July 14, 2021
Board Meeting 21-20

SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, July 14, 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

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, Public Affairs Manager Korrine Skinner, Public Affairs Specialist II Leigh Ann Gessner

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. Design of Administrative Office Interpretive Elements (R-21-97)

General Manager Ana Ruiz provided comments regarding the public-facing nature of the interpretive elements and the project team's desire to help inspire diverse audiences with varying backgrounds to learn more about and engage with their public open space lands.

Public Affairs Specialist II Leigh Ann Gessner reviewed the project timeline and introduced the District's project consultants with EDX Exhibits, Sherry Smith and Julie Sayigh.

Sherry Smith described and displayed renderings of the various elements of the design schemes which support the Board-approved interpretive themes for the project. Exterior elements include waysigns and banners. Julie Sayigh explained the process for selecting the photographic images for the exterior banners, which were taken from District preserves. Interior elements include various graphics and interpretive information, an exhibit wall in the atrium with murals, large-scale quotes, and a monitor providing a live feed for public meetings and District images.

Director Holman provided comments regarding the proposed text for the exterior waysigns.

Director Hassett inquired regarding the cost of updating the signs to include additional preserves.

Ms. Smith reported the cost for replacement is reasonable, and the signs could be updated and replaced as needed.

Director Kersteen-Tucker suggested including information on the waysigns for the preserve where the photo was taken.

Ms. Gessner stated a photo credit and preserve information could be included.

Director Siemens suggested reducing the number of words on the waysigns by half because members of the public may not read long signs.

President Riffle suggested including a QR code on the waysigns, so members of the public can learn more about the District by visiting its website.

Director Kishimoto inquired regarding lighting for the exterior banners.

Senior Capital Project Manager Tanisha Werner stated uplighting for the exterior banners is not currently included in the construction contract but could be included after construction is complete. There is also lighting in the area, which would also illuminate the banners.

Director Kersteen-Tucker inquired if different coloring could be used for the "preserve" exterior banner stating a lighter coloring may be better.

Ms. Sayigh provided additional information regarding contrasting colors in the banners and suggested alternate coloring options.

Director Holman expressed concerns regarding the coloring for the exterior banners and the inclusion of cattle on the "protect" banner.

President Riffle also suggested nighttime lighting could be installed for the waysigns. President Riffle suggested the theme of "education" should be included in the exterior banners and is perhaps a more important theme than the "enjoy" panel.

Ms. Ruiz stated she would work with staff and consultants to incorporate as many of the Board's comments as possible, but all feedback may not be able to be addressed. Ms. Ruiz stated the "educate" theme is also incorporated throughout the interpretive elements, which all serve to educate the public. Ms. Ruiz stated cattle were included in the "protect" banner to clearly distinguish the building as a barn and to incorporate our agricultural mission on the coast and use of conservation grazing to protect habitats.

Directors Siemens, Kishimoto, and Kersteen-Tucker spoke in support of the current "enjoy" banner as presented.

Director Holman expressed concern regarding the perception that the District may be protecting cattle based on the "protect" banner image.

Public comment opened at 6:45 p.m.

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

Public comments closed at 6:45 p.m.

Motion: Director Kersteen-Tucker moved, and Director Holman seconded the motion to approve designs for two time-sensitive public interpretive elements being fabricated and installed in the future Administrative Office located at 5050 El Camino Real in Los Altos: (1) three exterior interpretive signs; (2) four exterior banners, with additional modifications where possible based on Board feedback.

ROLL CALL VOTE: 7-0-0

Director Kersteen-Tucker suggested including the full coastal mission statement in the Board room instead of an abbreviated version.

Ms. Ruiz reported an abbreviated version of the mission statement was suggested due the repetition of much of the mission statement in the coastal mission statement.

Directors Siemens, Hassett, Cyr, and Riffle agreed that it is important to include the coastal mission statement in its entirety.

Director Holman spoke in favor of the abbreviated mission statement.

Director Kishimoto suggested displaying the mission statements side-by-side on the wall.

Director Hassett suggested the 3D relief model could be interactive to associate the various preserves with their location on the model.

Director Kishimoto commented that the exhibit wall should not too busy.

Director Siemens commented additional preserves may be added, so the relief model needs to be able to be updated.

Director Holman suggested the preserve information for the 3D relief model should be the same orientation as the model map.

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, 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, Planning Manager Jane Mark, Planner II Tyler Smith, Land and Facilities Manager Brandon Stewart, Senior Property Management Specialist Omar Smith, Open Space Technician Lindsay Cook

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REPORT OUT OF CLOSED SESSION

General Counsel Hilary Stevenson reported there was no reportable action from the closed session on June 23, 2021.

ORAL COMMUNICATIONS

Ms. Woodworth read the submitted comments into the record.

Bradley Erickson encouraged the District to allow Class 1 e-bikes in District preserves because it allows older riders to enjoy the preserves. Additionally, these are allowed in national, state, county, and city parks.

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

- Introduction of District Staff
  - Lindsay Cook, Open Space Technician

CONSENT CALENDAR

Director Kishimoto thanked District Planning Department staff for their diligent efforts on the Dumbarton Rail Corridor project.

Public comment opened at 7:20 p.m.

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

Public comment closed at 7:20 p.m.

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

ROLL CALL VOTE: 7-0-0

1. Approve the June 23, 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 a contract with Digital Story Group to develop and produce a 48- to 58-minute documentary commemorating the 50th Anniversary to use as a public outreach and education tool for a total contract amount not to exceed $90,696.

4. Approval of a Comment Letter to the San Mateo County Transit District on the Dumbarton Rail Corridor Project (R-21-95)

General Manager's Recommendation: Authorize the Board President to sign a comment letter, with any final modifications as directed by the Board of Directors, on behalf of the Midpeninsula

Regional Open Space District Board of Directors to the San Mateo County Transit District regarding the Dumbarton Rail Corridor Project.

BOARD BUSINESS

5. Bear Creek Stables Operational Requirements, Concessionaire Selection Criteria, and Agreement Terms (R-21-98)

Ms. Ruiz provided comments on the unique nature of the agenda item, which is the first of its kind for the District. Based on the Board's previous direction for the Bear Creek Stables repair project, this item to begin the process for soliciting a long-term stables operator can now move forward.

Senior Property Management Specialist Omar Smith provided the staff presentation including the history of the site and current stable operator. Mr. Smith reviewed the proposed operational requirements, including opportunities for the public to board horses at the site, providing equestrian programs and opportunities for diverse and underserved communities to experience equestrian activities, maintain an economically viable operation, etc. Weighted evaluation criteria for the proposals include implementation expertise, quality of service for the public, and financial capability to provide service and make payments to the District. Mr. Smith reviewed the proposed terms of the concessionaire agreement and suggested timeline for the request for proposal process.

Director Kishimoto suggested the weight of implementation ~~approach~~ expertise could be increased for the selection criteria. Director Kishimoto requested additional information regarding selection of boarders and inquired regarding the cost of supplying water to the site.

Mr. Smith reported boarders would be selected from a waiting list, and turnover is approximately 5%, which would annually allow for new boarders. Mr. Smith reported the costs for routing potable water to the site will be paid by the District, and ongoing service fees would be paid by the concessionaire.

Director Kersteen-Tucker inquired regarding the weight of the revenue/fee structure criterion and the District's liability for the stable concessionaire.

Assistant General Manager Brian Malone reported the fee structure is weighted lower, but the financial capability is key to understanding whether a concessionaire can feasibly operate the stables. Mr. Malone reviewed the liability requirements proposed for the concessionaire agreement.

Director Kersteen-Tucker stated additional clarification is needed for inspections by an animal husbandry practitioner, and inspections should occur at least twice a year, but quarterly is preferred.

Director Cyr requested and received additional clarification regarding the number of boarding stalls and equestrian parking available for public and private use.

Mr. Smith and Mr. Malone provided additional information regarding the availability of equestrian parking and boarding stalls during the repairs to the stables, and staff will work with the concessionaire on the topic.

Director Siemens stated language should be included in the concessionaire agreement that a boarder's lease can only be terminated for cause.

President Riffle suggested including previously working with public agency and experience in the safety and care of horses as additional criteria. Additionally, President Riffle stated the safety and well-being of horses should be emphasized in the lease, and regular communication by the concessionaire with the boarders and the District should be included in the lease. President Riffle requested and received clarification regarding various proposed operational requirements.

Director Hassett expressed concern that the pool of interested concessionaires may be small, so the District may need to broaden its search to those that do not have experience managing equestrian programs.

Mr. Malone reported the District has had a significant amount of interest in the concessionaire position, and equestrian management expertise would be needed by the concessionaire and/or their employees.

Director Hassett provided feedback regarding proposed evaluation criteria and operational guidelines, such as the need for transparency for the operation, caretaker responsibilities, boarding rental rates, etc.

Public comment opened at 8:34 p.m.

Pam Ashford spoke regarding the cap of 20 horses allowed for the site for training purposes. Several levels of horses are needed to support various skill levels and fulfill training purposes. Additionally, horses may be unavailable to support training, such as when sick, pregnant, or otherwise unable to participate in the training programs. Finally, the concessionaire should be allowed to keep their personal horse on site.

Nancy Cole thanked the District for their work on the project and for the focus on keeping the boarding stable open. Ms. Cole provided comments in support of keeping the horses healthy and safe, and the stables are there for the benefit of the public

Ms. Woodworth read the submitted comments into the record.

Teri Baron expressed concern regarding the proposed number of equestrian trailer parking spots for the site due to the need for additional access to evacuate horses in the event of a fire.

Trixi Menhardt offered comments in support of maximizing equestrian trailer parking at the stables and expressed concern regarding a combination of public programs and private boarding due to the need for strict safety and usage protocols. Ms. Menhardt also shared concerns regarding the feasibility of a two-year operator to absorb the cost of deferred maintenance at the site.

Michael Riese provided comments of maintaining the boarding areas of Bear Creek Stables and encouraged improvement of the stable and stall conditions, maintaining a balance of boarders and students, and development of a facility and programs to support educational and training sessions. Mr. Riese suggested pairing for-profit and non-profit management to support grants and supported additional trail development and natural restoration of the area.

Katja Wick suggested the programs offered at the stables should be broadened to ensure participants from diverse backgrounds can enjoy the stables. Programs could include stable days for local preschools, horse rescue/rehabilitation program, docent-led hikes, etc.

Melany Moore expressed concern regarding the number of horse trailers allowed on site due to the need for trailers during an evacuation, such as during a fire. Ms. Moore stated the arena needs repairs, which a concessionaire would likely be unable to pay for, so the District should invest in repairing the arena.

Public comments closed at 8:49 p.m.

Mr. Malone reported improvements to the arena are not included in the District repair plan and could be funded by the proposed maintenance fund. Mr. Malone stated requiring the District to adjudicate in the reasons a Boarder's lease is terminated would be difficult.

Director Kishimoto provided feedback on the various proposals and suggested adding "demonstrates commitment to the health and safety of horses" to the implementation expertise criterion.

Director Siemens expressed concern regarding a concessionaire being able to terminate a boarder's lease for personal reasons and not for cause. Director Siemens suggested adding "evidence of a cooperative relationship between the operator and the boarders" to the implementation expertise criterion. Additionally, the District should ratify any fee increases proposed by the concessionaire. Director Siemens suggested additional equestrian trailer parking could be allowed near Alma College, and staff should investigate this possibility.

Director Holman suggested including in the concessionaire agreement a list of potential reasons a boarder's lease could be terminated for cause, and include a process for boarder eviction, such as a warning, notification of the District, and an appeal process.

Mr. Malone stated an appeal process could potentially raise concerns for the role of the District in the operations. Notification of the District and a list of potential reasons for eviction could be included in the agreement.

General Counsel Hilary Stevenson stated the District will need to be careful regarding the factors where the District intervenes because it may affect the concessionaire's ability to get and maintain liability insurance.

Director Hassett stated the District's ombudsperson could serve as an arbitrator in disputes between the concessionaire and the boarders. Additionally, a boarder could raise concerns directly with the Board at a public meeting.

Director Kersteen-Tucker spoke in support of more heavily weighting the implementation ~~approach~~ expertise criterion and in support of additional off-site equestrian trailer parking where feasible.

Director Siemens spoke in favor of giving the boarders a sense of security.

President Riffle spoke in support of adding additional elements to the implementation expertise criterion, more heavily weighting the implementation ~~approach~~ expertise criterion, and consideration of potential offsite equestrian trailer parking.

Director Kishimoto expressed concern regarding inclusion of "evidence of a cooperative relationship between the operator and the boarders" because it could create tension between the concessionaire and the boarders because this is being mandated. Also, the number of personal horses allowed may need to be stated in the concessionaire agreement to ensure there are horses available for public programs.

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve the proposed Concessionaire Agreement Terms, except for the number of allowed concessionaire program horses.

ROLL CALL VOTE: 7-0-0

Motion: Director Hassett moved, and Director Siemens seconded the motion to:
Limit the number of concessionaire program horses to 20.
i. The first 12 horses are allowed at no cost to Concessionaire.
ii. The optional 8 additional horses will be allowed at a rate that is the same as the boarder rate with the resulting revenue transferred to a Maintenance Fund.
iii. The availability of boarder space for concessionaire horses above 12 would be subject to the same waiting list process as for other boarders.

Directors Kishimoto stated they would not support the motion because the District has stated the purpose of the District's role at the stables is to support a public program.

ROLL CALL VOTE: 2-5-0 (Directors Cyr, Holman, Kersteen-Tucker, Kishimoto, Riffle dissenting)

Motion: Director Cyr moved, and Director Kishimoto seconded the motion to:
Limit the number of concessionaire program horses to 20.
i. The first 10 horses are allowed at no cost to Concessionaire.
ii. The optional 10 additional horses will be allowed at a rate that is half that of the boarder rate with the resulting revenue transferred to a Maintenance Fund

ROLL CALL VOTE: 7-0-0

6. 2020 Greenhouse Gas Inventory Report (R-21-99)

Management Analyst I Sophie Christel provided the staff report reviewing the 2020 Greenhouse Gas (GHG) Inventory and reported on the District's progress toward greenhouse gas emission reduction goals set in the 2018 Climate Action Plan. Ms. Christel provided information regarding the impact on COVID-19 on District GHG emissions, especially related to employee commute. The District upgraded most facilities to 100% renewable energy and is participating in a conservation carbon farming plan. Ms. Christel reviewed proposed action for the current fiscal year to further reduce GHG emissions.

Public comment opened at 10:08 p.m.

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

Public comments closed at 10:08 p.m.

No Board action required.

7. Termination of Local Emergency in response to the COVID-19 Pandemic (R-21-96)

Ms. Stevenson presented the staff report summarizing the process used to declare a local emergency in response to the COVID-19 pandemic, management decisions during the local emergency, and the procedure to terminate the local emergency.

Ms. Ruiz summarized planned actions for the District as it moves forward upon the termination of the emergency declaration, including hybrid public meetings, etc.

President Riffle thanked and congratulated staff on their leadership and continued progress during the local emergency.

Director Siemens inquired if the District would require all visitors to the District offices to be vaccinated.

Ms. Ruiz stated the District is following all federal, state, and local guidelines regarding vaccination and mask requirements. Additionally, staff will be posting these guidelines at the District's offices.

Director Kersteen-Tucker commented on the stress many individuals are undergoing and the need to be mindful of this as staff returns to the office.

Ms. Ruiz reported on proposed adjustments to the Capital Improvement and Action Plan being prepared in response to this issue.

Public comment opened at 10:22 p.m.

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

Public comment closed at 10:22 p.m.

Motion: Director Siemens moved, and Director Cyr seconded the motion to adopt a Resolution terminating a local Midpeninsula Regional Open Space District emergency in response to the COVID-19 Pandemic.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDA

- Rieser-Nelson Property Addition, Purisima Creek Redwoods Open Space Preserve
- State and Federal Legislative Update

INFORMATIONAL REPORTS

A. Committee Reports

Director Holman reported the 5050 El Camino Real ad hoc committee met on July 1 and July 8, 2021 to review furniture options recommended by staff, tour the current AO buildings, and meet with a consultant from Noll & Tam architectural firm.

B. Staff Reports

Public Affairs Manager Korrine Skinner provided an update on the 50th anniversary project.

C. Director Reports

Directors Hassett, Cyr, and Siemens commented on Senior Planner Meredith Manning's upcoming retirement and her many accomplishments in support of the District and its mission.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District and into closed session at 10:31 p.m.

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 10:31 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 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: Midpeninsula Rangers Peace Officers Association

Public comment opened at 10:32 p.m.

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

Public comments closed at 10:32 p.m.

The Board convened into closed session at 10:32 p.m.

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 11:19 p.m.

Jennifer Woodworth, MMC
District Clerk