



Midpeninsula Regional  
Open Space District

November 13, 2019  
Board Meeting 19-28

## **SPECIAL AND REGULAR MEETING**

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

Administrative Office  
330 Distel Circle  
Los Altos, CA 94022

**Wednesday, November 13, 2019**

#### **APPROVED MINUTES\***

#### **SPECIAL MEETING – STUDY SESSION**

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: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Senior Planner Tina Hugg

District Clerk Jennifer Woodworth confirmed with President Siemens that there is a meeting agenda posted at his location, that the location is reasonably accessible to the public, such that any member of the public could participate, and that no members of the public are currently at the teleconference location that would like to participate in the public comment portion of the meeting.

#### **1. Historic Preservation Training (R-19-142)**

Ruth Todd and Christina Dikas of Page & Turnbull, District consultants, provided training on historic resources, including outlining federal, state, and local rules and regulations, providing an overview of how historic resources are evaluated and understood, and requirements affecting historic structures related to significance and integrity.

Director Riffle inquired regarding whether a chestnut grove could be considered historic.

Ms. Dikas commented that orchards are typically evaluated with associated buildings and considered historic as part of a larger cultural landscape or historic district.

Ms. Todd described various treatment options and tools that may be used to preserve, rehabilitate, restore, or reconstruct historic properties.

Director Holman requested additional information related to “repairing in kind.”

Ms. Todd reported that Page & Turnbull will be providing training for staff shortly regarding preservation approaches and sensitivities when maintaining historic resources. Additionally, Ms. Todd suggested creating a list of prequalified contractors that are qualified to complete this type of work.

Director Hassett inquired if it is possible to have a historic structure delisted from a historic registry.

Ms. Dikas and Ms. Todd reported that for a potential delisting of structures the following should be reviewed: the context and evaluation at the time a structure was originally listed, any changes to the structure since the historic listing, and the amount of time a structure has been listed as a historic structure.

Director Riffle inquired regarding how to address differing opinions between owners of historic properties and local agencies that regulate them when determining whether a structure is historic.

Ms. Todd commented on the need to evaluate the rarity and significance of a structure in the context of a variety of constraints, including competing opinions on a structure’s historic significance.

Director Kishimoto inquired regarding the level of maintenance required for a historic structure, such as arrested decay, etc.

Ms. Todd reported that arrested decay is a recognized preservation method, but it could lead to an accusation of demolition by neglect and advised the District to work with their attorney on this topic.

Director Kersteen-Tucker suggested addressing in a potential historic structures policy the District’s coastal mission to preserve the rural character of the area and how this may be achieved through historic structures.

Director Siemens suggested including the use of benign neglect as a preservation option in any proposed historic structures policy.

Director Holman commented on the inability to mitigate the loss of a historic structure.

Ms. Dikas suggested that under CEQA it is suggested that historic structures be fully documented before demolition as a potential mitigation measure.

Director Holman commented on the high quality of building materials in historic structures and suggested using the materials to help maintain historic structures.

Public comments opened at 6:55 p.m.

No speakers present.

Public comments closed at 6:55 p.m.

Director Holman suggested using a project as a case study to better understand the topic.

Planning Manager Jane Mark reported on the process used by Santa Clara County to receive a landmark designation for a historic structure, which would allow for additional grant funding but would add requirements for certain structure repairs.

No Board action required.

Vice-President adjourned the special meeting of the Midpeninsula Regional Open Space District to order at 7:06 p.m.

**REGULAR MEETING**

Vice-President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:10 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Finance Manager Andrew Taylor, Budget & Analysis Manager Carmen Narayanan, Land & Facilities Manager Michael Jurich, Human Resources Manager Candice Basnight

**ORAL COMMUNICATIONS**

No speakers present.

**ADOPTION OF AGENDA**

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

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

**SPECIAL ORDERS OF THE DAY**

- Introduction of staff

- John Holback, Open Space Technician
- Bernard Fahey, Open Space Technician

**CONSENT CALENDAR**

Public comment opened at 7:19 p.m.

No speakers present.

Public comment closed at 7:19 p.m.

Director Riffle reported he is recusing himself for Item 6 due to his remote interest based on his employment at the Peninsula Open Space Trust.

**Motion:** Director Riffle moved, and Director Kersteen-Tucker seconded the motion to approve the Consent Calendar, with the exception of Item 6.

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

- 1. Approve October 23, 2019 Minutes**
- 2. Claims Report**
- 3. Proposed purchase of the Chet Gallaway Property as an addition to El Corte de Madera Creek Open Space Preserve in unincorporated San Mateo County (Assessor's Parcel Number 081-100-050). (R-19-143)**

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act, as set out in this report.
2. Adopt a resolution authorizing the purchase of the Chet Gallaway property and amending the Fiscal Year 2019-20 budget accordingly.
3. Adopt the Preliminary Use and Management Plan, as set out in the staff report.
4. Withhold dedication of the Property as public open space.

**4. Change order approval and approval of an Addendum to the Project Initial Study/Mitigated Negative Declaration for the Ravenswood Bay Trail Connection Project located at Ravenswood Open Space Preserve for additional trail paving work (R-19-144)**

General Manager's Recommendations:

1. Adopt a Resolution approving an Addendum to the 2016 Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act.
2. Authorize a contract change order in the amount of \$301,318 with Granite Rock Company of Watsonville, California to pave additional segments of the Bay Trail as part of the Ravenswood Bay Trail Connection Project.
3. Authorize an approximate 10% construction contingency of \$30,000 to cover unforeseen conditions related to the paving effort, for a not-to-exceed total contract amount of \$4,382,474.

**5. Contract Award to Grassroots Ecology to Protect and Restore Natural Resources through Service-Learning (R-19-145)**

General Manager's Recommendation: Authorize the General Manager to enter into a four-year agreement with Grassroots Ecology of Palo Alto, California to provide service-learning events for an amount not to exceed \$295,417, a portion of which is reimbursable through an existing grant.

**6. Resolution to accept grant funding from the California Natural Resources Agency for the proposed future purchase of the Gordon Ridge property. (R-19-135)**

Director Riffle left the dais and room at 7:21 p.m.

General Manager's Recommendation: Adopt a resolution by roll call vote authorizing the General Manager to execute a funding agreement with the California Natural Resources Agency for the proposed future purchase of the Gordon Ridge property as an addition to Tunitas Creek Open Space Preserve.

**Motion:** Director Kishimoto moved, and Director Hassett seconded the motion to approve the General Manager's recommendation.

**ROLL CALL VOTE: 6-0-0** (Director Riffle recused)

Director Riffle returned to the dais at 7:22 p.m.

**BOARD BUSINESS**

**7. Budget Amendments for Quarter 1 to the Fiscal Year ending June 30, 2020 (R-19-146)**

Budget & Analysis Manager Carmen Narayanan presented the staff report.

The members of the Board thanked staff for the clear and concise report and for their efforts on this item.

Public comments opened at 7:29 p.m.

No speakers present.

Public comments closed at 7:29 p.m.

**Motion:** Director Siemens moved, and Director Kishimoto seconded the motion to adopt a resolution approving the proposed Quarter 1 budget amendments (revenues and expenses) to the adopted budget for Fiscal Year ending June 30, 2020.

**VOTE: 7-0-0**

**8. Approval of Salary Adjustments and Revised Employment Agreement for Board Appointee Controller (R-19-147)**

**9. Approval of Salary Adjustments and Revised Employment Agreement for Board Appointee General Counsel (R-19-156)**

**10. Approval of Salary Adjustments and Revised Employment Agreement for Board Appointee General Manager (R-19-157)**

Human Resources Manager Candice Basnight presented the staff report summarizing the process used by the Board and Board Appointee Evaluation Committee to complete the evaluation process.

Public comments opened at 7:32 p.m.

No speakers present.

Public comments closed at 7:32 p.m.

The members of the Board commented on the outstanding performances by all three appointees.

**Motion:** Director Kersteen-Tucker moved, and Director Holman seconded the motion to approve the following actions as recommended by the Board Appointee Evaluation Committee.

**Controller**

Board Appointee Evaluation Committee's Recommendations: As a result of the Board's evaluation of the performance of the District's Board Appointees for Fiscal Year 2018-19, the Board Appointee Evaluation Committee recommends the following compensation adjustments for the Controller for Fiscal Year 2019-20: Adjust the Controller's base salary upward to \$46,877, plus a one-time merit pay bonus of \$2,344.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments set out in Recommendations and authorizing the Board President to execute a revised Board Appointee Employment Agreement.

**General Counsel**

Board Appointee Evaluation Committee's Recommendations: As a result of the Board's evaluation of the performance of the District's Board Appointees for Fiscal Year 2018-19, the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Counsel for Fiscal Year 2019-20: Adjust the General Counsel's base salary upward to \$225,500, plus a one-time merit pay bonus of \$11,275.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments set out in Recommendations and authorizing the Board President to execute a revised Board Appointee Employment Agreement.

**General Manager**

Board Appointee Evaluation Committee's Recommendations: As a result of the Board's evaluation of the performance of the District's Board Appointees for Fiscal Year 2018-19, the Board Appointee Evaluation Committee recommends the following compensation adjustments for the General Manager for Fiscal Year 2019-20: Adjust the General Manager's base salary upward to \$247,500, plus a one-time merit pay bonus of \$12,375.

The Board Appointee Evaluation Committee recommends the adoption of a resolution approving the salary adjustments set out in Recommendations and authorizing the Board President to execute a revised Board Appointee Employment Agreement.

**VOTE: 7-0-0**

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Hassett reported the Real Property Committee met on November 12, 2019 and visited the Tabachnik property, which the Board will be considering in January.

Director Cyr reported the Planning and Natural Resources Committee met on October 28, 2019 to discuss a proposed amendment to the Mindego Ranch Use and Management Plan and receive public feedback on proposed changes to the grazing policy.

B. Staff Reports

Finance Manager Andrew Taylor reported on the annual tour of Measure AA projects taken by the Bond Oversight Committee.

Assistant General Manager Brian Malone reported on tree removal along Page Mill Road by PG&E.

General Manager Ana Ruiz reported on recent tour of District agricultural tenant properties, tour for Board members to Lehigh Quarry, Cloverdale tours for members of the District's legislative delegation. Additionally, she recently presented to the Executive Board for the Peninsula Open Space Trust (POST) regarding current and future District projects.

C. Director Reports

The Board members submitted their compensatory reports.

Director Hassett and Cyr thanked staff for their tour of the Ravenswood Bay Trail construction site.

Director Cyr reported on a recent meeting with Santa Clara Supervisor Susan Ellenberg and his attendance at the Saratoga-to-the-Sea groundbreaking event.

Director Riffle reported on the upcoming meeting of the La Honda Creek Public Access Working Group tour that will be looking at potential locations for public access and parking lots.

Director Kersteen-Tucker commended staff on their support of the recent tour of Stevens Canyon Ranch. Director Kersteen-Tucker suggested inviting representatives from POST to present to the Board of Directors.

Vice-President Holman reported on her recent meetings with Santa Clara County Supervisors Mike Wassermann and Cindy Chavez.

**ADJOURNMENT**

Vice-President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:02 p.m.

**CLOSED SESSION**

Vice-President Holman called the closed session of the Midpeninsula Regional Open Space District to order at 8:10 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson

Public comments opened at 8:10 p.m.

No speakers present.

Public comments closed at 8:10 p.m.

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

Title of Employee: General Counsel  
General Manager

President Siemens left the meeting at 9:35 p.m.

**ADJOURNMENT**

Vice-President Holman adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:50 p.m.

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Jennifer Woodworth, MMC  
District Clerk