



R-24-67
Meeting 24-14
May 22, 2024

AGENDA ITEM 7

AGENDA ITEM

Agreement with the City of San Carlos for Management of Trail Access to Pulgas Ridge Open Space Preserve from the End of Los Vientos Way

GENERAL MANAGER’S RECOMMENDATION

Authorize the General Manager to enter into an agreement with the City of San Carlos regarding the management of public access to Pulgas Ridge Open Space Preserve at the end of Los Vientos Way.

PRIOR BOARD OR COMMITTEE REVIEW

MEMBERS

- Action Plan & Budget
- Legislative, Funding & Public Affairs
- Planning & Natural Resources
- Real Property
- Ad-Hoc Committee
- Full Board**

- Ward 1 – Craig Gleason
- Ward 2 – Yoriko Kishimoto
- Ward 3 – Jed Cyr
- Ward 4 – Curt Riffle
- Ward 5 – Karen Holman
- Ward 6 – Margaret MacNiven
- Ward 7 – Zoe Kersteen-Tucker

PRIOR BOARD ACTION

Date: February 14, 2024

Action: The Board of Directors (Board) approved the creation of a new public access point of entry into Pulgas Ridge Open Space Preserve (Preserve) at the end of Los Vientos Way in the City of San Carlos and a Use and Management Amendment that reflects this decision to allow neighborhood access to the Preserve for hiking and dogs-on -leash, as detailed in the report.

Refer to: Report R-24-19 (Attachment 2), minutes (Attachment 3), also attached

COMMENTS

During the Board meeting on February 14, 2024, a Board request was made to enter into an agreement with the City of San Carlos (City) formalizing the responsibilities of the City and the Midpeninsula Regional Open Space District (District) in regard to managing public access to the Preserve at the end of Los Vientos Way. The attached agreement (Attachment 1) formalizes the City and District responsibilities as discussed at the Board meeting. The General Manager is returning to the Board with a copy of the formal agreement, which received City of San Carlos staff approval and is scheduled to go to the City Council in June, for authorization to execute the agreement. Refer to the attached Report for additional information. This prior Report covers the Brown Act public noticing and CEQA environmental review requirements for this item, as well as fiscal impacts. No other fiscal impacts are associated with the proposed agreement.

**PARTNERSHIP AGREEMENT BETWEEN THE CITY OF SAN CARLOS AND
THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT FOR PUBLIC ACCESS
TO PULGAS RIDGE OPEN SPACE PRESERVE AT LOS VIENTOS WAY**

THIS AGREEMENT is entered into by and between the CITY OF SAN CARLOS, a municipal corporation under the laws of California ("CITY") and the MIDPENINSULA REGIONAL OPEN SPACE DISTRICT, an independent public district under the laws of California ("DISTRICT"). For purposes of this Agreement, each of CITY and DISTRICT may be individually referred to as a "Party," and collectively as the "Parties."

RECITALS

WHEREAS, DISTRICT's mission is to acquire, restore, preserve and protect, in perpetuity, open space land as part of the regional greenbelt, and to provide opportunities for ecologically sensitive public enjoyment and education; and

WHEREAS, DISTRICT'S Board of Directors approved the "*Priority Action - Pulgas Ridge: Regional and Neighborhood Trail Extensions*" as one of the 54 priority actions of the Open Space Vision Plan (priority action #26) on January 29, 2014; and

WHEREAS, CITY's Parks and Recreation Element of the General Plan and the 2012 Hillside Trails Plan includes a vision for the establishment of a public pedestrian trailhead into the DISTRICT'S Pulgas Ridge Open Space Preserve ("Preserve") at the end of Los Vientos Way, a public street owned by the CITY (the "Project"); and

WHEREAS, CITY and DISTRICT desire to further their common goal of providing public regional trails that increase access to open space and further the recreational opportunities of their constituents; and

WHEREAS, CITY has found that pedestrian access over and across the one-foot-wide no access easement at the end of Los Vientos Way is consistent with the public purposes of the easement and requested that the DISTRICT provide a public trailhead at this location into the Preserve; and

WHEREAS, DISTRICT has approved creating a public trailhead into the Preserve at the end of Los Vientos Way;

WHEREAS, CITY and DISTRICT wish to cooperate and specify their respective roles in establishing, managing and maintaining the new public trailhead and access point at the end of Los Vientos Way;

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, CITY and DISTRICT agree:

1. **Term.** The term of this Agreement shall commence upon the full execution hereof by the duly authorized representatives of the CITY and the DISTRICT and continue until terminated by either Party as set forth herein.
2. **Project Establishment, Management and Maintenance.** The Parties' duties to establish, manage and maintain the Project shall be as set forth below. The general intent is for each Party to be responsible for any improvements or issues that occur on their respective properties (*i.e.*, the District's Preserve or City's rights-of-way), except as expressly specified herein.
 - a. CITY will install a garbage receptacle within Los Vientos Way and maintain and regularly service it as needed to prevent it from overflowing. The garbage receptacle will be a DISTRICT-approved design to exclude wildlife from removing and feeding on garbage. CITY will provide a dog waste bag receptacle and will regularly resupply dog waste bags to ensure the dispenser is reasonably stocked.
 - b. CITY shall remain responsible for the management, maintenance and repair of the CITY rights-of-way in the Project vicinity, including, without limitation, Los Vientos Way and Crestview Drive. Such responsibilities include parking management, street improvements or street signage in connection with the Project as determined in the City's sole discretion. CITY also will be responsible for responding to inquiries or complaints regarding parking in the vicinity of the Project.
 - c. DISTRICT will replace the existing chain link fence and gate located at the Preserve boundary with Los Vientos Way with a new vehicle gate and standard DISTRICT fencing. DISTRICT will provide its standard regulatory and trail directional signage at the trail entrance. District will be responsible for the maintenance and repair of any improvements it installs in the Preserve in connection with the Project.
 - d. DISTRICT will be responsible for managing and responding to public inquires and complaints regarding the Preserve.
3. **Public Access Restrictions.** The Preserve will generally be open for public use ½ hour before sunrise to an ½ hour after sunset and closed outside those hours. The DISTRICT may temporarily obstruct or restrict public access through the Project site if, in the DISTRICT's reasonable discretion, it determines that such restrictions are necessary for public safety, research, natural resources protection, trail conditions, maintenance work or other temporary closures necessary to conduct the work of the DISTRICT. Furthermore, nothing in this Agreement shall be construed to limit the DISTRICT's right to manage the Preserve at its discretion including the types of uses allowed in the Preserve. However, neither Party shall permanently obstruct or close public pedestrian access at the end of Los Vientos Way into the Preserve without that Party having attempted to consult with the other Party pursuant to the process in Section 6 below, and having provided a minimum of six months' advance written notice to the other Party.
4. **Insurance.** At all times during the term of this Agreement, CITY shall carry general liability insurance, or a policy of self-insurance, including owned, non-owned and hired auto; property damage; and death and bodily injury, covering its risks arising out of the

performance of any acts pursuant to this Agreement or relating to its operation of the Project. DISTRICT shall be named as additional insured on the policy. Said policy shall be in an amount not less than Two Million Dollars (\$2,000,000) for bodily injury and property damage liability in aggregate per occurrence combined single limit and One Million Dollars (\$1,000,000) combined single limit for auto liability. CITY shall furnish DISTRICT with a Certificate of Insurance evidencing such insurance coverage. At all times during the term of this Agreement DISTRICT shall carry general liability insurance, or a policy of self-insurance, including owned, non-owned and hired auto; property damage; and death and bodily injury, covering its risks arising out of the performance of any acts pursuant to this Agreement or relating to its operation of the Project. CITY shall be named as additional insured on the policy. Said policy shall be in an amount not less than Two Million Dollars (\$2,000,000) for bodily injury and property damage liability in aggregate per occurrence combined single limit and One Million Dollars (\$1,000,000) combined single limit for auto liability. DISTRICT shall furnish CITY with a Certificate of Insurance evidencing such insurance coverage.

5. **Indemnification.** In lieu of and notwithstanding the pro rata risk allocation, which might otherwise be imposed between the Parties pursuant to Government Code Section 895.6, the Parties agree that all losses or liabilities incurred by a Party shall not be shared pro rata but, instead, DISTRICT and CITY agree that, pursuant to Government Code Section 895.4, each of the Parties hereto shall fully indemnify and hold each of the other Parties, their officers, board members, employees, and agents, harmless from any claim, expense or cost, damage or liability imposed for injury (as defined in Government Code 810.8) occurring by reason of the negligent acts or omissions or willful misconduct of the indemnifying Party, its officers, employees, or agents, under or in connection with or arising out of any work, authority, or jurisdiction delegated to such Party under this Agreement. No party, nor any officer, board member, or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other Party hereto, its officers, board members, or agent thereof shall be responsible for any damage or liability occurring by reason of the negligent acts or omissions or willful misconduct of the other Party hereto, its officers, board members, employees, or agents, under or in connection with or arising out of any work authority or jurisdiction delegated to such other Party under this Agreement. The rights, duties, and obligations of the Parties as set forth above in this section survive termination, expiration, and suspension of this Agreement.
6. **Termination, Failure to Perform, and Dispute Resolution.** In the event of a dispute between the Parties in connection with this Agreement, the Parties shall first meet at the project manager level to attempt to resolve the matter. If the dispute is not resolved at the project manager level, the Parties shall meet at the City Manager / General Manager level to attempt to resolve the matter. If the matter remains in dispute following these meetings, either Party may terminate this Agreement upon six months advance written notice without attempts at further dispute resolution.
7. **Applicable Laws.** This Agreement shall be construed and enforced pursuant to the laws of the State of California with venue in the County of San Mateo.

8. **Notices.**

Any notice required to be given to DISTRICT shall be deemed to be duly and properly given if mailed, postage prepaid with a receipt and signature from the receiving party, and addressed to:

Midpeninsula Regional Open Space District
Attn: General Manager
5050 El Camino Real
Los Altos, CA 94022

or personally delivered to DISTRICT at such address or at such other address as DISTRICT may designate in writing to CITY.

Any notice required to be given to CITY shall be deemed to be duly and properly given if mailed, postage prepaid with a receipt and signature from the receiving party, and addressed to:

City of San Carlos
Attn: City Manager
600 Elm Street
San Carlos, CA 94070

or personally delivered to CITY at such address or such other address as CITY may designate in writing to DISTRICT, with a receipt and signature from the receiving party.

9. **Amendment.** This Agreement contains all of the terms, covenants, and conditions agreed to by the Parties and may not be modified orally or in any manner other than by an agreement in writing signed by both Parties or their respective successors in interest. The Parties may amend this Agreement in writing as necessary to accommodate evolving conditions to effectuate the purpose of the Agreement. In particular, the Parties agree to coordinate on the development of the East Boundary Ridge Trail and amend this agreement, if needed, to accommodate a separate trail access into the preserve, at such time as the City and County of San Francisco agree to provide trail access onto their property. The Parties agree to timely meet, and to negotiate in good faith on any requests for amendment.
10. **Waiver.** The failure of any party to insist upon a strict performance of any of the terms, conditions and covenants contained herein shall not be deemed a waiver of any rights or remedies that the Parties may have and shall not be deemed a waiver of any subsequent breach or default of the terms, conditions and covenants contained herein.
11. **Severability.** If any one or more of the covenants or agreements or portions thereof provided in this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant or covenants, such agreement or agreements or such portions thereof shall be null and void and shall be deemed separable from the remaining covenants or agreements or portions thereof and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.

12. **Time of the Essence.** Time is of the essence as to all of the provisions of this Agreement as to which time of performance is a factor.

13. **Survival.** The terms and conditions of this Agreement, which by their nature may extend beyond termination of this Agreement, shall survive the expiration or termination of this Agreement to the full extent necessary for their enforcement and for the protection of the Party in whose favor they operate.

14. **Captions.** The captions in the articles of this Agreement are inserted for convenience purposes only and shall not affect the terms of this Agreement.

15. **Counterparts.** This agreement may be executed in duplicate counterparts, each of which will be deemed an original.

16. **Authority.** Each of the parties represent and warrant that they have the right, power, legal capacity and authority to enter into and perform their respective obligations under this Agreement.

IN WITNESS WHEREOF, CITY and DISTRICT execute this Agreement.

CITY OF SAN CARLOS

By: _____ Date: _____

City Manager

Attest: _____ Approved as to form: _____

City Clerk

City Attorney

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

By: _____ Date: _____

General Manager

Attest: _____ Approved as to form: _____

District Clerk

General Counsel



Midpeninsula Regional
Open Space District

R-24-19
Meeting 24-04
February 14, 2024

AGENDA ITEM 6

AGENDA ITEM

Pulgas Ridge Open Space Preserve Public Access via Los Vientos Way

GENERAL MANAGER'S RECOMMENDATION

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.

SUMMARY

The City of San Carlos (City) has requested that the Midpeninsula Regional Open Space District (District) open a public trail access point to Pulgas Ridge Open Space Preserve (Preserve) at the end of Los Vientos Way. Neighborhood trail connections to the Preserve is a component of Vision Plan Priority Action #26. Improvements needed to create a trailhead can be done by District staff and there are sufficient funds in the current fiscal year budget to cover the minor cost of installation.

BACKGROUND

There is currently no public access point at the end of Los Vientos Way to enter the Preserve. Access is blocked by a chain link fence. City staff originally requested that the District consider a public access point at the end of Los Vientos Way into Pulgas Ridge Preserve in 2009. The District reviewed this proposal with the Use and Management Committee (U&M) (currently named the Planning and Natural Resource Committee) in 2010. At that time, there was a mix of public support and opposition to a new trailhead, with many of the immediate neighbors opposing the project, based on concerns about littering, parking and safety. At that time, U&M requested for staff to continue working with the City on issues raised during the U&M meeting.

Access into the Preserve from Los Vientos Way is included the Vision Plan's 54 priority actions. The 2014 Vision Plan was developed through a comprehensive community engagement process and a thorough resource assessment to create a 40-year vision for the future of open space, consisting of priority action portfolios focused on land protection, habitat restoration and low-intensity recreation. Priority Action #26 - *Pulgas Ridge: Regional and Neighborhood Trail Extensions* identifies the following actions: *Collaborate to secure, plan for, and carry out East Ridge Boundary Trail extension to northwest. Develop neighborhood trail connection.*

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The City of San Carlos General Plan Parks and Recreation Element identifies the connection from Crestview Drive (via Los Vientos Way) to the Preserve and adjacent San Francisco Public Utilities Commission watershed lands as the #1 priority of all City-listed future trail connections.

Currently, at the end of Los Vientos Way, where the public road ends at the Preserve, there is a vehicle access gate that allows for District maintenance and patrol access, as well as emergency access (refer to [Pulgas Ridge trail map](#)). If approved by the Board of Directors, this gate entrance would include a new public trailhead entrance, with appropriate signage, typical of other neighborhood trailhead entrances. An informal pathway that exists now would serve as the trail connection to the nearby Dusky-footed Woodrat Trail, which is located approximately 630 feet to the west.

DISCUSSION

The City of San Carlos (City) recently contacted the District to restart the process for considering a new public access point at the end of Los Vientos Way for improved neighborhood access to the Preserve. On September 25, 2023, the City Council (San Carlos [agenda](#)) considered whether to permit access across a one-foot no-access easement granted to the City that is located just outside the boundary of the Preserve at the end of Los Vientos Way. The City Council unanimously approved providing public trail access over the easement and requested that the District open the gate to allow public access into the Preserve. The Council's rationale for approving public trail use across the easement centered on the original intent of the easement – which was to prevent vehicular traffic, including a once proposed road connection that would extend Los Vientos Way further west, toward Highway 280.

At the council meeting, most public comments were against the proposal. Comments in opposition were from neighbors in the immediate vicinity of the proposed access entry point. A few commentors supported trail access. At a follow up community meeting, most of the speakers were in favor of trail access, while several neighbors who attended the meeting expressed concerns. Primary concerns raised by neighbors at both meetings were related to criminal activity, fire danger, littering, dog waste, noise, and the lack of restroom facilities. Trail access supporters noted that the entry point would provide a more direct access to the Preserve for the local community, allowing them to walk into the Preserve instead of requiring them to drive to the lower parking area, that it was a great step forward in making a regional trail connection for City residents, and that similar neighborhood access points within the City have not created problems. Additionally, they noted ample roadside parking exists at the Edmonds Road entrance and on Crestview Drive, if parking on Los Vientos Way became an issue.

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](#). This trail connection is envisioned in the City's adopted 2012 Hillside Trails Plan and reflected in the Parks and Recreation Element of the City of San Carlos General Plan. This is also a Vision Plan project that will involve participation by and discussions with the San Francisco Public Utilities Commission, who is the underlying landowner, San Mateo County Community College District, who maintains the Crystal Springs cross country course and connecting pathways to the north, and San Mateo County Parks, who maintains and manages the connecting Sheep Camp Trail further north that links to trails west of Highway 280. 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

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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.

The City Council's decision to permit public trail access across their easement to facilitate the Los Vientos Way neighborhood entry point balances the desires of their constituents' interests in improved neighborhood access and the immediate neighbors' concerns. The City has agreed to service and maintain a dog waste container and manage any parking or other issues on Los Vientos Way. Fire risk is a concern for residents of the Los Vientos Way neighborhood as their houses are at the top of a steep hillside above the Preserve. The District has completed a major Wildland Fire Resiliency project below those homes, 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](#). Additionally, smoking and fires are prohibited in the Preserve. Neighbors noted that they had reported smoking and fireworks activity at the nearby Crestview Park. In general, these types of activity are more common in locations where you can view city lights, which are not visible from the Preserve. The District would also provide contact information for neighbors to report these types of activities. Response to these reports would be coordinated with the San Mateo Sheriff Department depending on the type of activity.

A new public access point at the end of Los Vientos Way would not require new trail construction. It would require installation of a standard vehicle gate, entrance stile, and signage. The existing pathway is sufficient to provide a connection from Los Vientos Way to the Dusky-footed Woodrat Trail. Given the short distance the connecting pathway, the General Manager does not recommend naming the trail.

Use and Management Plan Amendment

The District purchased the former Benedetti property that borders Los Vientos Way in 2000. At the time, the Preliminary Use and Management Plan designated the property as an addition to the Preserve and established the parcel as a Conservation Management Unit (CMU) to indicate that the site would remain closed to public access until further planning. In 2003, the Board adopted a new Use and Management Plan for the Preserve to open new areas to public access, expand the trail system, and improve parking, thereby removing the prior CMU designation. These actions included the approval of three new trails - the Dusky-footed Woodrat Trail (referred to previously as the Ridgetop Trail), Dick Bishop Trail (referred to previously as the South Canyon Trail) and Cordilleras Connector Trail; a new parking lot on Edmunds Road; and expansion of the off-leash dog area.

To formalize the recommended addition of a new public access entry point to the Preserve, the General Manager recommends amending the Use and Management Plan by adding the following language:

Public Access: Establish a public access point at Los Vientos Way and designate uses on the trail between Los Vientos Way and the Dusky-footed Woodrat Trail as open to hiking and dogs on-leash, consistent with trail uses allowed on the remaining Preserve trails.

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FISCAL IMPACT

There are sufficient funds in the adopted FY24 budget to cover the minor cost of the recommended actions. This work is not funded by Measure AA.

PRIOR BOARD AND COMMITTEE REVIEW

- **April 12, 2000:** Board Addition of Benedetti property to Pulgas Ridge and Adoption of Preliminary Use and Management Plan ([R-00-46](#), [minutes](#))
- **August 13, 2003:** Board Tentative Adoption of the Use and Management plan including construction of “Ridgetop” trail (Dusky-footed Woodrat Trail) ([R-03-74](#), [minutes](#))
- **September 24, 2003:** Board Final Adoption of Amendment to Use and Management Plan ([R-03-86](#), [minutes](#))
- **December 16, 2009:** Board [FYI](#) San Carlos Pulgas Ridge Access Proposal
- **September 28, 2010:** Use and Management Committee Consideration of designation of new public access to Pulgas Ridge Open Space Preserve. ([report](#), [minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Notice was provided to neighbors in the Los Vientos Way neighborhood, to the interested parties list for Pulgas Ridge Open Space Preserve and to the City for distribution.

CEQA COMPLIANCE

Replacement of the existing chain-link fence and gate with a standard District pipe gate and pedestrian entrance stile, and installation of trailhead signage at the terminus of Los Vientos Way, San Carlos is exempt in accordance with State CEQA Guidelines Section 1301, Existing Conditions, and Section 15304, Minor Alterations to Land. Pursuant to Section 15168 of the CEQA Guidelines, maintenance of the existing connecting trail from the proposed trail head at Los Vientos Way to the Dusky-footed Woodrat Trail in Pulgas Ridge Open Space Preserve is consistent with activities covered under the District’s Integrated Pest Management Program, and Final Environmental Impact Report to the Integrated Pest Management Program, adopted by Board Resolution No. 14-37 on December 10, 2014.

NEXT STEPS

If approved by the Board, the General Manager will direct staff to remove the existing chain-link fence and gate and replace them with a standard District pipe gate and trailhead. The trail would be added to the Preserve map. The General Manager will also work with staff to consider the timing for the future East Ridge Boundary Trail.

Attachments

1. Map of proposed public access and trail
2. Letter from the city of San Carlos to the District requesting public access

Responsible Department Head:

Ana Maria Ruiz, General Manager

Prepared by / Contact person:

Brian Malone, Assistant General Manager, Office of the General Manager



Pulgas Ridge OSP Los Vientos Way Access

- | | |
|-------------------------|--------------------------------|
| Gate | Road Centerline (minor) |
| ● Present | — Road |
| Trail (classes) | ■ Preserve Boundary (fill) |
| — Unpaved Seasonal Road | |
| - - - Trail | |

ATTACHMENT 1

Midpeninsula Regional
Open Space District
(MROSD)
9/18/2023



Data Source(s): Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Golden Gate National Parks Conservancy and San Mateo County

CITY OF SAN CARLOS
CITY COUNCIL



600 ELM STREET
SAN CARLOS, CA 94070
(650) 802-4219
CITYOFSANCARLOS.ORG

October 2, 2023

Brian Malone
Assistant General Manager
Midpeninsula Regional Open Space District
5050 El Camino Real
Los Altos, CA 94022

RE: Trail Access Point at Los Vientos Way

Dear Mr. Malone,

Attached please find City Council Resolution 2023-117, adopted by the City Council by a 5-0 vote on September 25, 2023. This resolution indicates that the City of San Carlos affirms the public use of the one-foot non-access easement located at the end of Los Vientos Way for pedestrian and hiking purposes. Although the City realizes the decision to open the gate at the end of Los Vientos Way is at the discretion of the Midpeninsula Regional Open Space District, we adopted this resolution in support of a public trail access point at this location, if and when the gate is opened.

As the unanimous vote shows, the City is eager for the expansion of trails as well as access to regional trail connections such as the one at Pulgas Ridge Open Space Preserve. Trail improvements, expansion and access have been a priority of San Carlos residents for decades. When the San Carlos Parks Master Plan community survey was completed in 2008, 76% of respondents were interested in expanding and improving the City's trail system and trails were the highest-ranking recreation amenity of those surveyed. Many former San Carlos councilmembers and trail community members have supported the expansion of trails and trail access, and the current Council is excited for the possibility of a new access point at Los Vientos Way.

In early 2023, the City Council added several recreation goals and objectives to its Strategic Plan. One of those objectives is "to assess new and existing opportunities to expand trails and trail connections with adjacent open space." We believe adoption of this resolution is an important step towards this goal in our community.

There are many benefits to trails in a community, including economic, environmental and health benefits. Moreover, trails in communities have been found to increase property values by as much as 10%¹. Additionally, the top four suburban communities rated in *Sunset*, February 2007, have master plans for significant open space and miles of multi-use trails. Environmental benefits include preservation of wildlife habitat as well as neighborhood trail access points reducing traffic and greenhouse gases. Lastly, the benefits of trails related to personal health and quality of life are abundant. Access to trails promotes and encourages more physical activity, appreciation of the outdoors, builds community by providing a place for neighbors to meet on the trails while non-profits and businesses engage in community service projects in parks.

The City of San Carlos is committed to increasing access and expanding our trail system and looks forward to future conversations with Midpeninsula and discussions about how we can support this anticipated access point into Pulgas Ridge Open Space Preserve. The City is

committed to the purchase/installation and services for waste receptacles, dog waste bags, garbage pickup and signage. We are also able to have staff (and possibly the City Council Trails Subcommittee) attend the Midpeninsula District Board meeting where this neighborhood access for hiking will be considered and will be available to answer any questions and/or discuss any specific requests.

Thank you for your time and we look forward to working together!

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam Rak', written over a light blue horizontal line.

Adam Rak

Mayor, City of San Carlos

¹ *National Recreation and Park Association, "Measuring the Impact of Parks on Property Values"*
by Sarah Nicholls, Ph.D.

RESOLUTION NO. 2023 – 117**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
FINDING THAT HIKING AND PEDESTRIAN USE OF THE ONE-FOOT-WIDE NON-ACCESS
STRIP AND EASEMENT LOCATED AT THE END OF LOS VIENTOS WAY DEDICATED TO
AND ACCEPTED BY THE CITY OF SAN CARLOS IS CONSISTENT WITH THE
PUBLIC USE GRANTED.**

WHEREAS, Los Vientos Way is a public street in the City of San Carlos. At the end of the street is a one-foot-wide non-access strip, also identified as an easement on both the parcel map and the subdivision map (the "Easement"), that was granted to the City of San Carlos for "public use" as part of the subdivision; and

WHEREAS, the Easement was recorded as part of a new parcel map in 1979 and further accepted by action of the City Council when the subdivision map was approved on February 10, 1986; and

WHEREAS, the history of development in this area of San Carlos strongly suggests that the Easement was granted to San Carlos to prevent a vehicular roadway extension from Los Vientos Way to Hassler Road across adjacent private property that existed at the time. Eleven years earlier, a similar one-foot-wide non-access "strip" was created at the location where Hallmark Drive in Belmont touches Crestview Drive in San Carlos to prevent through vehicular traffic between Belmont and San Carlos related to developments approved around 1975. This non-access strip at the San Carlos and Belmont border has continuously allowed pedestrian, cyclist, and emergency vehicular access, but does not provide for through vehicular traffic. The one-foot width of the Easement is identical to the Crestview/Hallmark strip. There is no reason to believe that the Easement was intended prevent pedestrians and hikers or to be treated any differently than the non-access strip at Hallmark Drive and Crestview Drive, which is only about a mile away; and

WHEREAS, in 1983, the land on the south side of the Easement became part of the Midpeninsula Open Space District ("Midpen") as the Pulgas Ridge Open Space Preserve (the "Preserve"). As a result, no public vehicular roadway will ever be constructed from Los Vientos Way into the Preserve; and

WHEREAS, this project was found to be exempt from the California Environmental Quality Act (CEQA), under Section 15301, Existing Facilities as the project does not propose new development and no construction or earth disturbing activities are proposed. The project does not propose new street parking. Opening of the gate and the addition of signage, garbage cans, and dog waste bags are considered minor alterations to an existing facility. A Certificate of Exemption has been filed with the project; and

WHEREAS, since San Carlos accepted the easement on September 24, 1979 and again on February 10, 1986, access to the Preserve at the end of Los Vientos Way has been through a gate, first by the former property owner and then by Midpen. Even though Midpen has restricted public access through the gate over the years, San Carlos has never interpreted the Easement to prevent access by the employees of Midpen or, by extension, potential recreational users of the district lands should Midpen open the gate for public access.

WHEREAS, the Preserve is located in the City of San Carlos Local Agency Formation Commission (LAFCO) sphere of influence; and

WHEREAS, after acquisition of the property, Midpen constructed the Dusky Footed Woodrat trail which is approximately 175 meters from the existing gate. An existing path connects the gate to the trail. An access point to the Dusky Footed Woodrat Trail from the existing gate is consistent with the goals and mission of Midpen and the General Plan of San Carlos. The Park and Recreation Element of the City of San Carlos identifies this location as a potential trail connection; and

WHEREAS, the San Carlos General Plan has several policies and actions related to the establishment of trails and regional trail connections:

- Action PR-1.7: Investigate acquisition of open space lands or easements to expand trail network, especially in areas adjacent to existing open space.
- Policy PR-2.3: Continue to support implementation of trail connections as identified in the City's Master Plan for Parks, Open Space, Buildings and other Recreation facilities.
- Policy PR-2.4: Continue to maintain City-owned open space trails and connections to regional trails.
- Policy PR-2.5: Promote the development of publicly-accessible urban trails throughout the city to provide access to the natural environment and facilitate non-motorized transportation options; and

WHEREAS, the Los Vientos Way access location was identified as a top priority in the San Carlos Potential Trail Connections Plan which was revised in 2011, as it eases access between a future Devonshire Canyon trail system and Pulgas Ridge Open Space; and

WHEREAS, opening of the existing gate by Midpen will provide convenient neighborhood access to the upper portions of the Preserve, especially to those physically unable to reach this area from Edmonds Road; and

WHEREAS, the area between the Preserve, Belmont's trail system, and San Mateo County's Sheep Camp Trail is a missing link in a larger regional trail system. The San Mateo County Master Trail Plan has for decades included a proposed eastern boundary trail, which the San Francisco Public Utilities Commission concurs is consistent with their recreational use plans; and

WHEREAS, the City has trail easements along the eastern side of Crestview Drive via Vista Park and other lands that will also provide a link for pedestrian and hiking access to the Preserve; and

WHEREAS, trail access across the Easement would be a first step to provide access from the Preserve to the many regional trails in the area, other City trails and the future eastern boundary trail. Until the eastern boundary trail is established, trail users will use Crestview Drive to connect to Belmont's system and Sheep Camp Trail via Hallmark Drive.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE CITY COUNCIL THAT:

- a. The above recitals are incorporated by this reference; and

- b. This project has been found to be Categorical Exempt under the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities. A categorical exemption is on file; and
- c. Pedestrian and hiking uses over and across the Easement are consistent with the purposes of the dedication for public purposes to the City; and
- d. A pedestrian and hiking access point into the Preserve over and across the Easement would provide San Carlos residents and the neighborhood with convenient access to the Preserve and provide connections with other regional trails; and
- e. A pedestrian and hiking access point into the Preserve over and across the Easement is consistent with and will implement the Park and Recreation Element of the San Carlos General Plan; and
- f. The opening of the gate by Midpen for access into the Preserve over and across the Easement is also consistent the Park and Recreation Element of the San Carlos General Plan.


I, City Clerk Crystal Mui, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Carlos at a scheduled meeting thereof held on the 25th day of September 2023, by the following vote:

AYES, COUNCILMEMBERS: MCDOWELL, VENKATESH, DUGAN, COLLINS, RAK

NOES, COUNCILMEMBERS: NONE

ABSENT, COUNCILMEMBERS: NONE


CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos



Midpeninsula Regional
Open Space District

ATTACHMENT 3

February 14, 2024
Board Meeting 24-04

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.*

APPROVED 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.

* Approved by the Board of Directors on February 28, 2024.

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:

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- 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

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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.

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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.

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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.

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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.

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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

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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 were 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 inquires 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.

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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

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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