



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, April 22, 2020

The Board of Directors conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20. All Board members and staff participated via teleconference.

DRAFT MINUTES

SPECIAL MEETING

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

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

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 Jennifer Woodworth, Engineering & Construction Manager Jay Lin, Senior Capital Projects Manager Tanisha Werner

President Holman announced this meeting is being held in accordance with Governor Newsom's Executive Order allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. 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. President Holman described the process and protocols for the meeting.

1. Select a design alternative for the La Honda Creek White Barn and Sierra Azul Beatty House (R-20-39)

Senior Capital Project Manager Tanisha Werner reviewed the project status and proposed design alternatives as well as the design standards and permitting agencies for the structures. Ms.

Werner reviewed the project location, including potential trail access, conditions assessment, and various alternatives for the La Honda Creek White Barn, including required actions for each design alternative. The White Barn is eligible for historic listing at the state and federal levels.

Director Siemens inquired if the grazing tenant would have use for the structure.

Assistant General Manager Brian Malone reported that it is not planned nor feasible to have a grazing tenant for this area of the property.

Director Kersteen-Tucker inquired regarding other barn structures on the property which can acknowledge the agricultural heritage of the property.

General Manager Ana Ruiz commented that the La Honda Red Barn is also on the property, which is more prominently seen by passers by and most likely more accessible to the public.

Mr. Malone reported on other nearby structures on the property that are actively being used for storage and in use by other nearby grazing tenants.

Director Kishimoto requested clarification regarding Measure AA funding for the project.

Chief Financial Officer Stefan Jaskulak reported that the fiscal impact tables account for all budgeted Measure AA Portfolio 5 expenditures for the projects.

Director Hassett requested clarification regarding the required repairs to the foundation for Alternative 2.

District consultant Matt Franz reported that the repairs would be to stabilize but not replace the foundation.

Director Hassett inquired if the public would be able to enter the barn because the interior is beautiful and inquired regarding the cost of repairs needed to allow the public to enter.

Mr. Franz reported staff recommends using a clear material on the windows to allow the public to see inside. In order to allow public to enter the building, the White Barn would have to be brought up to code.

Director Hassett suggested painting the barn with a white semi-transparent stain or paint to help protect the structure while retaining it's current appearance.

Director Riffle spoke in support of keeping the structure available for wildlife, especially bats, and in support of repairs that would allow the public to view the interior.

Mr. Franz reported under Alternative 2 the structure would be stabilized and sealed to prevent wildlife intrusion under the Department of Interior's guidelines, which requires removal of the bats.

Ms. Ruiz reported staff can examine potential options in Alternative 2 to keep the bat habitat, if directed by the Board and if feasible. Alternatively, bat roosting structures could be built nearby.

Mark Moore of ZFA reported additional repairs could be made under Alternative 2 to reinforce the structure and allow for the bat habitat to remain.

President Holman inquired whether interpretation of the building is considered a use of the building.

Planning Manager Jane Mark reported the structure could be used for interpretive purposes, and staff would consult with historic consultants to learn more about that potential use.

President Holman inquired regarding the impact of bat guano on the interior surfaces and whether it would affect the public's ability to view the unique interior.

Mr. Malone stated that allowing the bats to remain would have a detrimental impact on the barn's interior.

Director Siemens spoke in support of retaining the White Barn but expressed concern related to maintaining it as a bat habitat. If needed, bat roosting structures could be built nearby.

Directors Kishimoto, Kersteen-Tucker, and Cyr spoke in favor of Alternative 2 and excluding wildlife.

Director Kersteen-Tucker spoke in support of creating interpretive elements throughout La Honda Creek Open Space Preserve regarding barns in the area and in support of allowing the public to see inside the building.

Director Riffle spoke in support of Alternative 2 and building alternative bat habitats nearby.

The members of the Board spoke in support of the public being able to view the interior of the building.

Public comments opened at 6:18 p.m.

District Clerk Jennifer Woodworth announced that no comments were submitted.

Public comments closed at 6:18 p.m.

Motion: Director Kishimoto moved, and Director Siemens seconded the motion to select an enhanced Alternative 2 for the La Honda Creek White Barn, which would include as budget permits: enhanced foundation work, exclusion of wildlife, some interpretive signage, and plexiglass window coverings to allow viewing from the exterior, and direct staff to return to the Board with options for exterior coatings, including a white, semi-transparent coating option.

ROLL CALL VOTE: 7-0-0

Ms. Werner reviewed the status of the Beatty House project and project location, including potential trail access, conditions assessment, and various alternatives for the Beatty House, including required actions for each design alternative. The Beatty House is eligible for California Listing of Historic Resources.

The Board continued the item to the end of the regular Board meeting.

The Board recessed at 6:52 p.m.

The Board resumed discussion of the item at 8:22 p.m. following the regular meeting.

Director Hassett inquired regarding the historic nature of the structure.

Mr. Franza reported the Beatty House met the following historic criteria: it is a remnant of the pioneering community in Alma, and the architecture which is typical of the era.

Public comments opened at 8:26 p.m.

District Clerk Jennifer Woodworth read the submitted written comments into the record.

Tom Calderwood expressed support for Alternative 4 for the Beatty House.

Shani Kleinhaus expressed concerns regarding any project on the Beatty property due to potential impacts on newts in the area and the bats living in the Beatty House. Ms. Kleinhaus stated any mitigation costs addressing the newts and bats should be considered in the costs for the alternatives.

Public comments closed at 8:28 p.m.

Directors Hassett and Cyr spoke in support of Alternative 4.

Director Kishimoto inquired if any funds are currently allocated for the building design alternatives.

Mr. Jaskulak reported \$200-\$300k has been allocated for this project.

Director Kishimoto requested clarification regarding the process for Alternative 5.

Ms. Werner reported the structure would have to be reinforced before moving it, but the costs associated with this alternative have not yet been fully evaluated.

Director Kersteen-Tucker suggested building additional bat housing nearby if the Beatty House is removed.

Natural Resources Manager Kirk Lenington reported staff is exploring options for newt crossings and alternatives for bat roosting in the area.

Director Siemens spoke in support of Alternative 4 stating the funds could be better used elsewhere, and the site could have interpretive signage.

President Holman spoke in favor of an option that would have the smallest impact on the bat roosts.

President Holman requested clarification regarding the additional costs for ADA parking and path of travel and for vehicular access to the site.

Senior Capital Projects Manager Scott Reeves reported these range of costs are associated with providing ADA access to accommodate various preserve planning options, including potential need to connect a nearby parking area or providing access to the structure.

Ms. Ruiz reported that the costs that are associated with the Beatty House would be incurred if it becomes an interpretive feature or is reused in some manner for the public, which would result in associated ADA requirements and costs.

Director Holman spoke in favor of selecting an alternative that has the lowest impact on the natural resources, including the bats living in the structure and the impact of demolition on other natural resources in the area.

Mr. Lenington reported replacing and recreating bat habitat can be difficult, but the District has done it elsewhere. The Beatty House will continue to deteriorate, so a new structure could provide a longer-term habitat. Staff is also working with partners to reduce the impacts on newts.

Motion: Director Siemens moved, and Director Riffle seconded the motion to select Alternative 4 for the Sierra Azul Beatty House and provide necessary bat habitat replacement where possible.

Substitute Motion: Director Holman moved, and Director Kishimoto seconded a substitute motion to select Alternative 1 for the Sierra Azul Beatty House.

Director Kishimoto spoke in favor of Alternative 1 stating that it could potentially allow time for the District to find a partner to support the restoration of the Beatty House.

Director Cyr spoke regarding the current state of the Beatty House and that restoration efforts would likely cause repetitive impacts on the natural resources in the area instead of a single instance during demolition.

ROLL CALL VOTE ON THE SUBSTITUTE MOTION: 2-5-0 (Directors Cyr, Hassett, Kersteen-Tucker, Riffle, and Siemens dissenting)

ROLL CALL VOTE ON THE MAIN MOTION: 5-2-0 (Directors Holman and Kishimoto dissenting)

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:51 p.m.

REGULAR MEETING

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 p.m.

ROLL CALL

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

Members Absent: Pete Siemens

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 Jennifer Woodworth, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi

ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth read the submitted written comments into the record.

Edward Noskowski requested the District reopen the Sierra Azul and El Sereno preserves to bikes stating that road biking is more dangerous for cyclists.

Rich Lee requested the District reopen trails to bike and equestrian users and stated actual data is required to support this decision.

Sean Vidal requested the District reopen the preserves to bikes stating that road biking is more dangerous for cyclists. Mr. Vidal suggested designating specific areas for biking to separate it from hiking.

ADOPTION OF AGENDA

Director Siemens joined the meeting at 7:06 p.m.

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:09 p.m.

District Clerk Jennifer Woodworth announced that no comments were submitted.

Public comment closed at 7:09 p.m.

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

ROLL CALL VOTE: 7-0-0

1. Approve April 6 and April 8, 2020 Minutes

2. Claims Report**3. Award of Contract for Design Revisions and Construction Administration of the Alma Cultural Landscape Rehabilitation Project at Bear Creek Redwoods Open Space Preserve (R-20-40)**General Manager's Recommendations:

1. Authorize the General Manager to execute a contract with PGA Design, Inc., for design revisions and construction administration of the Alma Cultural Landscape Rehabilitation Project in the amount of \$174,866.
2. Authorize an approximate 15% contingency of \$26,250 for additional unanticipated project support through end of construction and project closeout, for a total contract amount not-to-exceed \$201,116.

BOARD BUSINESS**4. Proposed purchase of the POST Gordon Ridge Property as an addition to Tunitas Creek Open Space Preserve, located at 811 La Honda Road, San Gregorio in unincorporated San Mateo County (Assessor's Parcel Numbers 081-040-010, 081-022-010, and 081-022-020). (R-20-41)**

Director Riffle recused himself from participating in this potential transaction between POST and the District due to his employment with POST, which is categorized as a remote interest under California Government Code section 1091.

Senior Real Property Agent Allen Ishibashi provided the staff presentation describing the Gordon Ridge property and displayed photos of the property and its geographical features. Mr. Ishibashi described the habitat and resource values of the property, reasons for the proposed purchase, and funding sources, including state grant funds. Mr. Ishibashi described access routes to the property and nearby trails. The proposed purchase is included in Measure AA portfolio 15 to support drainage for salmon fisheries. Finally, Mr. Ishibashi outlined the terms and conditions of the proposed purchase, including agricultural and grazing leases.

Director Kishimoto inquired regarding the barn structures on site.

Mr. Ishibashi reported the barn was investigated, and it is currently in good condition.

Director Kishimoto requested clarification regarding the adjudicated water rights and their allocations.

Mr. Ishibashi reported staff is negotiating this issue with the Peninsula Open Space Trust (POST) because the water rights were originally controlled by a single owner. Now that the property is divided, the allocations will also be divided. Currently the property does not currently use or need water from the allocation.

Director Kishimoto expressed concern that the issue may not be resolved prior to purchase.

Real Property Manager Mike Williams stated staff will report back to the Board on the outcome of the water rights negotiation prior to the close of escrow.

Director Siemens requested clarification for purchasing the 4.87-acre parcel stating it should stay with the larger POST-owned property.

Mr. Ishibashi reported the San Gregorio Creek flows through this property, and the District is not paying for the parcel.

Director Siemens suggested a lot line adjustment should be completed for POST to retain the 4.87-acre property.

President Holman suggested painting the barn to maintain it in its current condition.

Mr. Ishibashi reported that based on a historic review of the building, the barn has never been painted, so painting it would potentially impact the historic integrity of the structure.

President Holman suggested a clear treatment may help protect the barn.

Public comment opened at 7:47 p.m.

District Clerk Jennifer Woodworth read the submitted written comments into the record.

Dan Olstein with the Peninsula Open Space Trust expressed appreciation to the District for their partnership in protecting this area of the San Mateo County coast and explained how the Gordon Ridge property adds to a network of protected lands. Mr. Olstein thanked the District for its support of the agricultural heritage of the San Mateo Coast.

Public comment closed at 7:49 p.m.

Director Hassett spoke in favor of the General Manager's recommendation to protect the San Gregorio Creek and the beauty of the property.

Director Kersteen-Tucker spoke in favor of the General Manager's recommendation and in support of the continued partnership with POST.

Director Kishimoto thanked the District's elected state officials for their support in securing grant funding for the purchase.

President Holman requested staff return to the Board on the most appropriate step to maintain the barn, such as applying a clear coat.

President Holman inquired regarding use of the barn by a cattle grazer and the feasibility of building living quarters within the barn.

Director Siemens spoke in support of including living quarters in the barn and suggested that the Board can consider agendaing this topic for a future meeting.

Motion: Director Hassett moved, and Director Siemens seconded the motion to:

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

ROLL CALL VOTE: 6-0-0

INFORMATIONAL REPORTS

Director Riffle rejoined the meeting at 8:04 p.m.

A. Committee Reports

Director Kersteen-Tucker reported the Legislative, Funding, and Public Affairs Committee met on April 14, 2020 to discuss paper usage, defining meetings for Board compensation, and Ravenswood Open Space Preserve partner signage.

B. Staff Reports

Ms. Ruiz reported the San Mateo County open space preserves continue to be closed on the weekends. Staff has worked with various mapping companies to ensure that information is updated on their platforms. Ms. Ruiz provided additional updates on the District's COVID-19 response for staff and the public.

Mr. Malone provided updates on the Alpine Road Trail update, including additional funding from Santa Clara County, and San Mateo County permit approval of La Honda Creek Loop Trail.

C. Director Reports

The Board members submitted their compensatory reports.

ADJOURNMENT

President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:22 p.m.

SPECIAL MEETING – CLOSED SESSION

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 8:51 p.m.

ROLL CALL

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

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, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, Assistant General Counsel Mazarin Vakharia

Public comments opened at 8:52 p.m.

District Clerk Jennifer Woodworth announced that no comments were submitted.

Public comments closed at 8:52 p.m.

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

Property: 330 Distel Circle, Los Altos, Santa Clara County APN: 170-04-051

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Diane New, Santa Clara County and Chris Jordan, City of Los Altos

Under Negotiation: Purchase Terms

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(2)

ADJOURNMENT

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:12 p.m.

Jennifer Woodworth, MMC
District Clerk