



SPECIAL AND REGULAR MEETING

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

Wednesday, August 25, 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.

APPROVED 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: None

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: Midpeninsula Rangers Peace Officers Association

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)

**Title of Employee: Controller
General Counsel
General Manager**

Public comment opened at 5:00 p.m.

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

Public comment closed at 5:00 p.m.

*Approved by the Board of Directors on September 8, 2021

General Counsel Hilary Stevenson announced Item 1 on the special meeting agenda would be continued to the September 22, 2021 Board meeting.

The Board convened into closed session.

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:54 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, Curt Riffle and Pete Siemens

Members Absent: None

Staff Present: 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, GIS Program Administrator Jamie Hawk, Information Systems & Technology Manager Casey Hiatt, Public Affairs Manager Korrine Skinner, Public Affairs Specialist II Leigh Ann Gessner, Human Resources Manager Candice Basnight, Human Resources Supervisor Rebecca Wolfe

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

President Riffle reported there was no reportable action from the closed session held on August 25, 2021.

ORAL COMMUNICATIONS

Craig Gleason, frequent District trail user, spoke in support of narrow trails, such as the Saratoga to the Skyline Trails. Mr. Gleason stated narrow trails provide a better experience for the user

due to their gentler grades, scenic connection to nature, lower impact on the environment, and designs that can minimize risk to trail users. Mr. Gleason spoke in support of creating additional trails in the preserves.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Director Hassett recognized Senior Planner Meredith Manning for her work on Agenda Item 3 and her years of success and exceptional work at the District, such as at Mount Umunhum.

Public comment opened at 7:10 p.m.

Ms. Woodworth read the submitted comments into the record.

Mike Vandeman stated the Highway 17 crossing for wildlife must be separate from the crossing for humans because the presence of human will discourage wildlife use of a crossing.

Alex Sabo, representing the Bay Area Ridge Trail Council, provided comments in support of Agenda Item 3 because the Highway 17 crossings are key to protecting wildlife and as a part of a continuous 550-mile regional trail.

General Manager Ana Ruiz commented that the trail and wildlife crossing will be separate, with the wildlife crossing under the roadway and the trail crossing over the roadway.

Public comment closed at 7:13 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 August 11, 2021 and August 16, 2021 Board meeting minutes**
2. **Claims Report**
3. **Contract Amendment with AECOM for additional work associated with the Project Approval and Environmental Document Phase and Mitigated Credit Agreement for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project (R-21-113)**

General Manager's Recommendation:

1. Authorize the General Manager to execute a contract amendment with AECOM in the amount of \$641,700 for additional environmental and engineering consulting services related to the California Environmental Quality Act, National Environmental Policy Act, Caltrans

Project Report, and a Mitigation Credit Agreement for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project, for a total base contract amount of \$1,822,085.

2. Authorize a 10% contingency of \$64,170 on the base contract amendment to be reserved for unforeseen conditions, bringing the total contingency to \$182,500.
3. Authorize \$213,830 in allowances for specific potential actions, if required, as described in the report, bringing the total project allowances to \$495,115.

4. Award of Contract to CVE Demolition, Inc., for Demolition Work at the former Billingsley and Burton Properties in Sierra Azul Open Space Preserve (R-21-114)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with CVE Demolition, Inc. of Fresno, CA for a not-to-exceed base contract amount of \$358,718.
2. Authorize a 10% construction contract contingency of \$35,872 to be reserved for unanticipated issues, thus allowing the total contract amount to not exceed \$394,590.
3. Adopt a Resolution approving the proposed amendments to the Fiscal Year 2021-22 (FY22) Capital Improvement and Action Plan and Budget.

BOARD BUSINESS

5. Approval of Redistricting Criteria (R-21-115)

GIS Program Administrator Jamie Hawk provided the staff presentation describing the proposed revisions to the draft redistricting criteria based on the Board's feedback at the previous regular Board meeting.

Director Siemens spoke in support of criteria 5, which seeks to create ward boundaries that are compact, cohesive, and contiguous, because members of the public may not understand the various reasons that wards are shaped as they are.

Director Riffle also spoke in favor of criteria 5 stating members of the public may not be interested in having an elected official that represents the entirety of a city, such as Palo Alto.

Ms. Hawk provided additional information regarding the boundaries of Palo Alto and options for ward boundaries that would minimize voter reassignment.

Director Kishimoto provided feedback on options to create cohesive and compact ward boundaries.

Director Cyr spoke in favor of balancing populations in each ward which must be balanced against the other criteria.

Director Siemens stated the criteria to minimize voter reassignment is not as important as the other criteria.

Director Riffle suggested ordering the criteria in order of importance as determined by the Board.

Ms. Hawk reported some criteria are required by law, and others are discretionary.

Director Siemens spoke in favor of looking at possible redistricting scenarios that are different than the current ward boundaries to better understand the District's potential options.

Director Kersteen-Tucker spoke in favor of two directors representing the coastal areas of the District due to the differing views of those living in the northern and southern coastal areas of San Mateo County.

Director Holman commented regarding the large amount of effort required of the coastsides representatives due to the large area they represent and number of District projects there and stated two directors are needed to represent this area.

Public comment opened at 7:52 p.m.

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

Public comments closed at 7:52 p.m.

Motion: Director Kersteen-Tucker moved, and Director Kishimoto seconded the motion to approve the proposed criteria to guide the redistricting process as set out in the staff report.

ROLL CALL VOTE: 7-0-0

6. Design of Administrative Office Interpretive Elements (R-21-111)

Public Affairs Specialist II Leigh Ann Gessner provided the staff presentation describing the project overview, project timeline, and project milestones to date. Ms. Gessner described the proposed 3D relief model to be installed in the lobby of 5050 El Camino Real and exhibit wall for the building atrium. Ms. Gessner displayed a preliminary sketch of the mural and key elements of the exhibit wall.

Director Cyr inquired how new preserves would be integrated into the 3D topographic map.

Ms. Gessner reported the side rails can be easily update, but the 3D elements are much more expensive and would not be updated frequently.

Director Siemens suggested future preserve acquisitions could be outlined and potentially painted onto the topographic map until the map was replaced.

Ms. Ruiz stated a lower cost flat panel could be installed temporarily because the District is considering a large acquisition in the next couple of years. Following the Board's decision on the acquisition, a topographic map would be installed.

Director Holman provided comments on the various elements proposed for inclusion on the exhibit wall for the baylands section stating the flora and fauna of the baylands should have more representation. Also, the urban areas could be included in the mural, which would demonstrate the continued need for open space.

Ms. Gessner stated this portion is a mixture of the baylands and foothills due to the large urban areas included in the baylands.

Director Siemens spoke in support of additional representation of flora and fauna for the baylands portion of the mural.

President Riffle spoke in support of including both District mission statements on the topographic map descriptions and a reference to agriculture on the graphic panels. President Riffle spoke in supporting of seeking and receiving feedback from Native American groups on the various interpretive elements.

Director Kersteen-Tucker spoke in favor of including the full coastside mission statement in the in interpretive elements.

Public comment opened at 8:41 p.m.

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

Public comments closed at 8:41 p.m.

Director Holman requested more representative presentation of baylands flora and fauna be included and asked staff and the designer to explore representation of the developed areas between the baylands and foothills.

Motion: Director Kersteen-Tucker moved, and Director Siemens seconded the motion to approve designs for the final two remaining time-sensitive public interpretive elements that will be fabricated and installed in the future Administrative Office located at 5050 El Camino Real in Los Altos: (1) interior topographic relief model; (2) interior interpretive wall exhibit.

Director Kishimoto agreed that additional representation of the baylands should be included in the mural.

ROLL CALL VOTE: 7-0-0

The Board recessed at 8:48 p.m. and reconvened at 8:58 p.m. with all Directors present.

7. Approval of a Memorandum of Understanding with Midpeninsula Regional Open Space District Field Employees Association and Approval of Salary and Benefits Adjustments for the Office, Supervisory, and Management Employees (R-21-116)

Human Resources Manager Candice Basnight provided the staff presentation describing the negotiation and approval process for the Memorandum of Understanding (MOU) with the Field Employee Association (FEA).

Human Resources Supervisor Rebecca Wolfe reviewed the economic package included in the MOU, including salary increases, medical and retiree medical benefits, and replacement of binding arbitration with an administrative law judge for employee grievances.

Ms. Basnight summarized the corresponding salary and benefits adjustments for the Office, Supervisory, and Management (OSM) Employees through June 30, 2024.

The members of the Board thanked staff for their efforts and cooperative approach to the negotiation process.

Public comment opened at 9:13 p.m.

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

Public comments closed at 9:13 p.m.

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

1. Adopt a resolution approving the Memorandum of Understanding with the Midpeninsula Regional Open Space District Field Employees Association, for a term of July 1, 2021, through June 30, 2024.
2. Adopt a resolution approving corresponding salary and benefit adjustments for the Office, Supervisory, and Management employees through 2024.

ROLL CALL VOTE: 7-0-0

8. Oral Update on Midpeninsula Regional Open Space District COVID-19 Response

Ms. Ruiz reported the District will continue holding remote public meetings through the month of September in accordance with the governor’s executive orders. The District will hold in-person meetings for offsite meetings and tours, such as for Real Property Committee meetings that require a site visit.

Public comment opened at 9:21 p.m.

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

Public comments closed at 9:21 p.m.

No Board action required.

INFORMATIONAL MEMORANDA

- Water Quality Improvement Plan to Address Sediment Impairment in the San Gregorio Creek Watershed

INFORMATIONAL REPORTS

A. Committee Reports

Director Kersteen-Tucker reported the Planning & Natural Resources Committee met on August 24, 2021 to discuss the proposed vision and goals for the Hawthorns Area of Windy Hill Open Space Preserve.

B. Staff Reports

No staff reports.

C. Director Reports

Director Kersteen-Tucker reported she attended a meeting of the San Mateo County Planning Commission, which approved Vida Verde's farm labor housing and education center project. Additionally, Director Kersteen-Tucker, Ms. Ruiz, and Legislative Specialist Josh Hugg met with Ayudando Latinos A Soñar (ALAS) to discuss partnership opportunities.

Director Kishimoto reported the Santa Clara County Board of Supervisors appointed her to be an alternate member of the Bay Conservation and Development Committee.

President Riffle reported he presented to the Mountain View Parks and Recreation Commission to provide an overview of the District.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:27 p.m.

Jennifer Woodworth, MMC
District Clerk