



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, June 9, 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 OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – STUDY SESSION

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, and Curt Riffle

Members Absent: Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Management Analyst I Sophie Christel, Public Affairs Manager Korrine Skinner, Public Affairs Specialist II Sasha Hnatkovich

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. Findings from the Santa Cruz Mountains Climate Resilience Project (R-21-81)

Management Analyst I Sophie Christel provided the staff presentation reviewing the purpose of the Santa Cruz Mountain Climate Adaptation Project. Ms. Christel introduced Jessi Kershner, who is a senior scientist with EcoAdapt, which conducted the project.

Director Siemens joined the meeting at 5:05 p.m.

Ms. Kershner described the climate adaptation planning process, which included project scoping, assessment of vulnerability, and identification of adaptation strategies. Ms. Kershner outlined the vulnerability results for various habitats and species studied and provided a comparison of the habitats for adaptive capacity and the relative vulnerability of these habitats and species. Ms. Kershner reviewed the process to identify adaptation strategies and outlined adaptation strategies developed for various habitat types. Additional cross-resource priorities were also identified that may be utilized across habitat types. Ms. Kershner highlighted various resources created as a result of the project.

Director Kishimoto inquired regarding the levels of resilience for species and what contributes to that resiliency.

Ms. Kershner reported additional information can be found in the individual vulnerability assessments and are specific to the individual species.

President Riffle requested additional information regarding coastal dunes on District lands.

Ms. Christel reported there are no coastal dunes on District lands but are located in the study area, which encompasses the Santa Cruz Mountains bioregion and are under the stewardship of other land management agencies that are part of the Santa Cruz Mountains Stewardship Network.

President Riffle inquired regarding how specific the data is for the region and how often the modeling and process would need to be repeated.

Ms. Kershner reported the data is specific to the District's geographic region, and the quantitative data would be relevant for about five years when additional data could be gathered. However, the qualitative data is more lasting and can help provide long-term guidance.

Director Riffle commented on the need to continue to share information with other agencies and organizations because climate change is not limited to defined geographic boundaries.

Director Holman commented on the need to present and provide the information to nearby cities and counties who would benefit from the information and to promote collaboration.

Director Kersteen-Tucker commented on the importance of the District's leadership to build collaborations and act in response to the data.

Public comment opened at 5:52 p.m.

Ms. Woodworth read the submitted comments into the record.

Doug Johnson with the California Invasive Plant Council commended the District for continuing to look forward in its land management planning and practices, including controlling invasive plants to meet conservation goals. Mr. Johnson commented on the importance of collaboration to effectively find, identify, and control new weed species early.

Public comments closed at 5:53 p.m.

President Riffle commented on the importance of collaborative organizations, such as the Santa Cruz Mountains Stewardship Network, and the District's potential leadership role on the topic. Additionally, the importance of climate adaption is a key factor in how the District plans and performs its work.

No Board action required.

2. Informational Presentation on the Social Media Program (R-21-80)

Public Affairs Manager Korrine Skinner reviewed the District's integrated communications strategy and the role of various media types used by the District to build connections and increase engagement. Since the start of the COVID-19 pandemic, the District increased the amount of social media posts.

Public Affairs Specialist II Sasha Hnatkovich described the purpose of the Districts social media program to increase public awareness to the District's mission, work, programs, and preserves. Mr. Hnatkovich outlined the District's social media overall content strategy and reviewed how it is applied to specific social media platforms and the audience for each platform. Mr. Hnatkovich provided the planned social medial strategies for the upcoming fiscal year, including solidifying use of social media as a mainstream communication channel and ensuring efficient use of limited resources.

Director Kersteen-Tucker commented on the potential for engaging younger users, such as through the TikTok platform. Additionally, additional metrics to understand engagement among younger users and more diverse demographics.

Mr. Hnatkovich reported not all platforms share demographic information, and the information that is provided does not include diversity statistics.

President Riffle inquired how the District can tailor its messages to various user groups, diverse communities, and interested parties.

Ms. Skinner reported this is one of the strategies being used by staff in the upcoming fiscal year, such as through paid posts, targeted influencers to share our content, etc.

Public comment opened at 6:41 p.m.

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

Public comments closed at 6:41 p.m.

Director Kersteen-Tucker suggested more frequent reports to the Board on this topic would be helpful because social media is one of the primary channels for reaching out to communities the District is seeking to engage. Metrics to be reported on could include reach and followers by platform.

Ms. Skinner reported this information can be included in the biweekly report to the Board, and an annual presentation on the communications strategy could be provided.

No Board action required.

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:48 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 7:00 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 Brian Malone, Assistant General Manager Susanna Chan, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Senior Planner Gretchen Laustsen, Engineering and Construction Manager Jay Lin, Senior Capital Project Manager Scott Reeves

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Director Siemens joined the meeting at 7:01 p.m.

ORAL COMMUNICATIONS

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

Dirk Flote opposed any restrictions on level 1 electric bikes on District preserves where biking is allowed.

Rhoda Fry shared her concerns regarding the negative impacts of Lehigh Quarry on the Rancho San Antonio Preserve, including landslides and air pollution. Ms. Fry suggested the District post their letters sent to Santa Clara County regarding the quarry on the District's website.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:08 p.m.

Ms. Woodworth reported no public comments were submitted for the Consent Calendar.

Public comment closed at 7:08 p.m.

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

ROLL CALL VOTE: 7-0-0

- 1. Approve the May 26, 2021 and June 2, 2021 Board meeting minutes**
- 2. Claims Report**
- 3. Contract Amendment with Coastwide Environmental Technologies, Inc., for the Demolition of Non-Historic Ruins at Bear Creek Redwoods Open Space Preserve (R-21-79)**

General Manager's Recommendation: Authorize the General Manger to execute a contract amendment with Coastwide Environmental Technologies, Inc., in the amount of \$110,000 to include the demolition and removal of non-historic ruins at the Alma College site in Bear Creek Redwoods Open Space Preserve; the amendment would bring the contract to a total not-to-exceed amount of \$572,300.

- 4. Award of Contract to BKF Engineers for Design and Engineering Services for the Trail Connection to Lexington Reservoir County Park as part of the Phase II Trail Network at Bear Creek Redwoods Open Space Preserve (R-21-77)**

General Manager's Recommendation:

1. Authorize the General Manger to enter into a contract with BKF Engineers for trail design and engineering services at Bear Creek Redwoods Open Space Preserve for a base contract amount not-to-exceed \$109,960.

2. Authorize a 10% contingency of \$10,996 to be awarded if necessary to cover unforeseen conditions, for a total not-to-exceed contract amount of \$120,956.

5. Agreement with the Santa Clara County FireSafe Council to implement the Los Gatos Creek Watershed Collaborative Forest Health Project in Bear Creek Redwoods, Long Ridge, Saratoga Gap, and Sierra Azul Open Space Preserves; and Adoption of a Resolution for a Grant Application to the Wildlife Conservation Board for Coordinated Project Support (R-21-76)

General Manager's Recommendation:

1. Authorize the General Manager to enter into an agreement with the Santa Clara County FireSafe Council to implement the Los Gatos Creek Watershed Collaborative Forest Health Grant Project in Bear Creek Redwoods, Long Ridge, Saratoga Gap, and Sierra Azul Open Space Preserves, funded by a direct award from the California Department of Forestry and Fire's Forest Health Grant Program.
2. Adopt a resolution for a grant application to the Wildlife Conservation Board for coordinated project support for the Los Gatos Creek Watershed - Wildland Fire Project.

6. Cost Share Agreement between Peninsula Open Space Trust and Midpeninsula Regional Open Space District for Preparation of a Land Division Application to Support the Proposed Purchase of the Johnston Ranch Property as an Addition to Miramontes Ridge Open Space Preserve (R-21-77)

General Manager's Recommendation: Authorize the General Manager to enter into a cost share agreement with Peninsula Open Space Trust for preparing and submitting the land division application to San Mateo County for the Johnston Ranch Property in the amount of \$57,948.

7. Approval of a Comment Letter to the California Board of Forestry and Fire Protection on Proposed State Minimum Fire Safe Regulations (R-21-82)

General Manager's Recommendation: Authorize the Board President to sign a comment letter on behalf of the Midpeninsula Regional Open Space District Board of Directors to the California Board of Forestry and Fire Protection on proposed State Minimum Fire Safe Regulations.

8. Contract Amendment for the American Badger and Burrowing Owl Habitat Suitability Study (R-21-78)

General Manager's Recommendation: Authorize the General Manager to increase the contract amount by \$15,750 for a new base contract amount of \$230,000, with San Francisco Bay Bird Observatory and sub-consultant Pathways for Wildlife, for additional biological analysis and publication services that will inform management actions for protecting American Badger and Burrowing Owl populations. Additional analysis costs will amount to \$6,750 and publication costs will amount to \$9,000.

BOARD BUSINESS

9. Permitting Approach for the Bear Creek Stables Project (R-21-74)

Senior Planner Gretchen Laustsen provided the staff presentation summarizing the history of the stables site and the project background.

Senior Capital Project Manager, Scott Reeves described the proposed site improvements and repairs, and outlined permitting challenges associated with the legal non-conforming status with Santa Clara County. Mr. Reeves reviewed an example annual repair program, which would exceed the repair limits allowed by the County and restrict the District's ability to complete the repairs. Additionally, it would be difficult to maintain the existing number of paddocks and implement the repair plan under the County zoning ordinance for non-conforming uses.

Director Holman inquired if a specific plan would be possible for this site.

Planning Manager Jane Mark reported the District has a Board-approved preserve plan, which included the Bear Creek Stables site, Alma College, and the preserve.

Director Kishimoto inquired if any historic building codes would apply to the structures.

Ms. Laustsen reported the structures have been determined to not be historic buildings.

Director Siemens inquired if the County Board of Supervisors would consider changing their ordinance to allow for safety upgrades and improvements that would not intensify the site use.

Ms. Laustsen reported County planning staff will be looking at potential modifications regarding horse stables, but the impact and timing of any modifications is unknown.

Ms. Laustsen described the various advantages and disadvantages to obtaining a use permit for the Bear Creek Stables site and the use permit application and approval process. Additional funding related to use permit requirements are not currently included in the project budget. Ms. Laustsen outlined the next steps and preliminary schedule if the Board directs staff to obtain a use permit for the site.

Director Kishimoto inquired regarding potential long-term implications and impacts of recent wildfires on the site.

Assistant General Manager Brian Malone commented on the primary management objective of the site is safety of visitors and horses. The District has worked with the County regarding fire clearance requirements and with the stables operator to develop an emergency plan.

Ms. Laustsen reported safety improvements related to water storage and, emergency access such as driveway improvements and emergency vehicle turnaround.

Director Holman requested and received additional information and clarification regarding the use permit process.

Director Siemens expressed concern regarding the width of the access road to meet fire requirements.

Ms. Laustsen reported District staff consulted with County fire who state residential access width should be permissible for some areas, but a complete permit application must be submitted to receive official approval for each permit condition, including the required access road width.

Santa Clara County Interim Planning Manager Leza Mikhail reported once an improvement is commercial in nature, including ADA accessibility, the county fire marshal will impose access standards. As a result, a wider access driveway may be required for certain areas of the site.

Director Kersteen-Tucker inquired if using the use permit approach could potentially benefit other stables operations in the county.

Ms. Mikhail reported these projects are considered individually based on their specific characteristics. However, other property owners may be able to learn from the District's process.

President Riffle inquired regarding how the project could proceed without the use permit.

Ms. Laustsen stated it would be difficult for the District to complete all of the planned repairs to the site without the use permit.

Public comment opened at 8:32 p.m.

Nancy Cole spoke representing the Friends of Bear Creek Stables and commented that a reduction to the number of horses would limit the opportunity to provide boarding services to the public.

Ms. Woodworth read the submitted comments into the record.

Jan Kearny commented on the need for horse facilities in Santa Clara County and the positive impacts of horses on people's lives. Ms. Kearny stated Bear Creek Stables offers opportunities for people to learn about and enjoy horses in open spaces.

Deborah Goldeen provided comments supporting an update of Santa Clara County ordinances to support the continued existence of equestrian facilities.

Jill Newburn, representing Quicksilver Endurance Riders, thanked the District for its plan to repair and upgrade Bear Creek Stables. Ms. Newburn supported the District's efforts to ensure Bear Creek Stables can continue to be a public horse boarding facility.

Public comments closed at 8:47 p.m.

The Board members thanked County staff for joining the meeting and providing clarifications regarding the use permit process.

Director Cyr commented the site may not be attractive to new operators in its current condition and improvements to fire suppression are important. Director Cyr spoke in support of the use permit because it will provide additional flexibility.

Director Kishimoto expressed concern regarding uncertainty of the use permit process but stated it is preferred, and the District can change direction later, if needed.

President Riffle spoke in support of the use permit process and thanked the Bear Creek Stables boarders for the positive experience there and their contribution to the community.

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

1. Receive an update on the Bear Creek Stables Project, including permitting status and challenges.
2. Affirm the Use Permit permitting approach for the Bear Creek Stables Project.

ROLL CALL VOTE: 7-0-0

10. Skyline Ranch Tree Farm Lease and Restoration Goals at Skyline Ridge Open Space Preserve (R-21-73)

Mr. Malone described the history of the site, including previous leases of the farm within the same family, and the importance of the tree farm in community traditions and communicating the value of open spaces.

Senior Property Management Specialist Omar Smith and Senior Resources Management Specialist Coty Sifuentes-Winter provided the staff presentation describing the history of the Skyline Ranch Tree Farm, the District's Comprehensive Use and Management Plan, and the prior restoration project on the site. Mr. Sifuentes-Winter described potential additional restoration work for the site and associated resource costs and the resource management recommendations for the site. Mr. Smith reviewed the proposed lease terms and conditions, and environmental review of the site.

Public comment opened at 9:11 p.m.

Ms. Woodworth read the submitted comments into the record.

Donna Ducca thanked the District for the opportunity to continue to manage the Skyline Ranch Tree Farm and continue the legacy of her family.

Public comments closed at 9:12 p.m.

Director Hassett complemented Ms. Ducca for the work they do at the tree farm. Additionally, Director Hassett commented that the District's overall restoration goals have not been met, and he would like to see additional restoration along the trail that runs through the tree farm.

Mr. Malone clarified the specific restoration goals set in the 1998 Use and Management Plan Amendment have been accomplished.

Mr. Sifuentes-Winter reported additional areas may be restored, but it depends on the level of phytophthora in the area, Districtwide restoration priorities, and resource availability.

Motion: Director Cyr moved and Director Hassett seconded the motion to

1. Determine that the recommended action is categorically exempt from the California Environmental Quality Act (CEQA) as set out in the report.
2. Determine that the recommended treatment of invasive species is within the scope of the Integrated Pest Management Program Environmental Impact Report.

3. Based on the findings of this report, determine that the restoration goals at the Skyline Ranch Tree Farm have been met.
4. Approve the attached Resolution authorizing the General Manager to enter into a new ten-year lease agreement with one optional ten-year extension to Donna Ducca-Johsens and Parker Johsens for the Skyline Tree Farm.

ROLL CALL VOTE: 7-0-0

11. Recognition of the Midpeninsula Rangers Peace Officers Association (R-21-75)

Human Resources Manager Candice Basnight provided the staff presentation describing the process for the Midpeninsula Rangers Peace Officers Association to be formally recognized by the District. Ms. Basnight reviewed the positions that will be included in the association.

Public comment opened at 9:29 p.m.

Ms. Woodworth read the submitted comments into the record.

Alexander Hapke, representing the Midpeninsula Rangers Peace Officers Association, thanked the Board for their support and looked forward to working with management in a collaborative manner.

Public comment closed at 9:30 p.m.

President Riffle commented on the importance of field staff to the District and the role of rangers as the “face of the District” for members of the public.

Motion: Director Kishimoto moved and Director Kersteen-Tucker seconded the motion to adopt a resolution recognizing the Midpeninsula Rangers Peace Officers Association as a new employee organization, pursuant to the Employer/Employee Relations Policy.

ROLL CALL VOTE: 7-0-0

12. Fiscal Year 2021-22 Budget and Capital Improvement and Action Plan (R-21-72)

Chief Financial Officer and Director of Administrative Services Stefan Jaskulak presented the staff report. Mr. Jaskulak provided information regarding the District’s PERS funded and unfunded liability, as previously requested by the Board of Directors. Mr. Jaskulak reviewed the proposed FY22 budget by fund and the resolutions proposed for adoption.

Director Cyr inquired if additional funding should be placed in the PARS trust balance.

Mr. Jaskulak reported an item to move more funding into the PARS trust is scheduled to be presented at the next Board meeting.

President Riffle commended staff and the Action Plan and Budget Committee for their work on the budget and the metrics it includes. President Riffle suggested staff work with the Committee to review the process to determine if any process improvements are needed.

Public comment opened at 9:51 p.m.

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

Public comments closed at 9:51 p.m.

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

1. Adopt a Resolution approving the Fiscal Year 2021-22 (FY22) Budget and Capital Improvement and Action Plan.
2. Adopt a Resolution approving the Classification and Compensation Plan for Fiscal Year 2021-22.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL REPORTS

A. Committee Reports

Director Kishimoto reported the Lehigh Quarry ad hoc committee met on June 3, 2021.

B. Staff Reports

No staff reports.

C. Director Reports

Directors Siemens and Kishimoto reported they attended a meeting of the Santa Clara County Special District's Association on June 8, 2021.

Directors Kishimoto and Riffle reported they presented to the Los Altos City Council on June 8, 2021.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:56 p.m.

Jennifer Woodworth, MMC
District Clerk