



SPECIAL AND REGULAR MEETING

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

Wednesday, January 24, 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**

President MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 5:31 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: 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.

1. Acceptance of the Financial and Operational Sustainability Model Refresh Report (R-24-08)

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak introduced Baker Tilly consultant Andy Belknap who provided the presentation on the final report of the Financial and Operational Sustainability Model (FOSM) Refresh. The final report includes additional information and answers questions raised from when the draft report was presented to the Board on December 5, 2023.

Director Gleason expressed support for dispersing decision-making authority to reduce the time senior leadership spends making operational decisions. He inquired how the Board can affect change and how progress can be measured.

Mr. Belknap stated senior management can determine if decisions have been delegated down during evaluations. The Board can support the General Manager in delegating decision-making to lower levels by accepting that mistakes may be made during the learning process.

General Manager Ana Ruiz asked the Board for patience and grace. She reviews decisions when they are controversial or high profile since she has the broader District perspective while project managers are great with knowing specific details but may not be aware of the larger picture.

Director Kersteen-Tucker followed up on change management and requested that the General Manager keep the Board in the policy lane and away from diverting into individual interests.

Director Holman inquired how the District can promote cross communication and training among departments. She stressed it is critical that staff know when to ask questions and involve other departments.

Director Kersteen-Tucker requested more information on the plan for exploring the organization's self-regulatory authority.

Mr. Jaskulak stated the implementation will take time, but staff will begin this fiscal year. The District will increase communication with the counties and explore the permitting process by considering questions such as who should be involved and how to get more blanket permits.

Ms. Ruiz explained staff needs to research how other agencies are actively using their self-authority abilities. The District needs to analyze current permitting processes to determine areas the District can claim ownership and identify potential issues or concerns that may be raised by different jurisdictions.

Director Kersteen-Tucker inquired about the coastal field office and its place in the implementation plan.

Ms. Ruiz explained staff is monitoring three potential coastal field office sites, and each have challenges.

Director Kersteen-Tucker suggested that a contribution could be made for farm worker housing at one of the sites if it is not suitable for a coastal field office.

Director Cyr stated that with nearly 50 strong recommendations there needs to be an evaluation of progress to determine what is working well and what areas can be improved.

Director Riffle asked how the District will implement the action item list to ensure it progresses.

Mr. Jaskulak explained the next step is to sort the implementation plan deliverables by fiscal year and then delegate tasks.

Ms. Ruiz stated deliverables would be taken to the Board at least once a year for accountability.

Mr. Jaskulak stated that his intent is to annually share progress on deliverables with the Board at the December Board Retreat. He explained that even though deliverables would be broken up by fiscal year, staff would take the opportunity to complete a recommendation earlier where possible.

Director Riffle inquired when the Board could expect more information on the implementation plan for the recommendations.

Mr. Jaskulak responded it could potentially be presented to the Action Plan and Budget Committee (ABC) with a copy to the Board and it could be part of the next budget process.

Ms. Ruiz requested the Board to clarify what additional information the Board is requesting regarding the implementation plan.

Director Riffle explained Baker Tilly identified prioritizations 1-3 and inquired if those would be broken down by year and when the Board would see a more detailed plan with names and timeframes.

Public comment opened at 6:48 p.m.

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

Public comment closed at 6:48 p.m.

Motion: Director Cyr moved, and Director Riffle seconded the motion to accept the final report of the Financial and Operational Sustainability Model Refresh.

ROLL CALL VOTE: 7-0-0

ADJOURNMENT

President MacNiven adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:49 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 7:00 p.m.

ROLL CALL

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

Members Absent: Jed Cyr - Director Cyr attended the meeting at 7:07 p.m.

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, Planning Manager Jane Mark, Planner II Mattea Ottoboni, Resource Management Specialist II Karine Tokatlian, Capital Project Manager II Alex Harker

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.

REPORT OUT OF CLOSED SESSION

President MacNiven reported the Board met in closed session on January 11, 2024. General Counsel Hilary Stevenson stated no reportable action was taken.

ORAL COMMUNICATIONS

Public comment opened at 7:02 p.m.

Caitlin Morais expressed appreciation for District efforts to preserve natural resources and safeguard the public. Ms. Morais requested the Board address in Closed Session the handout materials she provided. She requested for an Ombudsperson to be involved in the two recent incident referrals.

Public comment closed at 7:05 p.m.

ADOPTION OF AGENDA

Motion: Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to adopt the agenda.

ROLL CALL VOTE: 6-0-0 (Director Cyr absent)

CONSENT CALENDAR

The Board of Directors discussed edits to Consent Calendar Agenda Item #3.

Director Kishimoto requested to be the alternate representative for the Santa Clara County Special District’s Association and Director Gleason to be the primary representative.

Director Riffle requested Director Cyr to continue to be the representative for Santa Clara Valley Water District Water Commission.

Director Holman requested her position on the San Francisco Bay Restoration Authority be added to the report for committee assignments.

Ms. Stevenson explained the report reflects assignments made by the District's Board President and deferred to the Board to determine if externally assigned appointments should be acknowledged in the report.

Ms. Soria explained a separate list will be made for District representations that are not compensated and are assigned by an external agency.

Public comment opened at 7:14 p.m.

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

Public comment closed at 7:14 p.m.

Motion: Director Kersteen-Tucker moved, and Director Riffle seconded the motion to approve the Consent Calendar with amendments to Agenda Item #3.

ROLL CALL VOTE: 7-0-0

- 1. Approve the December 5, 2023 and December 13, 2023 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Appointment of the Board of Directors Standing Committee Members and Representatives to Various Bodies, Including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, for Calendar Year 2024 (R-24-09)**

Board President's Recommendation: Approve the Board President's appointments to the Board Standing Committees and other bodies, including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, and the compensable status for attendance at these meetings.

- 4. Award of Contract with Parametrix to provide Transportation Planning Services for the Purisima Multimodal Access Study at Purisima Creek Redwoods Open Space Preserve (R-24-10)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Parametrix of Berkeley, CA to provide transportation planning services to develop an implementation plan for viable high priority strategies from the Purisima Multimodal Access Study for a base amount not to exceed \$93,496.
2. Authorize a 10% contingency of \$9,350 to be awarded if necessary, to cover unforeseen additional tasks to complete the scope, for a total contract amount not-to-exceed \$102,846.
3. Authorize a separate contract allowance of \$39,013 if the Board approves the implementation of a shuttle program for additional partner coordination meetings, civil engineering roadway recommendations for shuttle improvements, and shuttle operator selection support, if deemed necessary, bringing the not-to-exceed contract amount to \$141,859.

5. Award of Contract to Bellecci & Associates for Engineering and Design Services for the Service Road and Path Improvement Project at Rancho San Antonio Open Space Preserve (R-24-11)

General Manager's Recommendation:

1. Authorize the General Manager to execute a contract with Bellecci & Associates to complete the design, engineering, permitting, and construction oversight for the Service Road and Path Improvement Project for a base contract amount not-to-exceed \$176,102.
2. Authorize an allowance of \$46,089 for specific additional services that may be required for the project, for a total project budget of \$222,191.
3. Authorize a 10% contingency of \$22,219 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount to \$244,410.

6. Capital Equipment Purchase for Newly Approved Staff (R-24-12)

General Manager's Recommendation:

1. Authorize the General Manager to execute a contract with the California Department of General Services and associated contract dealers, or a local dealer for expedient delivery provided the pricing is competitive, to purchase two patrol vehicles, four maintenance vehicles and two administrative vehicles, for a total cost not-to-exceed \$602,000.
2. Authorize the General Manager to execute a purchase contract with the California Department of General Services and associated contract dealers for one green mower and transport trailer, and one excavator with masticator attachment, for a total cost not-to-exceed \$550,000.

7. Award of Contract to EMID Design Group for Procurement and Installation of 24 Workstations (R-24-13)

General Manager's Recommendation:

1. Award a contract to EMID Design Group of Fresno, CA for a not-to-exceed base amount of \$110,939 to furnish and install 24 staff workstations to occupy the East Wing of the 1st Floor of the Administrative Office located at 5050 El Camino Real.
2. Authorize a 10% contingency amount of \$11,094 to be reserved for unanticipated issues, additional furnishings and/or replacement items, for a total contract not exceed amount of \$122,033.

BOARD BUSINESS

8. Addition of a Legacy Road as a new Trail Segment at Russian Ridge Open Space Preserve, including Use Designation and Proposed Trail Name, and Consideration for Highlighting the Presence of American Badgers in the Skyline Area (R-24-14)

Planner II Mattea Ottoboni provided the staff presentation on the new trail segment in Russian Ridge. She provided a history of the site and shared the staff recommendation to designate the former driveway as a trail, the proposed trail name, and a summary of the Planning and Natural Resource Committee's feedback. Ms. Ottoboni reviewed the Board Naming Policy and described the steps staff undertook to arrive at the proposed name of "Fog Drift Vista."

Resource Management Specialist II Karine Tokatlian provided information on American Badgers and shared four potential recommendations to address the Committee’s suggestions for highlighting badgers in preserves: 1) Renaming a section of the Bay Area Ridge Trail (currently called “Ridge Trail”) within Russian Ridge or a future new trail in La Honda, Hawthorns, or Cloverdale Ranch to “Badger’s Byway,” 2) Interpretive panel at a key location, 3) ESRI Story Map posted on the webpage with information about badgers plus a social media push and flier with a QR component in preserve signboards where badgers are present, and 4) Public-focused Lunch and Learn Presentation by Natural Resources plus posting excerpts of the recording in social media and on the webpage.

Director Kersteen-Tucker inquired whether all the suggested recommendations would be implemented.

Ms. Ruiz suggested selecting one option, noting there is limited staff capacity.

Director Holman expressed her gratitude to staff for taking into consideration the recognition of badgers. She opted for actions 1-3 with an emphasis on 1 and 3.

Director Kishimoto recommended actions 1, 3, and 4 to be completed.

Director Kersteen-Tucker concurred with Director Kishimoto.

President MacNiven commented that flyer notices at the parking lot entrance to the trails are also effective but is not against any of the proposed actions.

Director Gleason commented that he is open to all of the actions and suggested that all the actions do not have to be implemented immediately and some could be postponed for future consideration. He favored actions 1 and 3.

Public comment opened at 7:45 p.m.

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

Public comment closed at 7:45 p.m.

Motion: Director Riffle moved, and Director Cyr seconded the motion to:

1. Approve the addition of a 0.5-mile legacy road to a vista point as part of the trail network at Russian Ridge Open Space Preserve and designate the trail as multi-use with the proposed trail name of “Fog Drift Vista” Trail, as supported by the Planning and Natural Resources Committee.

ROLL CALL VOTE: 7-0-0

Motion: Director Holman moved, and Director Kishimoto seconded the motion to highlight the presence and importance of American badgers (badgers) in the Skyline Area for greater public awareness by adopting actions 1, 3, and 4 in Table 2 of the staff report for highlighting badgers:

1. Renaming a section of the Bay Area Ridge Trail (currently called “Ridge Trail”) within Russian Ridge to “Badger’s Byway.”
3. ESRI Story Map on webpage with info about badgers plus social media push and flier with QR component in preserve signboards where badgers are present.
4. Public-focused Lunch and Learn Presentation by Natural Resources plus excerpts of recording in social media and webpage.

ROLL CALL VOTE: 7-0-0

9. Bear Creek Redwoods North Parking Area Existing Conditions, Site Opportunity and Constraints Analysis, and Conceptual Design Alternatives (R-24-15)

Planner II Mattea Ottoboni provided the staff presentation on the conceptual design alternatives for the proposed Bear Creek Redwoods North Parking Area. The North Parking Area is envisioned to provide approximately 50 vehicle parking spaces, eight (8) horse trailer parking spaces, a restroom, and signage. She provided a project overview and background, discussed the technical studies, opportunities and constraints for both Alternative No.1 and 2. Additionally, she provided a summary of the Planning and Natural Resources Committee’s feedback with an emphasis on the reasons the Committee preferred Alternative No. 2. Furthermore, Ms. Ottoboni reviewed the conceptual design for each alternative and stated that the next steps, once an alternative is selected, would be to hire a design consultant and finalize the conceptual design by 2024, finalize the technical studies and confirm CEQA by 2025, start the construction documents and permitting by 2026, and start construction in 2027. She noted that the timeline is a best-case scenario pending any delays.

Director Riffle inquired about the tradeoffs of visitor bus parking in the equestrian-designated parking area and requested staff input.

Ms. Ottoboni stated that at this time staff is not committing to any transportation demand management (TDM) measures. If the demand for Bear Creek Redwoods exceeds parking capacity, alternatives options would be explored and a thorough study would be conducted, including any impacts on equestrian trailer parking.

Director Riffle asked if Alternative No. 2 contains enough space to allow cars to pass between the equestrian parking, as many equestrians typically tie their horses to the side of their trailers.

Capital Project Manager II Alex Harker responded that generally the drive aisles are about 24 feet wide and that his feedback will be incorporated into future design iterations.

Director Riffle pointed out that an effective parking lot is located at El Corte de Madera, which has a similar pull-through parking layout, and suggested providing no less than what is provided at this parking lot.

Director Gleason inquired about the type of surface that will be used for the horse trailer parking.

Ms. Ottoboni stated that it would either be paved or a non-slip surface. She mentioned that the parking spaces would be lined, and the final determination of these features would be made in the next phase of the project, but it would not be a native dirt surface.

Director Holman noted that tree removal is one of the considerations for this project, but it was not included in the moon graph.

Director Holman inquired why the two trees in the equestrian circulation area are being removed.

Ms. Ottoboni stated that they may need to be removed for maintenance purposes, but further studies will be conducted to determine if the trees do indeed need to be removed.

Director Holman asked why trees are not added in the two parking lot areas, which would keep the parking lots shadier and cooler.

Senior Planner Jared Hart stated that the two areas shown at the center of the vehicular parking areas are bioretention areas for the treatment of stormwater. Staff could explore the possibility of planting new trees but there may be limitations due to the soils needed to treat storm water.

Director Holman commented that if it was possible to add trees, it would help keep the parking areas cool and provides a pleasant environment.

President MacNiven inquired if bicycles are excluded from the parking lot.

Mr. Hart stated that the parking lot would not preclude someone with a bike from parking. However, bicyclists would not be able to directly connect to the multi-use trail from the proposed North parking area. Signage can be added to direct bicyclists to the Alma parking lot where they can access the multi-use trail.

President MacNiven suggested adding signage to the gate at the entrance of the parking lot.

Mr. Hart reflected back on Director Holman's inquiry about adding trees, noting that the absence of trees in the design might be because the project is in the conceptual design phase, and landscaping will be included in the next phase of work.

Director Holman suggested a gateway or trees to surround a bioswale in the middle of the parking lot and to mitigate any tree removals by planting new ones.

Director Kishimoto expressed agreement with Director Holman's remarks about keeping trees if possible, and adding trees that that could survive on the bioswales.

Ms. Harker explained that the Natural Resources department would need to be consulted on adding trees and there are concerns about adding nursery stock plants due to ecological reasons or introducing phytophthora. Another concern is the cost of maintaining trees in parking lot areas.

Director Holman suggested young trees in the area could be transplanted in the parking areas. She appreciated the concern but requested the idea be considered. Director Holman inquired about the timeline for the design guidelines since this project will not be brought back before the Board.

Assistant General Manager Susanna Chan stated that staff is developing the design guidelines. The plan is to present the design guidelines to the Board in March or April. The aim is to

establish a framework that will help staff determine the appropriate landscape and aesthetic criteria. Due to in-house resource constraints, staff is in the process of retaining a consultant and hopes that the timeline aligns with the development of this project and other upcoming parking area projects in the pipeline.

Director Holman inquired how consultants will respond if the criteria changes since the Request for Qualifications and Proposals (RFPQ) is going out in February and the design guidelines are not being expected until March or April.

Ms. Chan mentioned that a way to address this concern is to incorporate language into the RFPQ and emphasize that the consultants for this project should have a proven record of producing projects and designs that can complement the built environment with the natural environment.

Director Holman suggested that the parking lot design for this project come back before the Board to see how the design guidelines were applied and make any necessary adjustments.

Director Riffle acknowledged Director Holman's point but expressed eagerness to move the project forward, recommending staff not to slow down the project for the design guidelines.

Director Kishimoto agreed with Director Riffle and commented Alternative No. 2 is the best option. Staff and the consultants will keep in mind the Board's goals regarding compatible design, and she is comfortable moving forward with the project.

Director Kersteen-Tucker noted that the Board cannot push for both speed and ask for the project to be brought to the Board an additional time. She stated that in this instance, given that the design guidelines are forthcoming, she recommends for staff to move forward with the project and stay on schedule as much as possible.

Director Gleason agreed with Director Kersteen-Tucker and suggested not inserting any additional points that require returning to the Board, especially when the goal is to expedite the process. Furthermore, that the Board needs to be better at working from the level of goals and how would the design guidelines impact upcoming projects, which can be discussed when the guidelines are presented to the Board.

Ms. Chan reported that the Board will have an opportunity to talk about the goals as part of the future discussion on the design guidelines.

Director Cyr commented that the project is complex and expressed concern about the Board's difficulty in stepping back from their desire to have the absolute best design, and that this may be getting in the way of accomplishing projects. He commented that the project is a great concept and will provide many learnings can then be applied to other projects. Additionally, he agreed that this project should not be brought back to the Board.

President MacNiven agreed that the project should not be brought back to the Board.

Public comment opened at 8:45 p.m.

Mike Bushue from the Equestrian Trail Riders Action Committee supports Alternative No. 2, agreeing with Director Riffle that the El Corte de Madera parking lot is similar and recommends

not making it smaller than this existing lot. He also suggested that the District provide a pathway for bicyclists to access the trail, so they do not have to go out on a section of the road.

Pamela Warren commented that she appreciates the sentiments of the last speaker about bicyclists, but that there are a lot of kids on ponies who are not experienced riders and agrees with having separation from bicyclists. She also voiced her concern of Alternative No. 2 about the design of the equestrian parking and having to wait for a horse trailer to leave before she can pull out. Additionally, she inquired why there are two roads instead of one larger consolidated road, whether the restrooms are porta potties, and about leach fields or the use of fresh water.

Public comment closed at 8:52 p.m.

Director Kersteen-Tucker requested that staff reach out to Ms. Warren to answer her questions.

Director Holman confirmed that staff will take the Board's comments into consideration regarding the trees.

Motion: Director Riffle moved, and Director Cyr seconded the motion to accept conceptual design Alternative No. 2 for a new vehicle and horse trailer parking area at Bear Creek Redwoods Open Space Preserve, which is the Planning and Natural Resources Committee's preferred option, to proceed into environmental review and design development.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL REPORTS

A. Committee Reports

President MacNiven reported the Basic Policy Ad Hoc Committee met on January 16 and reviewed the Basic Policy and Coastal Service Plan gaps.

B. Staff Reports

Assistant General Manager Susanna Chan reported on the completion of a partnership project with the City of Cupertino to install bike lanes on Cristo Rey Drive on both directions for improved access to the Rancho San Antonio County Park and Open Space Preserve.

Ms. Ruiz reported that she was a guest speaker at the Peninsula Open Space Trust Lunch and Learn and spoke about Measure AA and the benefits that the measure has brought to the District, including the ability to leverage partnerships and outside funding.

C. Director Reports

Director Cyr reported that he attended the Santa Clara Valley Water Commission and provided an update.

Director Riffle and President MacNiven reported they attended the January 22 Lunch & Learn hosted by District staff regarding the Alma Bridge Road Newt Passage Update.

Director Kersteen-Tucker requested a report from Rangers on the prevalence of e-bikes and the claim that they have a power mobility device designation and the extent of illegal trail building in preserve areas due to e-bikes, following a written comment from Jim Sullivan.

Assistant General Manager Brian Malone stated that staff is accumulating that data and will report out annually and will probably report back to the Board in the March timeframe. As far as the illegal trail use, there is better control now than in the past mostly through proper planning and management of established trail systems, and that it may be impossible to tie this issue with the advent of e-bikes.

Director Kersteen-Tucker acknowledged the one-year anniversary of the shooting in Half Moon Bay this week. She expressed pride in the District's Agricultural Policy for recognizing farm labor housing is a shared responsibility with the community.

Director Gleason also attended Monday's Lunch and Learn.

ADJOURNMENT

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 9:07 p.m.

Maria Soria, MMC
District Clerk