public comment and stated that the multiuse trail would be equivalent in terms of safety to other four-to-five-foot-wide trails located at other open space preserves that allow bicycles, equestrians, and hikers and would enable equestrians to travel from the Stables to Alma College.

Ms. Ruiz suggested one possibility is to do an adaptive approach and proceed with one alignment for now if the Board is conflicted on which to choose. An additional alignment could be added if the chosen option still raises issues after implementation.

Director Riffle confirmed that an adaptive approach would be an additional cost.

Director MacNiven emphasized the importance of a compromise, highlighting the District's obligation to taxpayers. She expressed skepticism about bicyclists utilizing Bear Creek Preserve for a 2.2-mile ride if the Board chose Alignment 1 before the through trail to Mt. Umunhum is established. Additionally, she shared feedback that some equestrians will not use the trail with bicyclists present and inquired what alternative trails are available for horses.

Mr. Apple explained the core area of concern with Alignment 1 as the area of overlap that would potentially cut off equestrians from accessing up to Alma College on the west side of the preserve because of the two bridge crossings currently being constructed.

Director Holman noted her concern with the trail being multiuse since bicyclists will gain speed, and Rangers are not available everywhere. Director Holman suggested implementing alternative use days for bicyclists and equestrians. She noted that Alignment 2 separates bicyclists and equestrians the most but also has the largest environmental impact.

Director Riffle shared he is leaning towards Alignment 3 since it balances safety of constituents and the impacts it has on the environment and the Stable operations. He noted the Board also needs to be good stewards of funds and staff time.

Director Gleason explained that while there is no perfect solution, he prefers Alignment 3 with the equestrian bypass and stressed measures should be taken to keep the crossing safe. He shared that Alignment 2 caused concern because of bicyclists being near the Stables.

Director Riffle clarified he would also like the equestrian bypass incorporated with Alignment 3.

Director Cyr concurred that Alignment 3 is a good compromise.

Director Holman inquired if there are mitigating steps that could be taken if issues develop among different trail users.

Mr. Malone stated staff would spend time at the locations and make adjustments if there are issues, such as including chicanes to reduce the speed of bicyclists.

Director Holman expressed that with considerable monitoring, she can support Alignment 3 with the equestrian bypass.

Director Gleason commented that there are potential ways to reduce impact such as considering restoring roads if the equestrian bypass is created.

President Kishimoto shared she is also leaning towards Alignment 3 due to natural resource impacts and cost.

Director Riffle expressed the need to use adaptive management to mitigate trail user conflicts if they arise.

**Motion:** Director Gleason moved, and Director Riffle seconded the motion to select Multi-Use Through Trail Alignment 3 with the equestrian bypass for implementation at Bear Creek Redwoods Open Space Preserve.

**ROLL CALL VOTE: 6-0-0 (Director Kersteen-Tucker absent)**

**ADJOURNMENT**

President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:10 p.m.

**SPECIAL MEETING OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FINANCING AUTHORITY**

President Kishimoto called the special meeting of the Midpeninsula Regional Open Space District Financing Authority to order at 7:23 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Yoriko Kishimoto, Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Santa Clara County Supervisor Joe Simitian

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, and Executive Assistant/Deputy District

Clerk Shaylynn Nelson, Budget & Finance Manager Rafaela Oceguela and Controller Mike Foster

**FINANCING AUTHORITY BUSINESS**

**1. Confirm no activity by the Midpeninsula Regional Open Space District Financing Authority on debt issues for the Fiscal Year Ending June 30, 2023 (R-23-143)**

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak presented the Financing Authority Report and shared the Midpeninsula Regional Open Space District Financing Authority is in full repayment of all amounts due for the fiscal year ending June 30, 2023.

Public comment opened at 7:28 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 7:28 p.m.

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to accept the report on the Financing Authority’s debt issuance.

**ROLL CALL VOTE: 3-0-0 (Director Kersteen-Tucker and Supervisor Simitian absent)**

**ADJOURNMENT**

President Kishimoto adjourned the special meeting of the Midpeninsula Regional Open Space District Financing Authority at 7:28 p.m.

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

President Kishimoto called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:28 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Shaylynn Nelson, Grants Program Manager Deborah Hirst, and Senior Grants & Procurement Technician Samantha Powell

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District’s Administrative Office, and on the District website.

**ORAL COMMUNICATIONS**

Public comment opened at 7:29 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 7:29 p.m.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE:           6-0-0 (Director Kersteen-Tucker absent)**

**CONSENT CALENDAR**

Director Holman inquired about the cost of the amendment contract for Agenda Item #5 and noted that the typical contingency amount is 10% and this contract is issuing 15%.

General Counsel Hilary Stevenson explained that the agreement with the San Mateo Resource Conservation District (RCD) initially began to look at the design aspects of the project. That phase is completed, and the new phase is to move forward with construction.

Natural Resources Manager Kirk Lenington stated the higher contingency is due to the greater uncertainty with stream restoration and field fitting work.

Public comment opened at 7:34 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 7:34 p.m.

**Motion:** Director Cyr moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

**ROLL CALL VOTE:           6-0-0 (Director Kersteen-Tucker absent)**

1.     **Approve the October 25, 2023, November 1, 2023, and November 8, 2023 meeting minutes**
2.     **Claims Report**



**3. 2024 Legislative Program (R-23-144)**

General Manager's Recommendation: Adopt the 2024 Legislative Program as recommended by the Legislative, Funding, and Public Affairs Committee, with any final changes from the Board of Directors, to set the Calendar Year 2024 legislative priorities and policies for Midpeninsula Regional Open Space District

**4. Fiscal Year 2023 Annual Financial Report (R-23-145)**

General Manager's Recommendations: Review and accept the Fiscal Year 2022-23 (FY23) Annual Financial Report.

**5. Contract Amendment for San Gregorio Creek Fish Habitat Enhancement (R-23-146)**

General Manager's Recommendations:

1. Authorize the General Manager to amend the existing partnership agreement with the San Mateo Resource Conservation District by \$246,273, bringing the total base not-to-exceed contract amount to \$292,011, to oversee the implementation and monitoring of habitat enhancements in San Gregorio Creek to promote the recovery of protected fish species.
2. Authorize an additional 15% contingency of \$36,941 to cover unforeseen tasks for a total not-to-exceed contract amount of \$333,214.

**6. Award of Contract to On Point Land Management, Inc., for Pest Control Advisor Services (R-23-147)**

General Manager's Recommendations:

1. Award a contract to On Point Land Management, Inc., of San Francisco, California, for a not-to-exceed base contract amount of \$92,500.
2. Authorize an allowance of \$49,000 to cover additional pest control services (including enrichment training for volunteers, preparation of individual IPM Plans), bringing the total not-to-exceed contract amount to \$141,500.

**7. Award of Contract for Design and Engineering Services for the Prospect Road Culvert Replacement Project at Fremont Older Open Space Preserve (R-23-148)**

General Manager's Recommendations:

1. Award a contract to BKF Engineers of Redwood City, California, for design, engineering, permitting, and construction administration for the Prospect Road Culvert Replacement Project for a not-to-exceed base contract amount of \$81,964.
2. Authorize a 15% contingency of \$12,295 to cover unforeseen work, bringing the total-not-to-exceed contract amount to \$94,259.

**8. Minor Amendments/Corrections to Board Policy 5.01 – Site Naming, Gift, and Special Recognition – related to Monetary Gift Acknowledgements (R-23-149)**

General Manager's Recommendations: Approve minor amendments/corrections to Board Policy 5.01 – Site Naming, Gift, and Special Recognition, as supported by the

Legislative, Funding, and Public Affairs Committee to acknowledge all gifts annually in a standard publication regardless of and without specifying the gift amount.

**9. Award of Contract to Community Initiatives (the fiscal sponsor of Latino Outdoors) to provide Community Engagement Events for Two Years (R-23-150)**

General Manager's Recommendations: Authorize the General Manager to enter into a contract with Community Initiatives for an amount not-to-exceed \$88,000 over a two-year span to provide engaging outdoor experiences for diverse participants at various open space preserves and via online virtual presentations.

**BOARD BUSINESS**

**10. Grant Awards for the 2023 Grantmaking Program (R-23-151)**

Senior Grants & Procurement Technician Samantha Powell and Grants Program Manager Deborah Hirst reviewed the purpose and funding priorities of the District's Grantmaking Program and the grant application process. Staff described the evaluation criteria used by the review committee when assessing the grant applications, and summarized the applicants' organizations, proposed projects and recommended grant awards for each.

Director Cyr expressed his appreciation for the decision to include a pre-proposal stage to reduce the time and energy to submit project ideas for consideration.

Director MacNiven highlighted how meaningful grants can be to smaller nonprofits.

President Kishimoto inquired if the District needs to wait until the next cycle to award more grants since there were four other proposals which scored over 90%.

Ms. Hirst explained there is no funding for additional grants during this cycle.

Director Riffle expressed concern that there were no science awards. He inquired if funding science should be reconsidered.

Mr. Lenington explained that the relatively small grant sizes and the time it takes to foster academic relationships and build research programs that meet the District's needs impacted the number of science submissions.

Director Riffle expressed concern that no grants were awarded to Coastside applicants and applicants with less sophistication in writing grant proposals. He inquired if that could be revisited from a criteria standpoint.

Ms. Hirst noted staff shared the concern for geographic representation and explained there is limited staff capacity to meet the needs of grantees who need additional support.

Director Riffle stated that a good way to build relationships on the coast is through the Grantmaking Program and suggested additional criteria aimed at geographic equity be discussed at the future Grantmaking study session. He acknowledged there are not any tier one applicants and inquired if the effort exceeds the worth for grantees.

Ms. Hirst stated the applicants were for higher tier grants and noted the Board could consider larger grants.

Director Riffle observed the pattern that three of the five grants were for indigenous oriented grants and inquired if that was intentional.

Ms. Hirst explained that partnerships with indigenous communities is of growing interest within the conservation community but for this Grantmaking Program, it was a coincidence that the District received three proposals that scored well.

Director Gleason inquired how staff would have proceeded with awarding grants if funds were not limited.

Ms. Hirst stated there were four high scoring applicants that would have been selected if there were unlimited funds.

President Kishimoto commented that a different category may be merited to assist younger organizations with obtaining the infrastructure and staff to successfully apply for more funds.

Ms. Hirst explained the scoring criteria could be flexible for organizations interested in support for capacity building from the District. She noted the pre-proposal steps and consultations were implemented to lower barriers and demystify the process.

President Kishimoto asked if it is possible for younger organizations that cannot check all the boxes to reach a 90% score.

Ms. Hirst explained it is possible.

Ms. Ruiz stated that the Grantmaking study session will happen next year or the year after since the grant cycles are every two years. The Board can share ideas for what the session will look like beforehand.

Public comment opened at 8:12 p.m.

Ms. Nelson reported there were no public speakers for this item.

Public comment closed at 8:12 p.m.

Director Riffle stated he would like to discuss increased funding and staff for the Grantmaking Program at the future study session, as well as ways to support the science category, receive information on best practices from other agencies, and consider building relationships with the Coastside community. He would like to get feedback from applicants on how the program can be improved. Additionally, he suggested an optional supplemental organizational effectiveness grant for grant recipients to assist in effective use of grant funds. He would also like to consider options for the \$25,000 grant category, such as whether it should be a one-page application submission or if it is too small an amount to garner interest.

President Kishimoto expressed an interest in building long term relationships with multiyear grants but noted this is based on taxpayer money and the District could not support an organization for an extended period of time.

Director Gleason advised that the science advisory panel should be considered in exploring the future of the science priority. He suggested the possibility of using the grants program to impact constituents where they live.

Director Holman suggested the Grantmaking discussion topics return to the Legislative, Funding, and Public Affairs Committee (LFPAC) to see if there are additional topic suggestions. She stressed the importance of a clear connection between the District's mission and the Grantmaking policies and decision-making process.

**Motion:** Director MacNiven moved, and Director Cyr seconded the motion to approve grant awards totaling \$249,769 for five (5) proposals under the 2023 Grantmaking Program as recommended by the Legislative, Funding, and Public Affairs Committee.

**ROLL CALL VOTE: 6-0-0 (Director Kersteen-Tucker absent)**

### **INFORMATIONAL REPORTS**

#### A. Committee Reports

Director Cyr reported that the Planning and Natural Resources met on December 12, 2023. The Committee discussed the renaming of Smith Driveway and the addition of Legacy Road as a new Trail Segment at Russian Ridge Open Space Preserve.

Director Gleason reported that the November 16, 2023 Hawthorns Historic Complex Ad Hoc Committee discussed grading options, building preservation, public access features and finding partners for the restoration.

Director Holman requested board members forward ideas for potential restoration partners.

#### B. Staff Reports

Public Affairs Manager Korrine Skinner shared that the District's 50<sup>th</sup> anniversary documentary is tentatively being aired on NBC Bay Area on December 25, 2023 at 4:00 p.m.

Assistant General Manager Susanna Chan reported the San Mateo County Planning Commission approved the District's master permit for the maintenance and restoration program.

#### C. Director Reports

Directors Cyr, MacNiven and Holman attended the District's Holiday party.

Director Riffle thanked staff for the Board Retreat.

Director Gleason attended the Santa Clara Special District Association along with President Kishimoto. He attended two District volunteer events, the BioBlitz at Coyote Creek, and the Brown Bag on Tuesday, December 12.

President Kishimoto reported the final Brown Bag of the year was well attended. She participated in the Bay Conservation and Development Commission (BCDC) meeting on December 7 and attended a couple of meetings with supervisors from the Board of Supervisors to provide updates on the District.

Director Holman thanked President Kishimoto for serving as the Board President.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 8:33 p.m.

Shaylynn Nelson  
Deputy District Clerk