



## **SPECIAL AND REGULAR MEETING**

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

**Wednesday, March 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 5:30 p.m.

#### **ROLL CALL**

Members Present: Jed Cyr, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Curt Riffle,

Members Absent: Larry Hassett, Karen Holman, and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Jennifer Woodworth, Senior Capital Project Manager Tanisha Werner, Capital Project Manager III Paul Kvam, Planning Manager Jane Mark, Senior Planner Tina Hugg, Resources Management Specialist II Matt Sharp Chaney

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.

Directors Holman and Siemens joined the meeting at 5:31 p.m.

Director Hassett joined the meeting at 5:34 p.m.

#### **1. Review Beatty House Alternatives and Confirm Board Direction (R-21-40)**

General Manager Ana Ruiz shared comments regarding the updated cost estimates for the project options and the District's policies regarding historic structures and provided examples of historic structures on District lands.

Capital Project Manager III Paul Kvam provided the staff presentation describing the location, historical background, and current condition of the Beatty house. Mr. Kvam reviewed the project's history, including previous Board decisions and direction. Mr. Kvam outlined each of the four design alternatives and updated cost estimates for each. The four design alternatives are: 1) retain the structure as is and install secure fencing; 2) stabilization of the structure; 3) structure rehabilitation; 4) removal of the structure and restoration of the natural environment.

Senior Planner Tina Hugg described the District's historic resources policies and procedures and previous Board study sessions and decisions regarding historic resources. Ms. Hugg summarized to the District's recent spending on historic resources, including review of historic resources, repainting the La Honda Red Barn, Rancho Deer Hollow Farm White Barn and La Honda White Barn rehabilitations, etc.

Director Holman inquired regarding the proposed ADA accessibility and parking area associated with alternatives 2 and 3.

Mr. Kvam explained this is due to the District's intended use of the structure. If the District installs interpretive elements and allows the public to view the structure, then parking and ADA access are needed.

Director Holman commented the parking and ADA accessibility elements should be removed from alternatives 2 and 3.

Director Holman inquired regarding proposed elements of the rehabilitation alternative, stating some structural elements do not necessarily need to be replaced.

Mr. Kvam stated the repairs and replacements in-kind are to prevent further deterioration and repairs to prevent wildlife intrusion.

Ms. Ruiz stated the ADA accessibility and parking costs would be required if the site is interpreted for the public for education purposes, such as interpretive signs, path around the structure, etc.

Director Siemens inquired regarding the amount of staff time included in the estimate for alternative 4 stating all alternatives should either include the staff time or it should not be included in any alternative to allow for a more consistent comparison across the four alternatives.

Assistant General Manager Susanna Chan stated staff time is not currently included in the alternative 4 estimates and provided clarification regarding staff cost estimates for the other alternatives.

Ms. Ruiz stated it is difficult to estimate staff time required over time, due to the need to address vandalism and trespassing of historic structures.

Director Kishimoto inquired if ADA access and parking area would be required if only a single interpretive sign was installed to explain the history of the structure.

Planning Manager Jane Mark reported if an interpretive element is added at the site or self-guided hike, then ADA access requirements would be triggered.

Director Kersteen-Tucker inquired regarding the District's success regarding relocating bat populations.

Resources Management Specialist II Matt Sharp Chaney reported on past bat surveys of the structure stating low numbers of non-special status species bats were in the Beatty house. Mr. Sharp Chaney stated bat boxes could easily be installed near the Beatty house location, and there is also nearby natural habitat suitable for bat roosting.

Director Kersteen-Tucker requested additional information regarding staff costs associated with vandalism and trespassing.

Assistant General Manager Brian Malone reported the costs vary widely based on the site and the level of effort the District chooses to put forward for the site.

President Riffle inquired regarding the Santa Clara County's process to designate the Beatty house as a historic structure and any implications of that designation.

Ms. Hugg described the process for the historic structure designation, including additional permitting requirements.

Public comment opened at 6:37 p.m.

Ben Leech spoke in favor of preserving the Beatty house commenting on the various reasons the historic structure should be kept.

Public comment closed at 6:41 p.m.

Ms. Ruiz commented on the District's current plan to provide public access to the site in the future and expressed concern regarding the building's security if the structure is retained, including security measures, patrol, site safety, District liability, etc.

Director Cyr spoke in favor of alternative 1.

Director Kishimoto spoke in favor of alternative 1 due to the lower costs and the potential positive impact on visitor experience.

Director Kersteen-Tucker spoke regarding the need for robust interpretation of the site, perhaps in the parking area.

Director Holman spoke in favor of digital interpretation of the site, which would not require ADA access, and roof repairs to stabilize the structure.

President Riffle spoke in favor of alternative 4 as it supports the District’s mission and expressed concern regarding the costs of associated with keeping the structure even in a decaying state.

**Motion:** Director Kishimoto moved, and Director Siemens seconded the motion to direct staff to pursue alternative 1 to retain the structure in its current state.

**Friendly amendment:** Director Holman suggested adding the language from the Page and Turnbull report to an online interpretive program for the site.

Director Kishimoto declined the friendly amendment and stated this could be evaluated as part of the interpretive plan for the area, when it is developed.

**ROLL CALL VOTE:**       **6-1-0** (Director Riffle dissenting)

**ADJOURNMENT**

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:03 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 7:10 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Public Affairs Manager Kori Skinner, Governmental Affairs Specialist Joshua Hugg, Engineering and Construction Manager Jay Lin, Capital Project Manager III Zach Alexander

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**ORAL COMMUNICATIONS**

Karen Enz spoke in favor of preserving open space at Rancho San Antonio, especially as the number of visitors has increased, and suggested increased foot patrol is needed in the area. Ms. Enz expressed concerns related to the deterioration of the Hammond-Loop trail, drones being used in the preserve, litter, unleashed dogs, etc.

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

Rhoda Fry expressed concern regarding Lehigh Quarry reclamation plan, including reserving enough material to fill, the level of assurance money, etc.

**ADOPTION OF AGENDA**

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

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

**SPECIAL ORDER OF THE DAY**

- Presentation from Dr. Rick Lanman Re: Returning Elk to the Western San Francisco Bay Region

**CONSENT CALENDAR**

Public comment opened at 7:48 p.m.

District Clerk Jennifer Woodworth reported no comments were submitted for the consent calendar.

Public comment closed at 7:48 p.m.

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

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

- 1. Approve the March 4, 2021 and March 10, 2021 Board meeting minutes**
- 2. Claims Report**
- 3. Consideration of a Letter of Support for the Vida Verde Education Center Barn Project in San Mateo County (R-21-41)**

General Manager's Recommendation: Authorize the Board President to sign a letter on behalf of the Midpeninsula Regional Open Space District Board of Directors in support of the Vida Verde (Vida Verde) Education Center Barn Project located in San Gregorio on the San Mateo County Coast for submittal to the San Mateo County Planning Commission.

**4. Approval of Response to San Mateo County Civil Grand Jury Report Regarding Ransomware (R-21-42)**

General Manager's Recommendation: Authorize the President of the Board of Directors to sign the proposed response to the San Mateo County Civil Grand Jury Report, "Ransomware: It Is Not Enough To Think You Are Protected."

**5. Consideration of an agreement for the exchange of easement interests in dedicated real property between the Glass-Dooley Family (San Mateo County APN 078-260-030) and the Midpeninsula Regional Open Space District (San Mateo County APN(s) 078-260-020, -070 & 078-280-110) at La Honda Creek Open Space Preserve (R-21-43)**

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. By a unanimous vote of the Board of Directors, adopt a resolution authorizing the agreement to exchange interests in dedicated real property at no cost between the Midpeninsula Regional Open Space District (receiving access and waterline easement) and Glass-Dooley Family (receiving access and waterline easement).
3. Identify the La Honda Creek Open Space Preserve Master Plan as the use and management plan for the lands received in the exchanged interests in real property.
4. Withhold dedication of the received property interest as public open space at this time.

**6. Award of Contract for Special Inspection Services for the Administrative Office Project (R-21-45)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Signet Testing Labs, Inc., of Hayward, California for a not-to-exceed base contract amount of \$102,845 to complete special inspection work scheduled between March 2021 and Spring 2022 for the Administrative Office Project.
2. Authorize a 10% contract contingency of \$10,285 to be reserved for unanticipated issues, thus allowing the total contract amount to not-to-exceed \$113,130.

**7. Minor Contract Amendment with Signet Testing Labs, Inc., for additional special inspection services for the South Area Field Office Project (R-21-44)**

General Manager's Recommendation: Authorize the General Manger to execute a contract amendment in an amount of \$3,000 with Signet Testing Labs, Inc., to cover the costs for additional special inspection services beyond the base contract scope of work that have been necessary to complete the South Area Field Office Project; the amendment would bring the total contract to a not-to-exceed amount of \$52,265.

**BOARD BUSINESS****8. Legislative Position Recommendations (R-21-46)**

Governmental Affairs Specialist Joshua Hugg provided the staff presentation describing the District's bill-tracking and disposition process. Mr. Hugg reviewed the District's proposed

legislative priorities for the upcoming 2021-22 legislative session, including supporting efforts to promote effective guidelines for wildland fire fuel reduction, potential establishment of a California conservation grazing incentive program, and pursuing climate change-related funding to benefit a wide range of open space priorities.

Board members requested and received clarification regarding various legislative bills.

Director Kersteen-Tucker requested additional information regarding SB322 related to regenerative ranching and suggested the Board may want to take a stronger stance in supporting this bill.

Mr. Hugg provided additional information regarding the bill, including potential supporters and opposition.

Public comment opened at 8:22 p.m.

Ms. Woodworth reported no comments were submitted for this item.

Public comment closed at 8:22 p.m.

**Motion:** Director Kersteen-Tucker moved, and Director Siemens seconded the motion to approve the recommended list of legislative positions for the 2021 state legislative session, as forwarded by the Legislative, Funding, and Public Affairs Committee, with the direction to move SB322 from a watch status to a support status, with possible future action to support the bill based on staff's recommendation.

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

**9. Award of Contract to George Bianchi Construction, Inc., for the Mount Umunhum Radar Tower Repair Project (R-21-47)**

Capital Project Manager III Zachary Alexander provided the staff presentation describing the project's history, Board-approved basis of design for the long-term repair option, and project scope of work. Mr. Alexander reviewed the bid process and bids received.

Director Siemens suggested painting the radar tower a blue color similar to the sky.

Director Hassett expressed concern regarding the proposed cost and scope of the project related to repairs.

Mr. Alexander reviewed the "retain and seal" definition reviewed by the Board in 2012 and approved by the Board in 2016.

Public comment opened at 8:42 p.m.

Ms. Woodworth reported no public comments were submitted for this item.

Public comment closed at 8:42 p.m.

Director Hassett expressed concerns regarding the ongoing costs related to maintenance of the radar tower.

Director Cyr commented on the likely longer lifespan of the proposed repairs, which would have a lower overall cost.

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

1. Authorize the General Manager to enter into a contract with George Bianchi Construction, Inc., of San Jose, CA, for the base amount of \$1,986,540.
2. Authorize a 12% contingency of \$238,385 to be reserved for unanticipated issues.

**ROLL CALL VOTE: 5-2-0** (Directors Hassett and Siemens dissenting)

**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

Assistant General Manager Susanna Chan reported the District's South Area Field Office is nearly complete, and staff will be organizing tours for the Board members who are interested in seeing the office.

Ms. Ruiz reported a future episode of *Open Roads with Doug McConnell* will feature the District's work on the San Mateo Coast. Ms. Ruiz also reported that she recorded a video in Spanish reading a children's book and discussing open space.

C. Director Reports

Director Holman announced she was reappointed to the San Francisco Bay Restoration Authority and the District will be presenting to the Palo Alto City Council on April 19, 2021.

Director Kishimoto reported she and Assistant General Manager Brian Malone to the Los Altos Hills Town Council on March 18, 2021.

Director Kersteen-Tucker reported she and Director Hassett will be presenting to the Half Moon Bay City Council on April 6, 2021.

President Riffle reported he will be presenting to the Los Alto City Council on April 18, 2021 and to the Mountain View City Council at a later date.

**ADJOURNMENT**

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 8:58 p.m.



**SPECIAL MEETING – CLOSED SESSION**

President Riffle called the special meeting of the Midpeninsula Regional Open Space District to order at 8:58 p.m.

**ROLL CALL**

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

Members Absent: Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Human Resources Manager Candice Basnight

**1. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)**

Agency designated representatives: Ana Ruiz, General Manager, Brian Malone, Assistant General Manager, Jack Hughes, Liebert Cassidy Whitmore  
Employee organization: Field Employees Association

Public comment opened at 8:58 p.m.

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

Public comment closed at 8:58 p.m.

The Board convened into closed session at 8:59 p.m.

**ADJOURNMENT**

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:05 p.m.

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Jennifer Woodworth, MMC  
District Clerk