



SPECIAL MEETING

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

Wednesday, November 4, 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 Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, Public Affairs Manager Kori Skinner, Public Affairs Specialist II Cydney Bieber

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. Website Structural Upgrade and Design Refresh Project Update (R-20-132)

General Manager Ana Ruiz commented on the website upgrades possible using a new platform that will allow for more functionality and graphics.

Public Affairs Manager Kori Skinner provided additional information on the ability of the new website to improve functionality for mobile users and to follow best management practices.

Public Affairs Specialist II Cydney Bieber provided the staff presentation describing the technological needs for the updated website to continue to allow for security updates. The website was last updated in 2015, and the upgrades will allow for new interactive features and graphics. Due to the high number of mobile users, the new website structure will be better viewed on mobile devices. Ms. Bieber described the design process to represent potential site users and interview website stakeholders. The website layout will be designed to meet the needs of community members, create pathways to encourage exploration, and have an increased ability to incorporate photos, graphics, and video. Ms. Bieber displayed various pages from the current District website and explained how these will be updated in the upgraded website.

Director Kishimoto requested clarification regarding the search function for the District's website and whether the public will be able to search for Board meeting documents, meeting minutes, etc.

District Clerk Jennifer Woodworth reported as a part of the records management program and selection of an electronic document management system, past District records will be digitized and accessible from the District's website. The vendor for the electronic document management system will be selected in early 2021, and following implementation of the document management system staff will work to integrate the District's records and ability to search the records within the website.

Director Kishimoto inquired regarding including links to outside sites, such as trail reviews, from the District's website.

Public Affairs Manager Kori Skinner commented the District does not have a way to monitor outside website to ensure the information is accurate, so the types of links that would be provided are limited.

Director Riffle suggested linking to other partner organizations which may help users locate open space areas to visit even when not a part of the District's preserves.

Ms. Skinner reported the District created a page on the site related to regional open space options to help guide visitors to various options for visiting open space.

President Holman suggested making this regional page more prominent on the District's website.

President Holman inquired regarding the possibility of members of the public to opt into alerts from the District, such if a preserve were closed due to an emergency.

Ms. Skinner stated this functionality is being included in the website to allow visitors to opt into notifications, such as for public meetings, but currently it is not planned for public safety alerts.

Public comment opened at 5:57 p.m.

District Clerk Jennifer Woodworth reported no public comments were submitted for this item.

Public comment closed at 5:57 p.m.

No Board action required.

ADJOURNMENT

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:58 p.m.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION

President Holman announced the Board would convene into closed session at 6:01 p.m.

District Clerk Jennifer Woodworth reported no public comments were submitted for the closed session items.

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: Human Resources Manager Candice Basnight and Outside Counsel Gary Baum

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

Title of Employee: General Counsel
General Manager

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6

Agency designated representatives: Board Appointee Evaluation Committee (Directors Holman, Riffle, and Siemens)

Unrepresented Employees: General Counsel
General Manager

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

Title of Employee: General Manager

ADJOURNMENT

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:02 p.m.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 7:14 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 Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, Budget & Analysis Manager Mike Bower, Public Affairs Manager Kori Skinner, Public Affairs Specialist II Leigh Ann Gessner, Natural Resources Manager Kirk Lenington, Senior Resource Management Specialist Coty Sifuentes-Winter, IPM Coordinator Tom Reyes, Grants Program Manager Deborah Hirst, Land & Facilities Manager Brandon Stewart, Senior Property Management Specialist Omar Smith, Engineering & Construction Manager Jason Lin, Senior Capital Project Manager Tanisha Werner, Chief Ranger Matt Anderson, Management Analyst II Deborah Bazar,

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REPORT OUT OF CLOSED SESSION

President Holman stated there was no reportable action taken in closed session.

ORAL COMMUNICATIONS

Ms. Woodworth read the submitted public comments into the record.

John Kunz shared comments in support of allowing Class 1 e-bikes on District trails, at least for senior citizens.

Keith Kelsen commented on a recent protest he organized in support of allowing e-bikes on District trails and shared information gathered from those participating in the protest. Mr. Kelsen stated the impact of e-bikes is similar to those of standard mountain bikes and encouraged the District to open trails to e-bikes.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

SPECIAL ORDER OF THE DAY

- Introduction of Staff
 - Cindy Chu, Risk Management Analyst

CONSENT CALENDAR

Public comment opened at 7:22 p.m.

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

Tom Calderwood shared comments in support of Item 5 regarding invasive species treatment. He also stated more focus should be placed on removing non-native eucalyptus trees; replacing removed invasive species with trees suitable to the locations; and involving District Advanced Resource Management Stewards (ARMS) volunteers with habitat restoration.

Public comment closed at 7:23 p.m.

Director Siemens pulled Item 6 from the Consent Calendar.

Director Hassett requested clarification regarding Item 8 asking why the District is covering the cost of the demolition and not the tenant.

General Counsel Hilary Stevenson stated the District's property insurance applies and covers the damage and then seeks reimbursement from the tenant's insurance provider.

Motion: Director Kishimoto moved, and Director Cyr seconded the motion to approve the Consent Calendar, except for Item 6.

ROLL CALL VOTE:7-0-0

1. **Approve October 21, 2020 and November 4, 2020 Minutes**
2. **Approve Claims List**
3. **Quarter 1 Proposed Budget Amendments to the Fiscal Year ending June 30, 2021 (R-20-140)**

General Manager's Recommendation: Adopt a resolution approving the proposed Quarter 1 budget amendments for the fiscal year ending June 30, 2021.

4. **Award of Contract to EDX Exhibits for the Administrative Office Interpretive Elements Project (R-20-133)**

General Manager's Recommendation: Authorize the General Manager to enter into a contract with EDX Exhibits for \$78,000 for interpretive planning and design of new public interpretive elements for the future Administrative Office at 5050 El Camino Real in Los Altos.

5. Award of Contract for District-Wide Habitat Enhancement through Invasive Species Treatment (R-20-135)General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Hanford ARC of Petaluma, California in the amount of \$275,000 for one year of invasive species management services.
2. Authorize the General Manager to extend the contract for three additional consecutive years, if the program achieves specific success criteria, at an annual cost of up to \$275,000 for a total not-to-exceed contract amount of \$1,100,000 over the four-year term.

6. Award of Contract with Applied Technology & Science for Planning Services, Feasibility Assessment, and Preparation of Habitat Restoration Plans within the Irish Ridge Area of Purisima Creek Redwoods Open Space Preserve (R-20-134)General Manager's Recommendation:

1. Authorize the General Manager to contract with Applied Technology & Science (ATS), to provide Phase I environmental planning and biological consulting services to determine the feasibility and maximum net natural resource benefits of restoring a section of Purisima Creek Redwoods Open Space Preserve for a base contract amount of \$42,037.
2. If the completion of the Phase I items in the base contract demonstrates high long-term net natural resources benefits at a reasonable price for the planned restoration work, authorize the General Manager to amend the contract to complete Phase II habitat restoration plans, for an additional not-to-exceed amount of \$57,230.
3. Authorize a 10% contingency for each Phase of work for a total amount of \$9,927 (\$4,204 for Phase I and \$5,723 for Phase II) to cover unforeseen complexities or additional biological survey needs, for a grand total contract amount not-to-exceed \$109,194.

Item 6 was heard after the Consent Calendar.

Director Siemens inquired regarding the potential cost of providing work at the site to be determined by the feasibility study.

Senior Resources Management Specialist Coty Sifuentes-Winter explained the feasibility study will help ensure District funds are spent wisely to provide the best return on investment in restoring the area.

Director Siemens expressed concern regarding the recommended approach to the project and the recommendation of a 10% contingency for the contract.

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

ROLL CALL VOTE:7-0-0**7. Application for Grant Funding from the California Department of Parks and Recreation's Proposition 68 Per Capita Grant Program (R-20-136)**

General Manager's Recommendation: Adopt a Resolution authorizing the General Manager to submit an application for Proposition 68 Per Capita Program grant funding from the California

Department of Parks and Recreation and to negotiate a grant funding agreement(s) for \$1,214,590 in Per Capita funding.

8. Award of Contract to TKO General Engineering & Construction for Demolition of Two Unoccupied, Fire Damaged Accessory Structures and Repair of a Retaining Wall at 895 La Honda Road, Woodside, CA 94026 in Thornewood Open Space Preserve (R-20-137)

General Manager's Recommendation:

1. Approve the demolition of two fire damaged accessory structures and the replacement of a retaining wall that sustained extensive fire damage at Thornewood Open Space Preserve and determine that these actions are categorically exempt under CEQA.
2. Authorize the General Manager to enter into a contract with TKO General Engineering & Construction, of Woodside, California to complete the structures demolition and retaining wall repair for a base amount of \$49,680.
3. Authorize a 15% contingency of \$7,452 to be reserved for unanticipated issues, for a total not-to-exceed contract amount of \$57,132.

9. Award of Contract to Evaluate and Prepare Structural and Engineering Repairs Options to Repurpose an Existing Structure as Ranger Housing at Sierra Azul Open Space Preserve (R-20-126)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Wiss, Janney, Elstner Associates, Inc., of Emeryville, California for a base contract amount of \$67,500.
2. Authorize a 10% contingency of \$6,750 to cover unforeseen conditions for a total contract amount not-to-exceed \$74,250.

BOARD BUSINESS / PUBLIC HEARING

10. Award of Contract with SWCA Environmental Consultants to provide Environmental Planning, Design, and Technical Analysis for the Feasibility Studies and Conceptual Designs of the Purisima-to-the-Sea Trail and Parking Area Project (R-20-129)

Senior Planner Gretchen Laustsen provided the staff presentation describing the conceptual trail connection, described the proposed feasibility study and contract scope, and grant funding available for the project.

Director Hassett praised the selection of SWCA for this contract due to their knowledge of the area and reduction of greenhouse gas emissions because they are local.

Director Kishimoto suggested additional trail work could be completed by District staff.

Ms. Laustsen reported District staff will lay out the trail alignment from the parking lot, but due to the compressed timeline, additional assistance will be needed from consultants to avoid impacting District workloads.

Ms. Ruiz stated this portion of the work is also being funded by an external grant. Director Riffle inquired regarding potential impact on agriculture in the area by introducing public access.

Ms. Laustsen reported the study will directly address the effects of public access on agriculture.

Director Cyr stated introducing public access to the area may help visitors better understand the importance of agriculture.

Director Siemens inquired regarding the conceptual trail alignment and its proximity to the California Coastal Trail and parking area.

Ms. Laustsen stated that topography of the area and current uses prevent a direct connection to the Coastal Trail and parking area, so connector trails and crossings will be needed.

Public comment opened at 8:10 p.m.

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

Jim Sullivan commented in support of allowing bicycle riders to ride from Highway 35 to the coast on dirt trails and asked the Board to allow bicycles on Irish Ridge Trail.

Ron Sturgeon opposed the project stating the California Coastal Conservancy's trail alignment did not cross South Cowell Ranch and instead crosses District property. Mr. Sturgeon opposed the trail crossing the South Cowell Ranch due to its negative impact on the ranch.

Public comment closed at 8:12 p.m.

Ms. Ruiz stated the District's policy allows for making regional trails multi-use trails, which the Board may decide to consider now that the Irish Ridge Trail will be a regional trail.

Real Property Manager Mike Williams commented the trail alignment has not been determined, and when the Coastal Conservancy considered the grant funding, the District and Peninsula Open Space Trust had not yet purchased South Cowell Ranch.

Director Kersteen-Tucker spoke in support of considering making the connector trail a multi-use trail. Director Kersteen-Tucker inquired how the stakeholders will be identified for the public outreach process.

Ms. Laustsen stated staff will first identify public concerns, including trail use, traffic and safety concerns, etc., and will then seek public input on these and other topics that may arise.

Director Riffle spoke in support of working with various user groups and also soliciting input from residents on the coastside and bayside areas of the District.

President Holman suggested separate trails for hiking and cycling use.

Assistant General Manager Brian Malone stated trails can be designed for multi-use, and the current site has existing constraints that may prevent building two trails.

President Holman commented on the need to balance the public's interest in visiting the preserve and the impact on the environment and inquired how this may be weighed at this site.

Planning Manager Jane Mark stated the Science Advisory Panel plans to study this topic to better understand recreational uses and the effects on natural resources, which can inform the District's design of parking capacity.

Motion: Director Kersteen-Tucker moved, and Director Siemens seconded the motion to:

1. Authorize the General Manager to enter into a contract with SWCA Environmental Consultants of Half Moon Bay, CA to complete the Feasibility Studies and Conceptual Designs of the Purisima-to-the-Sea Trail and Parking Area Project for a base amount of \$261,000.
2. Authorize an approximate 10% contingency of \$26,000 to cover unforeseen tasks beyond the current scope for a total not-to-exceed contract amount of \$287,000.

ROLL CALL VOTE: 7-0-0

11. Radio System Assessment Report and Recommendations (R-20-110)

Mr. Malone commented on District staff's recent work on the CZU fire and the importance of the radio system to allow staff to properly perform their jobs, often in remote locations.

Management Analyst II Deborah Bazar described the District's radio system, including radio tower locations, and the radio system assessment report and finding. The District's radio system requires upgrading due to equipment reaching end of life, equipment that is outdated, and coverage issues on District lands.

Greg Forrest with Forrest Telecom Engineering, Inc., further outlined the findings of the radio system assessment report and provided recommendations needed to maintain a reliable and operational radio system. Additional recommended actions will improve coverage and further enhance performance and reliability.

Ms. Bazar described the costs for the required and recommended items.

The Board members requested and received clarification regarding various aspects of the District's radio system.

Director Siemens commented the analog administrative radio system is also outdated and should be converted to a digital system when the patrol system is upgraded to a digital system.

Mr. Forrest stated he does not see a downside to upgrading the District's administrative radio system to a digital system.

Director Riffle inquired regarding the life of the proposed upgraded system.

Mr. Forrest reported the typical useful life of a system is approximately ten to fifteen years.

Members of the Board spoke in support of upgrading the administrative radio system to a digital system.

President Holman inquired regarding the cost of software upgrades to the system and whether they would be included in the purchase.

Mr. Forrest stated most manufacturers will include two to three years of firmware upgrades in the purchase with options to purchase additional years of support.

President Holman asked staff to include the costs of technical support and firmware upgrades when the contract returns for Board approval.

President Holman suggested the District's old equipment be provided to another organization or agency that would be able to use it rather than it being sold as surplus electrical equipment.

Public comment opened at 9:44 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted to be read into the record.

Public comment closed at 9:44 p.m.

Motion: Director Siemens moved, and Director Cyr seconded the motion to direct the General Manager *to plan for the implementation of* the Radio System upgrade and improvement recommendations, as presented in the staff report and also include upgrade of the administrative radio system to a digital system as part of the radio system upgrade, to improve coverage, reliability, functionality, and compatibility with local emergency response agencies, as well as address end-of-life concerns that affect the ongoing maintenance and use of the current system at a total implementation cost over the next two fiscal years estimated at \$2.51M.

Friendly Amendment: Director Kishimoto suggested modifying the motion to direct the General Manager to plan for the implementation of the radio system upgrade because the project budget will still need to be approved by the Board.

Directors Siemens and Cyr accepted the friendly amendment.

Friendly Amendment: President Holman suggested including direction to staff to provide information, to the extent feasible, regarding anticipated maintenance costs following implementation of the radio system upgrades and improvements.

Director Siemens declined to accept the friendly amendment.

Friendly Amendment: President Holman suggested including direction to staff to consider what other options exist for the District's current equipment, such as use by other agencies or organizations, and present those options to the Board when the item returns for Board consideration.

Directors Siemens and Cyr accepted the friendly amendment.

ROLL CALL VOTE: 7-0-0

12. First Reading of the Board Compensation Ordinance (R-20-139)

General Counsel Hilary Stevenson provided the staff presentation describing the history of Board compensation and similar actions taken by other agencies. Ms. Stevenson outlined the

regulations and procedures required for this item, including publishing notice of the item twice in a newspaper, holding a public hearing, and the ordinance going into effect sixty days after adoption.

Director Siemens requested clarification regarding the classification of the Board members by the IRS as employees and the impacts of that classification.

Ms. Stevenson stated this topic may be better discussed at the Board's January meeting as part of the annual discussion of the number of monthly meetings to be compensated.

Director Riffle stated the Board's raise should be consistent with raises provided to staff, which is 3%.

Director Hassett stated the Board's compensation should be allowed to catch up to a reasonable rate, after which the increase can be 3%.

Director Kersteen-Tucker stated the Board's compensation may be an important incentive to help support diversity of those serving on the Board and future Board members may rely on that compensation to serve on the Board.

President Holman commented that compensation may make the option to serve a more viable option for potential Board members to serve on the Board.

Director Kishimoto stated her support for increasing Board compensation by 5%, and at a later date the Board may want to consider which meetings and events are compensable.

Public hearing opened at 10:11 p.m.

District Clerk Jennifer Woodworth announced no public comments were submitted to be read into the record.

Public comment closed at 10:11 p.m.

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

1. Waive reading and introduce an ordinance increasing Board compensation from \$100.00 to \$105.00 per meeting pursuant to Public Resources Code section 5536.
2. Hold a public hearing on the proposed ordinance.
3. Direct the General Manager and General Counsel to prepare the ordinance for second reading at the December 9, 2020 Board meeting.

ROLL CALL VOTE: 7-0-0

Director Hassett commented that the District could look at comparable agencies with similar numbers of meetings per year to help determine the "market rate" of Board compensation.

INFORMATIONAL MEMORANDUM

- Administrative Office Project – Contractor Pre-Qualification Process

Director Hassett spoke in favor of using a local contractor for the project.

INFORMATIONAL REPORTS

A. Committee Reports

Director Kersteen-Tucker reported the Legislative, Funding, and Public Affairs Committee (LFPAC) met yesterday to discuss the scope of the 50th Anniversary celebration and events and the proposed funding agreements with the Umunhum Conservancy and Stephen C. Schott for funding repairs of the Mt. Umunhum Radar Tower.

B. Staff Reports

District Clerk Jennifer Woodworth announced staff will be sending the Board members information regarding required harassment prevention training and asked the Board members to complete the training by January 31, 2021.

Mr. Malone provided an update on the LFPAC discussion regarding a donation by the Umunhum Conservancy. Mr. Malone announced the Kennedy Trail at Sierra Azul will be closed on Thanksgiving to discourage gathering by visitors for an annual bike ride that occurs, which is inconsistent with current COVID-19 protocols.

Assistant General Manager Susanna Chan provided an update on the Rancho San Antonio stakeholder meetings regarding the Rancho San Antonio multimodal study project.

Ms. Ruiz reported the Saratoga to the Skyline Trail grand opening video has been posted to the City of Saratoga's website and invited the Board to view the video.

C. Director Reports

Director Kishimoto announced she plans to pursue the special district delegate position on the Santa Clara LAFCO Board of Directors and requested the Board's support.

ADJOURNMENT

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:37 p.m.

Jennifer Woodworth, MMC
District Clerk