



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, April 10, 2024**

*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 – CLOSED SESSION**

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

**ROLL CALL**

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

Members Absent: Karen Holman

Staff Present: Assistant General Counsel II Egan Hill, Controller Michael Foster, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Maria Soria, Executive Assistant/Deputy District Clerk Loana Lumina-Hsu

President MacNiven announced that 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.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code  
Section 54957(b)(1)**

Title of Employee: Controller

Public comment opened at 6:01 p.m.

District Clerk Maria Soria reported no public comments were submitted for the closed session.

Public comment closed at 6:01 p.m.

The Board convened into closed session.

Director Holman joined the meeting at 6:09 p.m.

**ADJOURNMENT**

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:02 p.m.

**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 7:05 p.m.

**ROLL CALL**

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

Members Absent: None

Staff Present: Assistant General Counsel II Egan Hill, 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 Loana Lumina-Hsu, Land and Facilities Manager Brandon Stewart, Open Space Technician Marcus Middleton, and Capital Project Manager III Ivana Yeung

President MacNiven announced that 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.

**REPORT OUT OF CLOSED SESSION**

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

**ORAL COMMUNICATIONS**

Public comment opened at 7:06 p.m.

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

Public comment closed at 7:06 p.m.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 7-0-0**

**SPECIAL ORDERS OF THE DAY**

**Introduction of Staff**

- Marcus Middleton, Open Space Technician

**CONSENT CALENDAR**

Public comment opened at 7:11 p.m.

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

Public comment closed at 7:11 p.m.

President MacNiven commented on agenda item #3 regarding the proposed purchase of 59.28 acres in San Mateo County, near La Honda on 84, which includes second-growth redwood forest and congratulated staff on the project, emphasizing its significance for preserving redwood forests and salmon habitat.

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

**ROLL CALL VOTE: 7-0-0**

1. **Approve the March 17, 2024 Board meeting minutes**
2. **Approve Claims Report**
3. **Proposed Purchase of the 59.28-acre Fifths Property located in San Mateo County (APN:083-351-010) as an addition to La Honda Creek Open Space Preserve (R-24-43)**

Staff Contact: Aaron Peth, Real Property Planner, Real Property Department

**General Manager's Recommendation:**

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
  2. Adopt a Resolution authorizing the purchase of the Fifths Property for \$1,000,000 with a corresponding authorization for a Fiscal Year 2023-24 budget adjustment of the same amount.
  3. Adopt a Preliminary Use and Management Plan, as set out in the staff report.
  4. Withhold dedication of the Fifths Property as public open space at this time.
4. **Award of Contract with Questa Engineering Corporation for Engineering and Design Services for the Guadalupe Creek Crossing Replacement Project in Sierra Azul Open Space Preserve (R-24-44)**

Staff Contact: Paul Kvam, Senior Capital Project Manager, Engineering and Construction Department

General Manager's Recommendation:

1. Authorize the General Manager to enter into a multi-year professional services contract with Questa Engineering Corporation to complete the design, engineering, and local agency permitting for the Guadalupe Creek Crossing Replacement Project for a base contract amount not-to-exceed \$149,880.
2. Authorize a 10% contingency of \$14,988 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount to \$164,868.

**5. Second Reading and Adoption of the Board Compensation Ordinance (R-24-45)**

Staff Contact: Ana Ruiz, General Manager, Office of the General Manager

General Manager's Recommendation:

1. Waive reading and adopt Ordinance 24-01 increasing Board compensation from \$115.50 to \$121.28 per meeting pursuant to Public Resources Code section 5536.
2. Amend Board Policy 6.06 to reflect the increase in compensation resulting from the Board compensation ordinance.

**BOARD BUSINESS**

**6. Status Report and Disposition Direction for Unoccupied Structures (R-24-46)**

Assistant General Manager Brian Malone presented the staff presentation on the status report and disposition direction for Unoccupied Structures. Mr. Malone provided background information stating that there are 415 structures, ranging from small pump houses to garages, sheds, communication sites, and paddocks. Additionally, there are unique structures such as a worm farm at Deer Hall Farm. Notably, there are 46 residential units, mostly single-family homes with a few multi-units for staff and public rentals, alongside four staff offices and field facilities. He outlined the District's structures management process and maintenance efforts, including a review of the vacant, unmaintained structures and discussed the process for making disposition decisions. Additionally, he reviewed each structure individually, providing background information on each one.

Mr. Malone stated that the proposed recommendation is to proceed with Group 1 demolition, comprising of six structures: the McKanny House, Meyer House, Apple Orchard Barn, Toto Hay Barn, Sears Ranch Road Open Air Barn, and Event Center Cow Barn. Pending Board approval if approved by the Board, the next steps would be to move forward for a planned demolition of the structures and complete a CEQA evaluation for these structures and return with a proposed demolition contract for Board consideration of approval. Group 2 involves expediting disposition decisions for the Landre House and Big Dipper Barn, contingent on historical significance. Group 3, including the Lobitos Agricultural Barn, October Farms Barn, and Gordon Ridge Barn, given the results of the *Factors to Consider* evaluation, these structures are recommended for further analysis of the four standard disposition options, including cost estimates. If approved by the Board, the next steps are to return with the information to the Board for selection of a disposition option for each structure. Group 4 encompasses the Big Dipper Ranch Barn and Alsberge Barn, these structures are recommended for retention in their current state based on evaluation results.

Director Riffle inquired whether all 415 structures are currently categorized as either maintained or fitting into a specific category. He expressed concern about structures being left to deteriorate over time without intervention, emphasizing the need to address this promptly to prevent missed opportunities for preservation.

Mr. Malone stated that only the structures that meet Board authorization criteria have been captured.

Director Riffle confirmed that going forward, there will not be any additional structures brought to the Board for review in the future, and that all structures have been accounted for.

Mr. Malone confirmed that all structures have been accounted for that meet Board authorization criteria.

Director Riffle inquired as the District acquires new properties, and if there are structures on those properties will they automatically undergo the same classification process.

Mr. Malone stated that staff will indeed aim to follow this process and emphasized the importance of clarity regarding the Board's decision at the time of acquisition, acknowledging that sometimes there may not be enough information, leading to deferral of the decision in the preliminary use and management plan. However, the goal is to minimize the addition of structures to the deferred list and make decisions as they arise.

Director Holman expressed that it would be helpful for the Board to receive a comprehensive list of the 415 structures, including those that are occupied by people or used as rental properties. She suggested categorizing them by occupancy status to gain a better understanding of the entire list.

Mr. Malone stated that the primary workload involves actively managed structures, such as the four offices and 46 residential units. He categorized the other structures as ancillary, including sheds, paddocks, and garages. He mentioned that he could not vouch for every single one of the 415 structures but assured that the District is actively maintaining all houses and offices as part of day-to-day operations.

Director Kishimoto suggested that for structures that have value to consider exploring options such as seeking a partner or partnerships that can assist or retain the structure for potential future reconsideration.

Mr. Malone pointed out that retaining structures offers flexibility and options, unlike demolition. He highlighted the uniqueness of the two structures recommended for retention, noting that the decision itself would influence their future. One is a barn with potential historic value, suggesting that keeping options open for its future use may be prudent. Conversely, the other is a modern barn in poor condition with no historical significance, likely not warranting investment in either demolition or renovation.

Director Holman inquired about partnering with ranchers to maintain barns.

Mr. Malone stated that structures actively being used are anticipated to be maintained and repaired over time. While leases might not cover expensive repairs required for long-term stability, regular maintenance and oversight of the buildings could be expected from the lessee.

Director Holman clarified that her suggestion was to partner with the rancher to maintain and not put all the cost of maintaining on the rancher.

Director Holman expressed her concern about the term "disposition" being associated with elimination or demolition, which she finds troubling. She feels it may stem from an outdated mindset of disposing of buildings without considering alternatives. She appreciates staff evaluating buildings, especially during property acquisitions, but struggles with the term's implications. Furthermore, she emphasized the importance of decisions being made with careful analysis rather than assuming demolition as the default outcome.

Mr. Malone explained the word choice of disposition is to give Board the decision on how the structures will be disposed, which does include demolition but may also be to repair and maintain.

Director Kersteen-Tucker asked whether there is a plan in place for each of the 415 structures, including those not being discussed at the meeting. She inquired whether the District has already considered the fate of these structures or if there are still some awaiting decisions.

Mr. Malone confirmed that for all structures over 1,500 square feet, residential or historic, staff has reviewed them and there is already a disposition option. Either they are in the Capital Improvement Action Plan (CIAP), or they are listed in the report for the Board to make a decision.

Director Kishimoto highlighted the impact on the overall landscape and visitor experience, noting that while nature might benefit from the absence of buildings, it could affect the quality of trails and overall visitor experience.

Mr. Malone stated that in the analysis, the coastal barns are recognized for contributing to the rural character and fitting in with the ambiance of ranching properties. This aspect is emphasized as one of the evaluation criteria being considered.

Director Cyr commented that the evaluation criteria is valuable with its rational and structured approach, but his concern is becoming overly focused on structures and potentially neglecting other important priorities of the District.

Director Kersteen-Tucker noted the potential differences in regional importance or value between the coast side and the bayside, especially regarding barns and their reflection of the agricultural nature of the coast side. She suggested considering this aspect during the discussion.

Director Holman commented that her supposition is that a broader discussion would likely engage more public input if the discussion was about the future of barns, rather than focusing on the process of removing structures. This would also provide a better sense of what the community thinks and then the Board would have a better sense of those structures.

The members of the Board asked clarifying questions and received additional information regarding each of the structures.

Director Kersteen-Tucker suggested that the Sears Ranch Road Open Air Barn should remain as is, and that it presents an opportunity, particularly because many children visit the area and observe the cows. She inquired if there would be any harm leaving the barn as is, recognizing there is no public access or trail leading to it.

Mr. Malone stated that if the decision were made to retain the barn in its current state, he believes it would be necessary to implement some security measures. Despite being in a closed area, the barn is highly visible and easily accessible.

Director Kersteen-Tucker suggested that the Sears Ranch Road Open Air Barn holds value and could potentially be renovated to continue its use in some capacity.

Director Holman suggested including photos of the associated house with the Lobitos Agricultural Barn as it would be beneficial for understanding their relationship within the property context.

Director Holman suggested looking for a better word rather than using “disposition”.

Mr. Malone stated that the word may be in the Board policy but would confirm. Additionally, he acknowledged the feedback and stated that for the remainder of the presentation, he would use the term "decision."

Director Kishimoto suggests moving the Big Dipper Barn to category three.

Director Riffle suggested reviewing each group separately and if needed move structures within the categories.

Director Riffle stated his preference would be for all the Group 1 structures to be demolished.

Director Kersteen-Tucker expressed agreement with demolishing all of the Group 1 structures except for the Sears Ranch Road Open Air Barn and recommended to move it to Category 3.

Director Riffle moved to direct the General Manager to move forward with next steps for a planned demolition of the following non-historic, dilapidated buildings and associated ancillary structures: McKannay House, Meyer House, Apple Orchard Barn, Toto Hay Barn, Sears Ranch Road Open Air Barn, and Event Center Cow Barn. Next steps are to complete a CEQA evaluation for these structures and return with a proposed demolition contract for consideration of approval. The motion died from lack of a second.

**Motion:**

1. Director Kersteen-Tucker moved, and Director Riffle seconded the motion to Direct the General Manager to move forward with next steps for a planned demolition of the following non-historic, dilapidated buildings and associated ancillary structures: McKannay House, Meyer House, Apple Orchard Barn, Toto Hay Barn, and Event Center Cow Barn with the exception that Sears Ranch Road Open Air Barn be moved to Group 3. Next steps are to

complete a CEQA evaluation for these structures and return with a proposed demolition contract for consideration of approval.

Public comment opened at 9:07 p.m.

Ms. Soria reported there were no public speakers for this item.  
Public comment closed at 9:07 p.m.

**ROLL CALL VOTE: 7-0-0**

**Motion:**

2. Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to move the Landre House and the Big Dipper Barn to Group 1.

Public comment opened at 9:16 p.m.

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

Public comment closed at 9:16 p.m.

**ROLL CALL VOTE: 7-0-0**

Director Kersteen-Tucker suggested voting on the General Manager's Recommendation #4 ahead of recommendation #3.

**Motion:**

4. Director Holman moved, and Director Riffle seconded the motion to Direct the General Manager to retain in the current state the Alsberge Barn, with no further action required.

Public comment opened at 9:27 p.m.

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

Public comment closed at 9:27 p.m.

**ROLL CALL VOTE: 7-0-0**

**Motion:**

3. Director Holman moved, and Director Kersteen-Tucker seconded the motion to Direct the General Manager to prepare an analysis of the four standard disposition options with cost estimates and return for selection of a disposition option for each of the following structures: Sears Ranch Road Open Air Barn, Lobitos Agricultural Barn, October Farms Barn, Gordon Ridge Barn, and the Big Dipper Ranch Barn.

Public comment opened at 9:28 p.m.

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

Public comment closed at 9:28 p.m.



Director Holman requested that when the Lobitos Agricultural Barn comes back for consideration, it should include information about the eligibility and context, specifically regarding the house and its setting associated with the barn.

**ROLL CALL VOTE: 7-0-0**

Director Holman commented that to her understanding, the General Manager's recommendation includes making a recommendation about a new process.

Mr. Malone clarified that the new process has been selected for the structures for Group 1. A decision has already been made for the Alsberge Barn and Group 3 will continue to use the process that staff has been using, which is similar to the process seen for approvals regarding the Paul Cabin and Rapley Barn.

Director Holman commented that the confusion is on a slide Mr. Malone presented of the four groups, and it seems that the Board is adopting a new process and pointed out that in Group 2, it mentions removal after an HRE (Historic Resources Evaluation), along with categories for historically significant and not historically significant structures. She expressed concern that it appears that historically significant buildings are being demolished based on the literal reading. She also noted the ongoing discussion about retaining structures in their current state as opposed to a maintain or stabilize option.

Mr. Malone stated that there are no longer any structures in Group 2 since the Board moved them to Group 1. He mentioned that the wording in Group 2 may not be ideal, but if a structure is deemed historically significant after the historic resource evaluation, it would proceed to Group 3 for a full evaluation. If it's not historically significant, the process involves completing CEQA, followed by removal and bringing it to the Board for contract approval.

Director Holman commented that on Group 4 there is no mention of retain in current condition, and there is not an option.

Mr. Malone mentioned that typically, the first option would be to stabilize or rehabilitate and repair before entering a maintenance cycle.

Director Holman expressed discomfort with the way the four options for a new process are presented in the presentation.

Mr. Malone explained that the four options presented in the existing process are meant to represent the extremes and everything in between. These options include removing the structure, leaving it as is, stabilizing it, or fully repairing and rehabilitating it. If the Board prefers something in between these options, they can provide direction to staff, such as only repairing the roof or giving the structure a fresh coat of paint. These options cover the full range of possibilities, from removal to complete renovation.

Director Holman clarified that then the Board was not adopting a new process.

Mr. Malone stated that the intention was only meant for selecting a process for these particular structures.

Director Cyr commended Mr. Malone for his impressive ability to present the information, demonstrating a deep understanding of the subject matter. He expressed appreciation for his effort and acknowledged the assistance of others in preparing the presentation.

### **INFORMATIONAL MEMORANDA**

- Hawthorns Historic Complex Partnership Project Update

### **INFORMATIONAL REPORTS**

A. Committee Reports

None

B. Staff Reports

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided an update on the Bond Issuance for Measure AA that will be presented to the Board on April 24, 2024, and on May 8, 2024.

C. Director Reports

Director Gleason expressed appreciation for the staff tour of the La Honda Creek White Barn.

Director Kersteen-Tucker expressed appreciation for the La Honda Creek White Barn tour and her attendance at the District's Wildflower Training. She also mentioned presenting with Director MacNiven to the Redwood City Council last week. Additionally, she had a conversation with Betsy Rix from the Kings Mountain Association, aiming to strengthen the relationship with the District and enhance information exchange between both organizations.

Director Riffle expressed gratitude to Assistant General Manager Susanna Chan for the staff tour of the La Honda Creek White Barn and former Director Larry Hassett also appreciated attending the tour. He appreciated the bi-weekly updates, particularly the recent one which highlighted the extensive outreach efforts of the staff within the community. He emphasized the importance of staff showing up in their uniforms, as it makes a big impression, especially on children. Additionally, he acknowledged Governmental Affairs Program Manager Josh Hugg for the legislative updates.

President MacNiven commented that her two items have been discussed the tour to the La Honda Creek White Barn tour and the presentation to the Redwood City Council.

Director Kishimoto, along with Director Holman, presented to Palo Alto City Council on April 1 with the support of Mr. Malone. Additionally, she attended the April 3 Santa Clara County LAFCO meeting.

Director Cyr reported that he enjoyed the La Honda Creek White Barn tour, attended the Wildflower training on April 9, and attended Santa Clara Valley Water Commission and represented the District and provided a summary of the meeting.

**ADJOURNMENT**

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 9:47 p.m.

Maria Soria, MMC  
District Clerk