



Midpeninsula Regional  
Open Space District

October 9, 2019  
Board Meeting 19-26

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, October 9, 2019**

### **APPROVED MINUTES\***

#### **SPECIAL MEETING**

Vice-President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:01 p.m.

#### **ROLL CALL**

Members Present: Larry Hassett, Karen Holman, Yoriko Kishimoto, and Curt Riffle

Members Absent: Jed Cyr, Zoe Kersteen-Tucker, and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Grants Program Manager Melanie Askay, Planner III Gretchen Laustsen, Planning Manager Jane Mark

#### **1. Fundraising Options for the Bear Creek Stables Project (R-19-131)**

General Manager Ana Ruiz provided opening comments reviewing the recent Board decision related to the Bear Creek Stables and Board direction to evaluate different private fundraising options. Based on the findings of the evaluation, including a lack of existing donor base, significant upfront costs and time, lack of on-staff development expertise, high level of uncertainty for success, and potential negative implications to the agency if donor expectations are unmet, the recommendation is to refrain from pursuing a private fundraising endeavor for the Bear Creek Stables Project. However, an opportunity remains for an outside group, like the Friends of Bear Creek Stables, to fundraise for operational, programming, and small-scale improvements in partnership with the operator.

Director Cyr arrived at 5:03 p.m.

Grants Program Manager Melanie Askay provided the staff report describing the District's previous determination not to pursue private fundraising related to Mount Umunhum, due to the lack of staff experience and large amount of staff time needed to build a pipeline of prospective donors. Ms. Askay then described the four fundraising scenarios that were studied for the Bear Creek Stables Project: do not pursue fundraising; fundraise for maintenance and repairs, fundraise for ancillary improvements; and fundraise for enhanced public access. Each of the scenarios assume that fundraising would be completed by a third party fundraiser in close coordination with and mobilization support from the District.

Neela Gentile with Partners in Progress, the District's fundraising consultant, reviewed various assumptions related to fundraising, such as committing necessary staff time, committing financial resources from the District, a stable economy, etc. Ms. Gentile reviewed in detail the four fundraising options, including potential benefits and costs of each.

Director Hassett inquired regarding the cost of the maintenance work if contracted by the District versus if a third party, such as the FBCS, to complete work at the site.

General Counsel Hilary Stevenson explained that the cost would be similar because the District owns the facility and prevailing wages would apply. Additionally, Santa Clara County values volunteer work using market rates.

Director Holman spoke in favor of further conversations with the County related to this limitation.

Ms. Ruiz reported the District is continuing conversations with the County and hopes to learn more in November about options that support the repair project.

Director Riffle spoke in support of having conversations between District and County elected officials related to County requirements.

Director Riffle spoke in favor of allowing a private fundraising group to pursue funds for small-scale improvements without the involvement of the District.

Director Holman spoke in favor of speaking to potential donors as part of a feasibility assessment.

Director Kishimoto inquired regarding the process to be used for accepting funds for small-scale improvements and whether the Board would review the improvements to prevent any negative effects on wildlife, etc.

Ms. Ruiz reported the third party would work with the District to approve any improvements and with the operator because improvements would need to remain within the land use restrictions of the property and within the bounds of the District's lease agreement with the operator.

Ms. Askay spoke regarding potential District fundraising capacity and commitment if the Board were to decide to pursue large scale fundraising, including the potential impact of fundraising efforts on external relationships and reputational risk. There is potentially a negative impact on the District's relationships among partner organizations due to an increased competition for limited funding.

Director Riffle inquired whether a separate fundraising entity is needed for future District projects, similar to the role the Peninsula Open Space Trust plays for land acquisition.

Ms. Ruiz stated that the question is beyond the scope of the current topic and could be studied further in next year's Action Plan and can be a topic of discussion at the Board's Strategic Planning Retreat.

Director Kishimoto spoke regarding the need for a memorandum of understanding with separate fundraising entities, and individual fundraising entities could focus on various areas or preserves within the District.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak reviewed the potential fiscal impact of each of the four options.

Director Hassett suggested the fundraising campaign goal for option 3 should also include fundraising \$1 million for deferred maintenance.

Public comments opened at 6:16 p.m.

Melany Moore with the Friends of Bear Creek Stables reported on a meeting with Santa Clara County Supervisor Mike Wasserman related to the project. Ms. Moore reported the FBCS reported has not yet approached any potential donors. The FBCS supports restoration and reopening of the historic barn, which would create a public meeting area and potentially a venue for other public events or meetings. Ms. Moore spoke in favor of the FBCS Board of Directors meeting with the District Board of Directors.

Ms. Ruiz reported that expanding the use for the historic barn would trigger a use permit requirement from Santa Clara County and the associated high-cost upgrades, which would increase the amount of funds needed. Additionally, Ms. Ruiz reported that the funds raised by the FBCS are in the form of grants rather than individual donations.

Nancy Cole read comments from the Board of the FBCS, which spoke in favor of public access and education at the Bear Creek Stables.

Public comments closed at 6:28 p.m.

Director Kishimoto spoke in favor of the deferred maintenance option stating to maintain the site without expanding the use and the associated required upgrades.

Director Riffle inquired if approving Option 1 would prevent a third-party fundraiser from providing funds to cover costs for deferred maintenance.

Ms. Askay reported that if the Board approves the recommended actions, the District will not be entering into a MOU with the FBCS and incur any associated potential risks. Staff outlined an option that will allow improvements to move forward sooner.

Ms. Ruiz stated that a third-party fundraiser would be able to raise funds to support the ongoing success of the stables to fund programs, operations, and other capital improvements consistent with the Lease provisions.

Assistant General Manager Brian Malone stated that if a fundraising option was pursued an MOU would be important for the District and the FBCS because it would specify various requirements for each entity, such how funds would be used. However, the FBCS has successfully worked with the District in the past to support small improvements at the stables, such as those already included in the site plan.

Director Riffle inquired if the deferred maintenance projects would have to stop once Measure AA funds were depleted.

Ms. Ruiz reported that the deferred maintenance projects represent critical repairs and additional funds would be required, potentially from grants, Measure AA funds, or the general fund.

Director Hassett inquired if Santa Clara County would be willing to contribute funds to the project.

Ms. Ruiz reported Santa Clara County staff is researching potential methods of reducing overall project costs, such as permitting costs and allowing more work to be completed now to reduce inflation costs. Asking for a contribution from the County may come at a later date depending on which option the Board approves and the size of the remaining funding gap.

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

1. Based on an evaluation of private fundraising options, including the lack of an existing donor base, need for training and significant up front costs and effort, lack of on-staff development expertise, high level of uncertainty regarding success, and potential negative implications to the agency if donor expectations are unmet, the General Manager recommends refraining from pursuing a public-private fundraising endeavor for the Bear Creek Stables Project. However, an opportunity remains for a private group, like the Friends of Bear Creek Stables, to fundraise for operational, programming, and improvements in partnership with the operator.
2. If item (1) is approved, direct the General Manager to exclusively focus on implementing the Board-approved Deferred Maintenance Repairs Option and scope of work, no longer attempting to preserve the large-scale public access improvements as part of the redesign and subsequent construction work, with the understanding that the Board of Directors retains the ability to implement the large-scale public access improvements at a future date.

**Friendly Amendment:** Director Holman suggested removing “small-scale” as a description of improvements in recommendation 1.

Director Kishimoto and Director Cyr accepted the Friendly Amendment.

Karen Read spoke in favor of the current wording of the recommendation that represents the status quo for the FBCS seeking grant funds. Additionally, the FBCS has not previously sought funds for capital projects.

**VOTE: 5-0-0** (Directors Kersteen-Tucker and Siemens absent)

## **ADJOURNMENT**

Vice-President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:51 p.m.

## **REGULAR MEETING**

Vice-President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 p.m.

## **ROLL CALL**

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Yoriko Kishimoto, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Senior Planner Tanisha Werner, Senior Planner Scott Reeves

Vice-President Holman appointed Director Kishimoto to serve as Secretary Pro Tem for the evening.

## **ORAL COMMUNICATIONS**

No speakers present.

General Manager Ana Ruiz provided comments regarding the recent tragic events that occurred at Rancho San Antonio. The Board observed a moment of silence for Dr. Lawrence Lupash.

## **ADOPTION OF AGENDA**

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

**VOTE: 5-0-0** (Directors Kersteen-Tucker and Siemens absent)

## **CONSENT CALENDAR**

Public comment opened at 7:05 p.m.

No speakers present.

Public comment closed at 7:05 p.m.

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

**VOTE: 5-0-0** (Directors Kersteen-Tucker and Siemens absent)

- 1. Approve September 25, 2019 Minutes**
- 2. Claims Report**
- 3. Approval of Settlement Terms and Authorization to Execute a Corrected Easement in Exchange for Dismissal of Scranton v. Prokofyeva and Midpeninsula Regional Open Space District, Santa Clara County Superior Court Case No. 19CV345161, a Quiet Title Action related to Access on a Private Access Road, in Sierra Azul Open Space Preserve (Santa Clara County Assessor's Parcel Number 532-25-051) (R-19-132)**

General Manager's Recommendation:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Approve the settlement terms outlined in the report, and adopt a Resolution authorizing the execution of a corrected and amended easement to acknowledge an existing easement on a private access road that crosses Sierra Azul Open Space Preserve.

**BOARD BUSINESS**

**4. Administrative Office Project – Design Development Approval (R-19-130)**

Assistant General Manager Susanna Chan provided the staff report and presented options for the building signage at the corner of El Camino Real.

Director Holman spoke in favor of a sign that more naturally integrates into the rock wall and includes the full street name “El Camino Real” on the sign.

Director Hassett spoke in favor of the vertical sign alignment with additional stonework coming up below the sign similar to option 3.

Director Riffle spoke in favor of option 3.

Director Cyr spoke in favor of the vertical alignment and integrating the sign more into the rock wall rather than in front of the wall.

Director Kishimoto spoke in favor of the horizontal alignment of the sign and the original size of the logo.

By consensus, the Board selected the vertical alignment of the sign inset into the rock wall with the inclusion of “5050 El Camino Real.”

Ms. Chan provided an update on the various source wood options for the project.

Eric Skiba and Amy Watson with Noll & Tam Architects provided updates on various aspects of the design that incorporate the Board's previous comments.

The Board provided feedback regarding the design of the dais.

By consensus, the Board selected option 2 for the design of the dais with incorporation of the District's logo.

The Board provided feedback regarding the design options for the glass doors in the Board room.

Director Holman requested an update on use of bird safe glass.

Mr. Skiba reported that the use of bird safe glass is included in the base estimate, and the design includes use of bird safe glass that has been tested and approved by the American Bird Conservancy.

Mr. Skiba reviewed the project cost estimate reporting that the estimate is currently \$25.5 million, which is under the Board-approved \$27.6 million budget. Mr. Skiba reviewed several potential alternates for consideration.

By consensus, the Board included alternates 1, 2, 4, and 6 in the project design. Installation of solar panels may be pursued a separate project.

Public comments opened at 8:45 p.m.

No speakers present.

Public comments closed at 8:45 p.m.

**Motion:** Director Hassett moved, and Director Kishimoto seconded the motion to approve the design development plans to reconfigure and repurpose the recently purchased office building located at 5050 El Camino Real, Los Altos, California, allowing the project to proceed into construction documents and permitting, incorporating feedback received from the Board.

**VOTE: 5-0-0** (Directors Kersteen-Tucker and Siemens absent)

## **INFORMATIONAL REPORTS**

### **A. Committee Reports**

Director Hassett reported the Legislative Funding and Public Affairs Committee met on Tuesday, October 8, 2019 to discuss recognition for the District's forty-year docent and proposed changes to the Personnel Policies and Procedures Manual

### **B. Staff Reports**

Assistant General Manager Brian Malone commented on the District's work with the San Jose Conservation Corps and an award from the organization recognizing the District's support of the program and its participants. Mr. Malone provided a report on the District's response to the planned Public Safety Power Shutoff and the current red flag fire conditions. Mr. Malone also provided an update on preserves closed during the red flag conditions.

Real Property Manager Mike Williams reported the City of Half Moon Bay approved the District and POST's letters of intent related to Johnson Ranch and Bay to the Sea Trail.

Ms. Chan reported staff attended and provided comments to Santa Clara County Board of Supervisors related to the Stanford General Use permit application.

Ms. Ruiz reported on a meeting she and Directors Hassett, Kishimoto, and Riffle attended with representatives from the Town of Portola Valley related the Hawthorns property.

**C. Director Reports**

The Board members submitted their compensatory reports.

Director Riffle reported he will be attending an event being held by the Silicon Valley Bicycle Coalition.

Director Kishimoto reported her attendance at the Sierra Club Guardians of Nature event. Director Kishimoto reported on a recent meeting of the Santa Clara County LAFCO and her attendance at the Santa Cruz Mountain Stewardship Network's final Spotlight Stewardship event.

Director Holman suggested writing a letter of thanks to Santa Clara County Supervisor Joe Simitian to thank him for his efforts related to the Stanford General Use permit application. Director Holman reported she sat on a panel regarding climate resiliency and sea level rise in Oakland and attended the Sierra Club Guardians of Nature event.

**ADJOURNMENT**

Vice-President Holman adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 9:13 p.m.

**CLOSED SESSION**

Vice-President Holman called the closed session to order at 9:13 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Yoriko Kishimoto, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi

Public comments opened at 9:13 p.m.

No speakers present.

Public comments closed at 9:13 p.m.



**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)**

**Property:** Santa Clara County APN: 170-04-051

**Agency Negotiator:** Allen Ishibashi, Senior Real Property Agent

**Negotiating Party:** Kirk Trammell, Marcus & Millichap and Joel Yungen, Colliers International

**Under Negotiation:** Price and terms of payment

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

**ADJOURNMENT**

Vice-President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:45 p.m.

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Jennifer Woodworth, MMC  
District Clerk