



**REGULAR MEETING**

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

**Wednesday, February 14, 2024**

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

**DRAFT MINUTES**

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

President MacNiven called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Margaret MacNiven, and Curt Riffle

Members Absent: Yoriko Kishimoto

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

President MacNiven 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 7:01 p.m.

District Clerk Maria Soria reported there were no public speakers for this item.

Public comment closed at 7:02 p.m.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 6-0-0 (Director Kishimoto – Absent)**

**CONSENT CALENDAR**

Public comment opened at 7:02 p.m.

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

Public comment closed at 7:03 p.m.

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

**ROLL CALL VOTE: 6-0-0 (Director Kishimoto – Absent)**

1. **Approve the January 10, 2024 and January 24, 2024 Board meeting minutes**
2. **Approve Claims Report**
3. **Revisions to Board Policy 3.03 - *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing* (R-24-16)**

Board President’s Recommendation: Review and approve the proposed changes to Board Policy 3.03 - *Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing* to increase the General Manager’s expenditure authority by 2% annually pursuant to California Public Resources Code section 5549 (b)(2), which was amended through State legislation (AB 2137).

4. **Contract Amendments for Parametrix (formerly Parisi Transportation Consulting) and PGAdesign for Additional Services, Contingency and Allowance Funds in Support of Unanticipated Services for the Hawthorns Area Plan (R-24-17)**

General Manager’s Recommendation:

1. Authorize the General Manager to amend a contract with Parametrix (transportation consultant) by \$25,125 as follows, for a total not-to-exceed new contract amount of \$245,050:
  - a. Supplemental Work Allowance of \$12,000 for additional traffic and transportation consulting services related to the parking area and driveway conceptual designs.
  - b. An additional contingency of \$13,125 for future unforeseen tasks beyond the current scope of work.
2. Authorize the General Manager to amend a contract with PGAdesign (Public Access Working Group facilitator) by \$19,155 as follows, for a total not-to-exceed new contract amount of \$69,155:

- a. An increase to the contract of \$14,155 to cover additional time coordinating, preparing for, facilitating, and completing post-meeting support work for the remaining planned Public Access Working Group (PAWG) meetings.
- b. A contingency of \$5,000 for other unforeseen PAWG meetings and tasks beyond the scope of work.

**5. Communications Lease with DISH Wireless LLC at the existing PG&E Tower in Pulgas Ridge Open Space Preserve (R-24-18)**

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA) as set forth in this report.
2. Authorize the General Manager to enter into a Communications Site Lease with DISH Wireless LLC for an initial 10-year term with three 5-year optional extensions at a starting annual rent of \$54,000 with a 3% annual increase thereafter.

**BOARD BUSINESS**

**6. Pulgas Ridge Open Space Preserve Public Access via Los Vientos Way (R-24-19)**

Assistant General Manager Brian Malone presented on the proposal to open a public trail access point to Pulgas Ridge Open Space Preserve at the end of Los Vientos Way. He reviewed the project location and background information. He then introduced from the City of San Carlos Parks and Recreation Director Amy Newby.

Ms. Newby stated that she was accompanied by City Attorney Greg Rubens and Assistant Community Development Director Andrea Mardesich. Ms. Newby continued the presentation and highlighted the Los Vientos access point and provided additional background information and the City of San Carlos efforts to improve neighborhood trail access. The San Carlos Trails Committee finalized the trails connections plan, which was approved by the City Council in February 2007. This plan outlines 14 potential connections to the local trail system. These connections are divided into two categories: first priority and second priority. The trail connection under discussion is designated as the second priority in the first priority category. Ms. Newby commented that these efforts stalled for a few years however, in January 2023, the City Council introduced a new goal focusing on recreation activities. As part of this goal, one of the identified objectives is to explore new trail connections and opportunities within the community and neighboring areas. In September 2023, following discussion with the District, the City Council adopted a resolution to pursue the Los Vientos Way trail entrance and the City prepared a notice of exemption consistent with CEQA. The City hosted community meetings about the potential access point and provided an opportunity for community discussion. Through conversations with Mr. Malone, the City has agreed to provide trash receptacles and dog waste bags and service them on a regular basis, additionally the City will monitor and address parking issues with residents as necessary.

Mr. Malone continued the presentation and noted that the City has also expressed interest in pursuing a planned and nearby regional trail, named the East Ridge Boundary Trail, which appears in the San Mateo County Trails Master Plan. Future completion of the planned East Ridge Boundary Trail along with Board approval of the neighborhood public access point to the Preserve via Los Vientos Way would accomplish Vision Plan Priority Action #26. Staff will

consider adding the East Ridge Boundary Trail project to a future Capital Improvement and Action Plan for Board consideration based on available District staff and partner capacity.

Furthermore, Mr. Malone reviewed neighbor concerns such as fire, parking, littering, lack of restrooms, dog waste, after hours use, and bike access. He stated that Pulgas Ridge Preserve is reserved for hiking only with dog access. He emphasized that based on staff's experience managing similar sites, there is usually not an increase in crime. To address dog waste concerns, dog waste receptacles will be added and serviced by the City. Restrooms are provided by the District at the main parking lots, and there is one at the preserve. The City will be monitoring parking along Los Vientos Way to see if there are any issues. District standard signage will be added, and the area will be included in the District's patrol program. Mr. Malone stated that the District has completed a major Wildland Fire Resiliency project and annual vegetation clearing permits are available to residents to clear vegetation on District land within 100 feet of an occupied structure for defensible space via the District's defensible space permit program. Finally, Mr. Malone provided a trail description and next steps.

Director Gleason commented that he viewed the City Council meeting when this project was discussed and inquired if it is correct that the City took the position that if a lot of issues arise, they could close the point of access.

Ms. Newby reported that the intention is not to close access once it is opened, but rather mitigate any neighbor concerns whether related to trash, dog waste, or parking. Council wants staff to work with the community and neighboring jurisdiction to resolve any issues that may arise.

Director Kersteen-Tucker asked whether opening the access point would ultimately benefit the residents and neighbors by providing increased oversight and a legitimate means of entry to the preserve.

Mr. Malone agreed and stated that it would be better patrolled, and the access will discourage illegal activity.

Director Kersteen-Tucker asked if there will be both trash receptacles and dog waste receptacles.

Mr. Malone stated that the City intends to have a trash receptacle that will take both trash and dog waste.

Director Kersteen-Tucker inquired how often the City will be hauling the trash away.

Ms. Newby mentioned that the City will start with twice a week service and see how it works and may increase servicing if needed; it may take a few months to monitor the use.

Director Kersteen-Tucker sought clarification on the City's plan to address the situation if Los Vientos Way becomes a popular destination and is overwhelmed with visitors.

Mr. Malone explained that decision related to parking would ultimately be up to the City. He commented that several options are available to address potential parking issues, such as enforcement if the gate is blocked, also the City can prohibit parking or implement residential parking only on a portion of Los Vientos Way.

Ms. Newby stated that at the corner of Crestview and Los Vientos the City owns a strip of property along Crestview Drive that is adjacent to the SFPUC property that does not front any homes. The city can look at this property should it be needed to address any influx of parking needs.

Director Kersteen-Tucker asked if there are any other locations in the preserves where bike racks or bike parking is provided for those arriving on a bike, but where bikes are not allowed in the preserve.

Mr. Malone noted that while there are bike racks available at other preserve parking lots, he is unaware of any at a secondary access point. However, that is something that staff can look at with adaptive management.

Director Kersteen-Tucker suggested installing a bike rack sooner rather than later at the access point and that it would encourage people to bike rather than drive, potentially alleviating parking issues.

Mr. Malone stated that Crestview is extremely steep and does not see it as a regular bike route, most likely people would use Edgewood Road to access the main parking entrance of the preserve and suggested an adaptive approach.

Public comment opened at 7:59 p.m.

Charlene Garabedian expressed opposition to the proposal citing concerns about the impact on residential areas. She advocated for exploring alternative entrances that would not directly affect residential neighborhoods. She highlighted concerns about noise, garbage, excess foot and automobile traffic, and barking dogs.

Oksana Sirenko emphasized that the area is not abstract but directly adjacent to residential homes. She noted that issues such as dog waste can become a problem if not promptly addressed, as well as increased parking. She expressed skepticism about claims that parking and fire hazards would not be significant problems. Additionally, she commented that the residential area is not suitable for a recreation access and suggested that alternative locations like North Crestview Park could be more appropriate.

Lucy Dobson expressed her concerns about dog waste and increased traffic, particularly in the absence of adequate space for turning around in a cul-de-sac. Ms. Dobson shared an example where San Mateo County no longer allows parking at the entrance of Huddart Park as it was a problem for the residents. She suggested exploring alternative access points, such as going through the SFPUC land and circumventing Los Vientos Way to mitigate the impact on residential streets.

Allison Stanton expressed her concerns about the lack of sufficient study and engagement with the neighborhood. She believes that residents had not been given the opportunity to walk through and discuss their concerns. Ms. Stanton emphasized that the issues raised in 2009 and 2010, including fire risk, parking, and signage, had not been adequately addressed. She expressed her concerns that lowering the fence could increase the risk of dumping and urged the City to prioritize meaningful engagement with residents before moving forward with the proposed access point.

Beth Harrison spoke in support of the proposal and highlighted the benefits of connecting trails among different City parks and emphasized the importance of preserving open spaces for hiking and enjoying nature.

Dee Dee Stovel spoke in favor of the proposal and believes implementing the proposal would lead to improvements in the area.

Pete Hartzell spoke in favor of the proposal and saw the proposed access as a perfect way to connect various parks and open spaces, including Eaton Park, Big Canyon, and Pulgas Ridge.

Kaye Bonney spoke in favor of the proposal and commented that residents will benefit from being able to enjoy natural spaces near where they live, without having to drive. She pointed out that the trail entrances to Eaton Park and Big Canyon on Britain Avenue are right next to residences, yet he has not seen evidence of trash or dog waste there.

Jonathan Stanton expressed opposition to opening the access point. He raised concerns about the lack of planning, outreach, and coordination in determining the appropriateness of the access point. He believes there is a discrepancy between previous City meetings where it was stated that Crestview would serve as the parking area and that there would not be parking at Los Vientos Way. He commented that it is important to have proactive measures to prevent problems, such as implementing parking restrictions and signage to ensure the safety and convenience of residents.

Adam Rak, a member of the City Council in San Carlos, expressed his support for the access point. Last year, the City Council voted 5-0 to change the easement for pedestrian use. They are committed to working with residents to address concerns, including trash pickup, parking management, and providing dog waste bags. As the chair of the trash board, he committed to making sure that trash will be promptly collected. In terms of parking, the City has a strip of land on Crestview and the City is open to exploring options for managing traffic and increasing patrols with the sheriff's department. Their goal is to be part of the solution in creating more trail access and addressing the gap in regional trail connections in San Carlos. Mr. Rak commented the City is committed to minimizing impacts on neighbors and making this access point beneficial for all involved. He urged the Board to support the proposal.

Priyanka Parekh raised concerns about parking, and fire hazards. She believes that there has been a lack of engagement from the City despite raising concerns multiple times. She suggested mitigating concerns by not allowing any parking on Los Vientos and directing parking to Crestview Street. She urged the city to conduct thorough due diligence before proceeding.

Andy Klein, former mayor of San Carlos, expressed support for the proposal. He emphasized the importance of providing access to open space for residents, especially those without easy access to recreation areas within walking distance. He thanked the Board and the City of San Carlos for their hard work along with the outreach and urged the Board to move forward with the proposal access point to allow access to the open space.

Public comment closed at 8:25 p.m.

Director Holman commented that there has been public comments about the possibility of increase fire at the entrance and her understanding is that the area will be much more monitored and having a structured access point with appropriate signage will reduce the likelihood of fire.

Mr. Malone stated that smoking, including marijuana use, is prohibited inside the Preserve due to the fire risk, and citations are issued. Legitimate access to the trails tends to discourage unwanted activities. Ms. Newby added that the San Mateo County Sheriff's Captain has reiterated that once the access point is officially established, there will be additional patrol and illegal activities tend to decrease.

Director Holman asked what the plan is should parking becomes an issue.

Ms. Newby clarified that as of their November City Council meeting, the city was waiting for tonight's Board meeting to understand the Board's decision. If the decision is to move forward, the City will continue engaging with neighbors and addressing concerns, especially regarding parking strategies. If deemed necessary, she will collaborate with the public works director and City Council should there be consideration for any parking restrictions or decisions on making it a resident-only parking zone.

Director Kersteen-Tucker suggested prohibiting parking at the end of the road near Best Court to prevent the house located there from being overwhelmed by cars. She asked if this is something the City could consider.

Director Kersteen-Tucker suggested considering a check-in point in a year as part of adaptive management. This check-in could involve the Board and/or the City to assess whether the neighborhood access point is functioning smoothly, if the neighbors are comfortable, and if any parking solutions need to be implemented quickly.

Mr. Malone stated that he would not necessarily agendaize the item but rather schedule a staff meeting followed by an FYI to the Board on the current situation, and if the City decided to do the same with their council, they could coordinate it at the same time. Any action as was mentioned on parking would have to go to the City and likely to their council.

Director Kersteen-Tucker requested an update in the future, maybe within a year.

Director Riffle suggested that either the City or the District provide bike parking sooner rather than later. He emphasized the importance of being vigilant and cautious about managing the parking issue, stating that it is the weak point of the proposal. He advised that careful consideration and management are necessary from the City as the project moves forward.

Public comments reopened at 8:47 p.m.

A public member inquired if the Board's home was directly impacted by a new trailhead, would they be in favor of it.

Directors Gleason and MacNiven responded they would be in favor.

Ms. Sirenko expressed her disappointment that there was not more engagement and hoped it would have been done differently.

A public member encouraged those living near the potential gate opening to visit nearby areas such as Big Canyon, Eaton Canyon, Water Dog Lake, and Hidden Canyon to observe what those entrances are like as she believes that it will reassure them.

Public comments closed at 8:49 p.m.

Director Riffle supported Director Kersteen-Tucker's suggestion for staff to meet in about a year and provide the Board with an FYI on how things are going, and expressed an interest in hearing how the neighbors are feeling.

**Motion:** Director Kersteen-Tucker moved, and Director Riffle seconded the motion to approve the creation of a new public access point of entry into Pulgas Ridge Open Space Preserve at the end of Los Vientos Way in the City of San Carlos and the associated Use and Management Plan Amendment that reflects this decision to allow neighborhood access to the Preserve for hiking and dogs-on-leash uses, as detailed in the staff report.

**ROLL CALL VOTE:           6-0-0 (Director Kishimoto – Absent)**

President MacNiven called for a recess at 8:53 p.m.

President MacNiven reconvened the meeting at 8:57 p.m. with all members in attendance.

#### **7.     Ombudspersons Summary Report for Activities from January through December 2023 (R-24-20)**

General Manager Ana Ruiz provided a recap of recent events related to the Ombudsperson Program. She mentioned that two out of three Ombudspersons endorsed the report, while Bob Rosenberg abstained due to a miscommunication regarding inquiries from the previous year. The issues were resolved satisfactorily by staff, but the Ombudspersons were not informed of the outcomes. Ms. Ruiz acknowledged that the program has been effective but emphasized the need for a reevaluation and potential improvements. She highlighted plans to gather feedback from Ombudspersons, review processes, address glitches, and consider IT system enhancements. Ms. Ruiz expressed anticipation for the input of the new public affairs manager once recruited. She mentioned the ongoing recruitment process and expected recommendations to be presented by the end of the calendar year or early the following year.

Chief Financial Officer/Director of Administrative Services, Acting Public Affairs Manager Stefan Jaskulak provided the staff presentation and reviewed the Ombudspersons Program and procedures. He stated that currently the District has three Ombudspersons Bob Rosenberg, Kristen Yawitz, and Lisa Zadek and the recommendation is to extend the term of all three Ombudspersons through December of 2024. He highlighted the inquiries received for the five-year period 2019-2023, and the next steps of the program.

Director Gleason thanked the Ombudspersons for their service and dedication. He commented in some inquiries, the original request was for the Ombudsperson to get involved but it went to staff beforehand. He raised the question of whether the originators of the requests would consider them to be satisfactorily resolved. He specifically mentioned that in a recent case he was familiar with, the resolution would not have been considered satisfactory.

Mr. Jaskulak stated that all cases so far would be considered satisfactory. One request involved parking at the overlook trail in El Sereno, where the requestor was unaware of available parking permits. Staff provided this information, resolving the issue satisfactorily. Another request



concerned an owner of a parcel near Purisma Creek Redwoods seeking access to the property. Staff met with the owner onsite and determined there was no access without traveling cross country across District or other private land. Mr. Jaskulak emphasized that staff has made every effort possible in all cases, and some requestors have spoken directly to the Ombudsperson.

Ms. Ruiz reported that there was one case in particular that stands out to her, where the Ombudsperson was involved where there was no possible resolution as the case involved differences in philosophies regarding grassland management techniques, as well as differences in policies and expectations between the individual and the District. She noted that Mr. Rosenberg was the Ombudsperson involved in this case. This case was not resolved due to differences in opinion.

Director Riffle commented that it is necessary to review the process and agreed with the plan to conduct a review later in the year, acknowledging that it will take some time. He emphasized the importance of ensuring that people feel heard and that the Ombudspersons feel they are contributing to success.

Director Riffle expressed gratitude to the Ombudsperson for their work and appreciated their willingness to continue for another year.

Director Kersteen-Tucker thanked the three Ombudspersons for their work.

Public comment opened at 9:13 p.m.

Bob Rosenberg, District Ombudsperson commented that he did not see the two inquiries from 2023 and he is trying to figure out why. He filled out a test form and received a response back today from Mr. Jaskulak. What he realized is that when someone fills out an Ombudsperson form, it does not go to an Ombudsperson directly, it goes to staff first and then they forward it to the Ombudsperson. Drawing from his experience he recommends improving the system so that when a form is submitted, it is received by all three Ombudspersons directly, and then the Ombudsperson can work with the General Manager and contact the requestor. Furthermore, he spoke about an Ombudsperson request that he worked on numerous years ago and it was closed without his permission, but now the general manager is willing to involve the Ombudsperson before a request is closed.

Michelle B. expressed her concern about her friend's eviction from the current concessionaire Chaparral at Bear Creek Stables and criticized the effectiveness of the Ombudsman program. She highlighted her friend's attempt to seek assistance through the program, only to be evicted without cause. She voiced dissatisfaction with the program, stating that complaints seem to go nowhere, and decisions are made by staff. She agreed with Mr. Rosenberg's suggestion to revamp the program, emphasizing the need for change to better serve the public. Furthermore, she noted her disapproval of the report, believing it is not a true representation of the concerns being voiced.

Public comment closed at 9:18 p.m.

Director Riffle moved the General Manager's recommendations.

Director Gleason suggested to vote separately on the two General Manager's recommendations while he fully supports extending the terms of all three Ombudspersons, he voiced concerns about the process outlined in the report. He highlighted specific instances where issues were closed without engaging the Ombudsperson, leading to dissatisfaction among those seeking resolution. He emphasized that the purpose of the program is to provide an objective review of concerns raised by individuals, and in cases where there is disagreement between the person raising the issue and the District, the Ombudsperson should be engaged to facilitate resolution. He expressed strong reservations about accepting the report as it currently stands, advocating for greater adherence to the program's intended purpose.

Director Riffle stated that as the mover of the General Manager's recommendation he does not oppose to separating the recommendations and moved to accept the General Manager's recommendation (Number two) to extend the terms of all three Ombudspersons through December 2024.

**Motion:** Director Riffle moved, and Director Kersteen-Tucker seconded the motion to extend the terms of all three ombudspersons through December 2024.

**ROLL CALL VOTE: 6-0-0 (Director Kishimoto – Absent)**

Director Riffle acknowledged Director Gleason's concerns and that it is important to make improvements to the program, but he is fine with the report received this year and will be supporting the General Manager's recommendation.

Director Holman commented that Director Gleason comments has persuaded her not to vote in favor or the General Manager's recommendation.

Director Cyr suggested replacing the word "accept" with "receive" in the General Manager's recommendation in the context of the Board receiving a report. He emphasized the need for further refinement of the Ombudsperson process to make it more effective.

President MacNiven agreed with Director Cyr's suggestion and agreed that the Board can "receive" the report and make improvements to the program.

Director Cyr moved the General Manager's recommendation with the revision. Director Gleason seconded the motion and commented he appreciated Director Cyr's suggestion.

**Motion:** Director Cyr moved, and Director Gleason seconded the motion to review and receive a report from Midpeninsula Regional Open Space District Ombudspersons regarding ombudspersons inquiries received in 2023.

**ROLL CALL VOTE: 6-0-0 (Director Kishimoto – Absent)**

#### **INFORMATIONAL MEMORANDA**

- Sandbar Solar Contract Cancellation

#### **INFORMATIONAL REPORTS**

- A. Committee Reports

Director Gleason reported that the Hawthorns Historic Complex Ad Hoc Committee met on February 8. The committee reviewed potential partnerships and discussed additional and potential uses for some of the historic structures. Two more meetings have been scheduled, one in March and the other in April, before the matter is brought to the full Board.

B. Staff Reports

None

C. Director Reports

Director Riffle reported he attended a presentation by Professor Buzz Thompson from Stanford University about the Future of Dams, which he found very informative. Secondly, he participated in a listening session for SB 1567, a \$15 billion bond measure. In attendance was also Assemblymembers Kalra, Garcia and Pellerin. Lastly, he listened in on a California Natural Resources Agency webinar on the recovery of the salmon population in California with Secretary Wade Crowfoot, and noted that the District is already undertaking many of the actions discussed at the state level.

Director Gleason reported that he too attended the session on Future of Dams, which he found fascinating. Additionally, he noted that the District staff conducted a bike-specific public workshop meeting for the Alma Bridge Road Newt Project, where there was valuable feedback provided by attendees. He expressed appreciation to the staff for organizing the session.

Director Kersteen Tucker reported she received a staff briefing on the La Honda Creek Preserve Trail and Parking Feasibility project to improve access to the central part of the preserve. Also, that she and President MacNiven will be touring some of the conservation grazing properties.

**ADJOURNMENT**

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 9:38 p.m.

Maria Soria, MMC  
District Clerk