



SPECIAL AND REGULAR MEETING

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

Wednesday, June 23, 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 – CLOSED 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, Curt Riffle, and Pete Siemens

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, Human Resources Manager Candice Basnight, Human Resources Supervisor Rebecca Wolfe, Real Property Manager Mike Williams, Planner III Elish Ryan

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

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

Property: California Riding & Hiking Trail Portions of San Mateo County APNs: 072-270-010, 072-270-070, 072-270-080, 072-271-150, 078-190-170, 180, 078-200-090, 078-120-030, 040, 082-050-010 & 082-110-040

Agency Negotiator: Michael Williams, Real Property Manager

Negotiating Party: Alexander Stahl, Statewide Trail Manager, State of California Parks & Recreation

Under Negotiation: Terms and conditions of easement transfer

Public comment opened at 5:00 p.m.

Ms. Woodworth reported no public comments were submitted for these items.

Public comments closed at 5:01 p.m.

The Board convened into closed session at 5:01 p.m.

ADJOURNMENT

President Riffle continued the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District until the close of the regular meeting 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, Zoe Kersteen-Tucker, Yoriko Kishimoto, and Curt Riffle

Members Absent: 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, Chief Executive Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Senior Resources Management Specialist Aaron Hébert, Planning Manager Jane Mark, Planner III Alex Casbara, Planner I Melissa Borgesi, Management Analyst II Marion Shaw, Engineering & Construction Manager Jason Lin

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.

REPORT OUT OF CLOSED SESSION

General Counsel Hilary Stevenson reported there was no reportable action from closed session.

ORAL COMMUNICATIONS

Ms. Woodworth read the submitted comments into the record.

Dorit Perry expressed concern regarding equestrian interactions with hikers on narrow trails and requested a response to her questions from the Board of Directors.

Jerry Wittenauer thanked the District for the installation of a boulder along the Coyote Trail in Rancho San Antonio Preserve.

General Manager Ana Ruiz reported staff and a member of the Board will be meeting with Dorit Perry in the coming week.

Director Holman joined the meeting at 7:05 p.m.

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

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Director Kersteen-Tucker pulled item 3 from the consent calendar.

Public comment opened at 7:07 p.m.

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

Public comment closed at 7:07 p.m.

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to approve the Consent Calendar, except for item 3.

ROLL CALL VOTE: 7-0-0

- 1. Approve the June 9, 2021 Board meeting minutes**
- 2. Claims Report**
- 3. Authorization to enter into an Agreement with Panthera to conduct a Five-Year Wildlife and Livestock Protection Study and create a Wildlife/Livestock Conflict Management Plan (R-21-85)**

General Manager's Recommendation: Authorize the General Manager to enter into an Agreement with Panthera for a not-to-exceed contract price of \$335,000 to conduct five years of research on the effectiveness of non-lethal wildlife and livestock protection methods and their

effect on wildlife behavior (e.g. deterring predation), wildlife health, grazing productivity, and livestock health and to utilize the results to develop an informed Wildlife and Livestock Conflict Management Plan.

Director Kersteen-Tucker inquired if and how the research results would be incorporated into the District's day-to-day operations.

Resource Management Specialist II Matt Sharp Chaney reported the information would be incorporated in the District's operations and explained how District conservation grazing tenants would be able to incorporate the tools into their land management.

Director Kersteen-Tucker inquired how the research will be incorporated into the proposed agriculture policy included in the next fiscal year.

Assistant General Manager Brian Malone reported the information will be incorporated into a potential future update to the grazing management policy following the research period. The agriculture policy will be separately updated in the coming year.

Director Siemens expressed concern regarding the cost of the study as compared to the reimbursement budget for reimbursing conservation grazing tenants for livestock lost to predation.

Ms. Ruiz commented on opportunity to contribute important research information that can be transferred throughout the region and across the state to reduce livestock and wildlife conflicts which would then lead to a reduction in the issuance of depredation permits to protect wildlife populations.

Public comment opened at 7:24 p.m.

Ms. Woodworth read the submitted comments into the record.

Lawrence Ford provided comments regarding agenda item 3 expressing support for the District's proposed research on livestock-wildlife conflicts solutions.

Public comment closed at 7:27 p.m.

Motion: Director Kersteen-Tucker moved, and Director Siemens seconded the motion to approve the General Manager's recommendation.

ROLL CALL VOTE: 7-0-0

4. Award of Contract with Parisi Transportation Consulting/Mead & Hunt to provide Transportation Planning Services for the Purisima Multimodal Access Study Project (R-21-77)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Parisi Transportation Consulting/Mead & Hunt of Mill Valley, CA to complete the Purisima Multimodal Access Study Project for a base amount of \$112,998.

2. Authorize a 10% contingency of \$11,300 to cover unforeseen tasks beyond the current scope for a total not-to-exceed contract amount of \$124,298.

5. Grant Funding Agreement with the State Coastal Conservancy for Forest Health and Wildfire Resilience Program funding (R-21-84)

General Manager's Recommendation: Adopt a Resolution authorizing the General Manager to enter into a grant funding agreement with the State Coastal Conservancy for \$400,000 in Forest Health and Wildfire Resilience Program funding.

6. Annual Review of Finance Policies for Fiscal Year 2021 (R-21-87)

General Manager's Recommendation: Affirm Board Policies 3.08 - *Statement of Investment*, and 3.09 - *Debt Management Policy*.

7. Authorization to Contribute a \$1.0 Million Payment from Fiscal Year 2020-2021 Budget Savings to the Section 115 Trust Administered by Public Agency Retirement Services (PARS) (R-21-89)

General Manager's Recommendation: Authorize the General Manager to deposit \$1.0 Million into the Midpeninsula Regional Open Space District's PARS account established under a Section 115 Trust to pre-fund pension obligations.

8. Establish the Fiscal Year 2022 Tax Levy for the Midpeninsula Regional Open Space District General Obligation Bonds - Series 2015A, Series 2015B, and Series 2018 (R-21-90)

General Manager's Recommendation: Adopt Resolutions of the Board of Directors of the Midpeninsula Regional Open Space District for each of San Mateo, Santa Clara, and Santa Cruz Counties to establish an ad valorem property tax levy of \$1.50 per \$100,000 (or \$0.0015 per \$100) in assessed value for the General Obligation Bonds – Series 2015A, Series 2015B, and Series 2018 (Measure AA).

9. Award of Contract for the Agricultural Workforce Housing Project in La Honda Creek Open Space Preserve (R-21-88)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with SAE Consulting Engineering of San Jose, California, for a base contract amount of \$195,500.
2. Authorize a 10% contingency of \$19,550 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$215,050.

BOARD BUSINESS

10. Santa Clara County Ridgeline Easement on Lehigh Quarry Property near Rancho San Antonio Open Space Preserve (R-21-93)

Senior Resource Management Specialist Aaron Hébert provided the staff presentation describing the 1972 ridgeline easement, which was put in place to protect the scenic ridgeline area, and described the current condition of Lehigh Quarry, including the 1987 greenstone landslide and

current view of the area from Rancho San Antonio Preserve. Mr. Hébert explained the Lehigh Quarry reclamation plan permit application asks to modify the ridgeline easement to allow for mining beyond the current easement. Mr. Hébert highlighted the support received for the proposal by the District's Lehigh Quarry Ad Hoc committee, Santa Clara County (County) Board of Supervisors, a coalition of environmental groups, governmental agencies, and members of the public. Finally, Mr. Hébert outlined the proposed next steps for the project.

Director Kishimoto, chair of the Lehigh Quarry Ad Hoc committee, reported on the committee's recommendations and thanked District staff, partners, and the County Board of Supervisors for their efforts to protect the ridgeline easement.

Public comment opened at 7:48 p.m.

Erica Guerra Environmental with Lehigh Quarry provided comments regarding Lehigh Quarry. Ms. Guerra spoke in favor of a partnership between the District and Lehigh Quarry and offered to present to the Board at a future meeting. Ms. Guerra commented on statements made at a press conference with the District and Santa Clara County, including the Reclamation Plan Amendment application process.

Elizabeth Montgomery, who lives near Rancho San Antonio, expressed thanks regarding the proposal for the District to work with Santa Clara County to protect the ridgeline easement.

Rhoda Fry spoke in support of the proposal to protect the ridgeline easement with Santa Clara County and spoke in opposition to increased mining of the quarry. Ms. Fry expressed concern regarding the proposal to fill the pit through exported material.

Ms. Woodworth read the submitted comments into the record.

Jim Meyerson provided comments in support of the recommendation for the District to help enforce the ridgeline easement.

John McDonald opposed the proposal for Lehigh Quarry to extend its mining operations beyond the ridgeline easement, due to negative impacts on preserve visitors, preserve neighbors, and wildlife.

Lynn Lucas offered comments in support of the General Manager's recommendation and encouraged the District to continue to protect the ridgeline easement.

Rowena Dodson support the General Manager's recommendation stating Rancho San Antonio is important for the use and enjoyment of the region and is a crucial wildlife habitat.

Public comments closed at 8:01 p.m.

Director Holman spoke in support of County Supervisors Simitian and Lee for bringing the item forward to the County Board of Supervisors.

The members of the Board spoke in support of the General Manager's recommendation.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to direct the General Manager and General Counsel to enter into discussions with Santa Clara County staff regarding a grant of enforcement rights of the Ridgeline Easement held by the County on Lehigh Quarry lands and to return to the Midpeninsula Regional Open Space District Board of Directors at a future date with a finalized proposal.

ROLL CALL VOTE: 7-0-0

Director Kishimoto spoke in favor of Ms. Guerra providing a presentation to the Board of Directors at a future meeting.

11. Redwood Cabin Removal Project: CEQA Scoping Meeting (R-21-92)

Planner I Melissa Borgesi presented the staff report describing the location of the Redwood Cabin, its current condition, and a historical study of the cabin, which determined it was eligible for listing on the California Register of Historical Resources. Ms. Borgesi summarized the history of the project and current vandalism and trespassing concerns at the site.

Planner III Alex Casbara summarized the environmental review process for the project under the California Environmental Quality Act. Mr. Casbara described the process for the public to provide comments during the CEQA process.

Director Holman inquired if artifacts from the site would be retained, such as a horseshoe pit and other built elements.

Mr. Casbara stated interpretive elements could be studied and potentially incorporated into the project.

Director Kishimoto inquired if the logs from the cabin would be reused and suggested they could be used for repair of similar buildings.

Mr. Casbara stated staff discussed potential salvage and use of the building materials, but additional research is needed.

Director Siemens requested and received clarification regarding the environmental review process.

Public comment opened at 8:28 p.m.

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

Public comments closed at 8:28 p.m.

No Board action required.

12. Public-facing Furniture Options for the Administrative Office Project (R-21-91)

Ms. Ruiz provided comments regarding the need for durable, cost-effective, and functional elements in the high-traffic public facing areas of the building, including the lobby, atrium, Board room, etc.

Management Analyst II Marion Shaw provided the presentation displaying and describing various furniture options for each of the public-facing spaces. Ms. Shaw reviewed the goals of the project, including creation of a welcoming, accessible space to support visitor engagement and selection of durable, function, and cost-effective furniture.

Directors Holman, Cyr, and Siemens spoke in support of reusing the District's current conference table for the green room.

Director Hassett expressed concern regarding the Board's ability to select furniture for public use and additional research and expertise may be needed. Director Hassett requested additional information regarding the quality and durability of materials used and country of origin for the proposed furniture.

Director Kersteen-Tucker stated higher level of Board input and not minute details would be more helpful and spoke in support of reuse of furniture.

Director Kishimoto spoke in support of the project goals and in support of the Board providing higher level input.

Ms. Ruiz stated high level comments are helpful, and staff is researching the durability of various options being presented.

Director Cyr spoke in support of selecting comfortable chairs for public meetings because the public must sit in these chairs for several hours.

Director Hassett spoke in support of deferring to a consultant with expertise on the topic to help select the furniture and spoke in support of potential selection of secondhand furniture.

Director Siemens requested additional information regarding the cooperative agreement process stating the District should not be constrained by selections made by another agency.

Ms. Shaw provided additional information regarding the cooperative agreement process, which helps secure a lower cost for the products.

Director Kishimoto suggested selecting a couple of members of the Board to work with staff to make the furniture selections, including Directors Siemens and Hassett.

Director Kersteen-Tucker agreed, and suggested staff could also serve on a selection committee.

Ms. Ruiz stated staff could work with an ad hoc committee on the project.

Director Holman commented on the need to view the furniture pieces in context with the new building's schematic design and expressed concern regarding selecting furniture without understanding how it may fit into the overall design of the building.

Motion: Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to delegate to an ad hoc committee to work with staff to evaluate and select furniture for the public-facing areas of the building. Directors Hassett, Holman, and Siemens would serve on the ad hoc committee, and would return to the Board with their recommendations for furniture for the Board and public spaces.

Public comment opened at 9:25 p.m.

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

Public comment closed at 9:25 p.m.

ROLL CALL VOTE: 7-0-0

Director Siemens spoke in favor of District staff building tables for use in the building.

INFORMATIONAL REPORTS

A. Committee Reports

Director Kishimoto reported the Planning and Natural Resources Committee met on June 15, 2021 to discuss the Stevens Creek Shoreline Nature Study Area and Shoreline Resilience Planning project.

President Riffle reported the Board Appointee Evaluation Committee met on June 16, 2021 to review the evaluation process and timeline.

B. Staff Reports

No staff reports.

C. Director Reports

No director reports

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District and into closed session at 9:34 p.m.

ADJOURNMENT

President Riffle adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:23 p.m.