



## SPECIAL AND REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, February 24, 2021

*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 Riffle 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Senior Resources Management Specialist Julie Andersen, Senior Resources Management Specialist Coty Sifuentes-Winter, and Senior Resources Management Specialist Aaron Hébert

President Riffle 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 Riffle described the process and protocols for the meeting.

#### 1. **Natural Resources Restoration Priorities (R-21-26)**

General Manager Ana Ruiz commented on the large amount of natural resources work completed by the District to support the District's mission, and the beneficial regional impact of

this restoration work. The natural resources work protects and preserves many resources, but must be prioritized based on budget, net benefit and positive impact of the work, and staff availability.

Natural Resources Manager Kirk Lenington outlined the goals of the presentation: understand how natural resources restoration priorities are set; discuss high conservation value areas; difference between restoration and mitigation; and coupling District work with high-value restoration. Mr. Lenington described how the Natural Resources Department allocates its budget and the department's programs and staffing structure.

Senior Resources Management Specialist Julie Andersen, Senior Resources Management Specialist Coty Sifuentes-Winter, and Senior Resources Management Specialist Aaron Hébert provided the staff presentation detailing the responsibilities of the department programs: wildlife, vegetation, and earth sciences. Mr. Hébert outlined the role of natural resources in District project planning, implementation, and maintenance and provided examples. Mr. Hébert summarized various factors which drive natural resource priorities, such as internal policies; federal, state, and regional conservation plans; and government regulations.

Mr. Sifuentes-Winter, Ms. Andersen, and Mr. Hébert described the District's conservation atlas and its role in prioritizing District natural resources projects and provided examples from each natural resource program. Ms. Andersen described how restoration can be coupled with other District projects, where practicable. Ms. Andersen explained the "natural resources protection continuum," which progresses from enhancement, ecological restoration, and recovery, and stated mitigation is site specific and reserved for when environmental impacts cannot be avoided.

Mr. Sifuentes-Winter and Mr. Hébert provided case studies of environmental restoration projects throughout the District.

Mr. Lenington described the impact of funding on restoration projects, funding limitations, and potential funding sources, such as Measure AA, general fund and operating budget, grants or endowments, and outside agency contributions.

Director Kishimoto inquired regarding natural resources protection for non-endangered species, such as newt mortality along Alma Bridge Road.

Ms. Andersen stated interest from the public and Board helped elevate this issue and stated staff and the Board can look at these types of topics on a case-by-case basis to help determine the project priority.

Director Holman inquired regarding the District's threshold for determining when a project cannot go forward due to potential environmental impacts.

Mr. Lenington stated properties are evaluated for natural resources prior to purchase and/or site planning. Mr. Lenington stated staff would return to the Board for direction if staff determined public access would negatively impact natural resources and mitigation is not possible.

Ms. Ruiz stated the District also uses multi-disciplinary staff teams to evaluate potential public access and trail opportunities to address various factors affecting these locations and add their expertise to the process.

Director Kersteen-Tucker inquired how the conservation atlas is updated to incorporate new developments, such as fire danger.

Mr. Sifuentes-Winter stated vegetation program staff updates its mapping information regularly, which is incorporated into the District's data sets and used to prioritize District projects.

Director Kishimoto requested copies of the various department organizational charts. Director Kishimoto also commented it would be helpful for staff to inform the Board when having to balance public access and environmental protection and restoration.

Director Riffle commented on the need to continue to prioritize the preservation, protection, and restoration of District lands. Director Riffle stated net zero impact should be considered on a Districtwide and regional basis and not only individual projects.

Public comment opened at 7:00 p.m.

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

Public comment closed at 7:00 p.m.

No Board action required.

**ADJOURNMENT**

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

**REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

President Riffle called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Public Affairs Manager Kori Skinner, Sr. Real Property Agent Allen Ishibashi, Grants Program Manager Deborah Hirst, Management Analyst I Sophie Christel, Engineering and Construction Manager Jay Lin

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**ORAL COMMUNICATIONS**

District Clerk Jennifer Woodworth announced no comments were submitted.

**ADOPTION OF AGENDA**

**Motion:** Director Siemens 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 reported no comments were submitted for the consent calendar.

Public comment closed at 7:09 p.m.

**Motion:** Director Kishimoto moved, and Director Siemens the motion to approve the Consent Calendar.

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

- 1. Approval of the minutes for the February 10, 2021 Board meeting.**
- 2. Claims Report**
- 3. Resolution to accept grant funding from the Wildlife Conservation Board for the acquisition of the Peninsula Open Space Trust (formerly San Jose Water Company) Property/Keyhole in El Sereno Open Space Preserve (R-21-28)**

General Manager’s Recommendation: Adopt a resolution authorizing the General Manager to negotiate and execute a grant funding agreement with the Wildlife Conservation Board to support the acquisition of the Peninsula Open Space Trust (formerly San Jose Water Company) Property/Keyhole as an addition to El Sereno Open Space Preserve.

- 4. Minor Amendments to the Grantmaking Program Agreement with The Regents of the University of California on behalf of its Santa Cruz Campus, a Grant Program Awardee from the Fiscal Year 2018-19 Funding Round who is Researching the Pollen**

**Limitation of Key Native Forb Species and the Impact of Pollination Competition from Non-native, Invasive French Broom (R-21-27)**

General Manager's Recommendation: Authorize a one-year extension and an increase of \$1,836 to the current grant funding agreement with The Regents of the University of California on behalf of its Santa Cruz Campus to provide additional time and funding for project completion to address COVID-19 impacts, bringing the agreement to a new, not-to-exceed total of \$51,211 and extending the grant deadline date by one year to December 12, 2023.

**5. Amendment to the Purchase and Sale Agreement for the Acquisition of the Tabachnik Trust Property and Amendment to the Preliminary Use and Management Plan as an addition to Tunitas Creek Open Space Preserve in unincorporated San Mateo County (Assessor's Parcel Numbers 066-300-010 (portion) and 066-300-020) (R-21-29)**

General Manager's Recommendations:

1. Adopt a Resolution authorizing an amendment of the purchase and sale agreement for the Tabachnik Trust Property.
2. Amend the Preliminary Use and Management Plan for the Tabachnik Trust Property to clarify retention of the agricultural potential of the property.

**BOARD BUSINESS****6. Beatty House Removal and Site Restoration Project: CEQA Scoping Meeting (R-21-30)**

Planner III Alex Casbara provided the staff presentation describing the background of the Beatty house project, including historical resource evaluation, site evaluation for occupancy, and previous Board decisions. Mr. Casbara described the California Environmental Quality Act (CEQA) process, requirements, and schedule.

Director Holman inquired regarding woodrats and bats in the structure and asked how these will be addressed in the environmental evaluation.

Mr. Casbara stated these, and other wildlife will be evaluated as part of the environmental impact report.

Director Hassett inquired regarding the proposed budget for the demolition stating it seemed high.

Chief Financial Officer Stefan Jaskulak reported the proposed budget includes demolition costs, permitting and design costs, and environmental planning services.

Public comment opened at 7:27 p.m.

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

Shani Kleinhaus opposed the removal of the Beatty house due to the bats currently housed there, which will not have a place to relocate to. Additionally, demolition will cause impacts to nearby traffic and landfill debris.

Ben Leech with the Preservation Action Council of San Jose opposed demolition of the Beatty house due to its historic value.

Public comment closed at 7:33 p.m.

Director Holman spoke in favor of leaving the Beatty house as is to avoid environmental impact and because it is a rare example of the buildings of its time and spoke in support of rehabilitating the structure as a wildlife habitat.

Ms. Ruiz stated the Board may direct staff to bring the demolition back for their reconsideration.

General Counsel Hilary Stevenson outlined the process for a motion for reconsideration of an item by the Board of Directors and provided information regarding the CEQA process and the no project alternative which would be evaluated as part of the CEQA evaluation.

Director Cyr inquired regarding future costs and staff time to maintain the structure and protect it from vandalism, which could be higher than the proposed project costs. Additionally, photographs could provide significant interpretation of the site and its history.

Director Holman inquired regarding the degree of specificity for the alternatives to be evaluated.

Mr. Casbara responded the CEQA document will analyze three project alternatives and confirmed one intent of the CEQA Scoping meeting is to invite suggestions for alternatives to be evaluated in the EIR.

Director Holman recommended the CEQA document evaluate a project alternative based on rehabilitation of the Beatty House.

Director Holman suggested one alternative to be studied could be retention of the building and habitat with stabilization and rehabilitation of the character-defining porch elements.

Assistant General Manager Susanna Chan and Ms. Ruiz provided costs estimates for structure stabilization and rehabilitation, which were provided to the Board in April 2020.

By consensus, the Board directed staff to return with an agenda item for a future Board meeting to receive additional direction on whether to proceed with the CEQA analysis for the Beatty house project.

No Board action required.

**7. Preliminary Science Advisory Panel Findings on the Topics of Recreation and Monitoring, and a Contract Amendment to complete the Second Round of Scientific Review (R-21-31)**

Management Analyst I Sophie Christel provided the staff report describing the timeline for the Science Advisory Panel (SAP) and questions previously studied by, and proposed topics for future study by, the SAP.

Libby Porzig with Point Blue Conservation Science presented the SAP's research regarding monitoring plant and animal populations at the landscape scale. Ms. Porzig defined ecological monitoring as repeated field-based measurements of biological systems which are collected continuously and then analyzed. Ms. Porzig described ecological monitoring examples at the District, by citizen scientists, and by other national and regionally coordinated programs. Ms. Porzig outlined keys to a successful monitoring program and monitoring objectives. Finally, Ms. Porzig provided recommendations for areas of ecological monitoring on District lands.

Erica Spotswood with the San Francisco Estuary Institute described the preliminary results of the SAP's research related to the visitation and recreational use benefits and trade-offs to the District's mission to protect natural resources and provide public access. Research of this topic is continuing into the current second year.

Stephanie Panlasigui with the San Francisco Estuary Institute described the various physical, social, and mental health benefits to people experiencing nature.

Ms. Spotswood reviewed key take-aways from the first year of research and potential areas for future study.

Director Kersteen-Tucker inquired if the SAP would be looking at the potential impact of e-bikes on natural resources.

Assistant General Manager Brian Malone reported the Board may direct the General Manager to have the SAP look at the impact of e-bikes at the next Board meeting when a fourth SAP topic is selected.

Public comment opened at 9:35 p.m.

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

Public comment closed at 9:35 p.m.

**Motion:** Director Hassett moved, and Director Siemens seconded the motion to authorize the General Manager to execute a contract amendment with the San Francisco Estuary Institute to increase the contract amount by \$19,000, for an amended total contract amount of \$219,000, to address unforeseen costs due to COVID impacts and the need for additional coordination.

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

## **8. Oral Update on Midpeninsula Regional Open Space District 50<sup>th</sup> Anniversary**

Public Affairs Manager Kori Skinner provided the staff presentation reviewing the list of Board liaison assignments and provided an update on consultant selection. Finally, Ms. Skinner reviewed the previously approved project priorities and requested Board affirmation of the current priorities.

Ms. Ruiz commented on the opportunity to use the fiftieth anniversary celebration to further outreach to individuals, groups, and organizations to increase their awareness of the District. She has also discussed the possibility of cohosting events with partner organizations.

Director Hassett commented that many are beginning to experience “Zoom fatigue” and that if the events are virtual, they will need to be very engaging.

Public comment opened at 9:57 p.m.

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

Public comment closed at 9:57 p.m.

No Board action required.

### **INFORMATIONAL REPORTS**

#### A. Committee Reports

No Committee reports.

#### B. Staff Reports

No staff reports.

#### C. Director Reports

Directors Cyr, Kishimoto, Holman, and Riffle reported they attended the State of the Valley virtual event.

Directors Kersteen-Tucker and Riffle commended the participants of the District’s Leadership Academy and their excellent presentations.

Director Hassett reported he went with staff to tour District lands with newly elected Portola Valley Town Councilmember Sarah Wernikoff.

### **ADJOURNMENT**

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 10:06 p.m.

### **SPECIAL MEETING – CLOSED SESSION**

President Riffle called the special meeting of the Midpeninsula Regional Open Space District to order at 10:06 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

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**1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): 1 case

Public comment opened at 10:07 p.m.

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

Public comment closed at 10:07 p.m.

The Board convened into closed session at 10:07 p.m.

**ADJOURNMENT**

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:42 p.m.

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Jennifer Woodworth, MMC  
District Clerk