



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, November 10, 2021

The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33. 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 4:01 p.m.

President Riffle announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, 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.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Yoriko Kishimoto, Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Human Resources Supervisor Rebecca Wolfe

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

The Board convened into closed session at 4:03 p.m.

Director Siemens joined the meeting at 4:03 p.m.

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:00 p.m.

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 5:02 p.m.

President Riffle announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, 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.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Yoriko Kishimoto, Curt Riffle and Pete Siemens

Members Absent: Karen Holman and Zoe Kersteen-Tucker

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, Natural Resources Manager Kirk Lenington, Resource Management Specialist II Karine Tokatlian

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

1. Stevens Creek Shoreline Nature Study Area and Shoreline Resilience Planning (R-21-147)

Resource Management Specialist III Karine Tokatlian provided the staff presentation describing the feedback received from the Planning and Natural Resources Committee when it discussed this item. Ms. Tokatlian explained salt ponds provide habitats for various species of migratory waterbirds and shorebirds, including for breeding. Ms. Tokatlian reported the restoration of the San Francisco Bay includes restoration of salt ponds to tidal marsh, which can offset sea level rise impacts, support carbon sequestration, and reconnect creeks and sloughs.

Restoration goals must also be balanced with the impact of restoration on various species. Ms. Tokatlian introduced Senior Environmental Scientist Jeremy Lowe from the San Francisco Estuary Institute (SFEI).

Mr. Lowe described the South Bay Salt Pond Restoration Project, including various completed and proposed restoration projects and highlighted a managed pond solution, which seeks to balance salt pond restoration with the impact on species in the habitat. Mr. Lowe provided an overview of the Sunnyvale Shoreline Resilience Vision and Levee Alignment Project.

Director Kersteen-Tucker joined the meeting at 5:25 p.m.

Director Kishimoto and Director Holman, current members of the Planning and Natural Resources Committee, spoke in favor of collaborating with partner agencies and other stakeholders on the project and doing so in a timely manner to restore the area.

Ms. Tokatlian described the Stevens Creek Shoreline Nature Study Area (SCSNSA), including its location, geographic features, and seasonal stormwater effects. Ms. Tokatlian explained the SCNSA is hydrologically connected to the neighboring stormwater retention basin. The United States Navy completed a remediation effort for the site in 2013 and began a superfund remediation of the basin in 2014 to the level of allowing for a future reuse as tidal marsh habitat. Ms. Tokatlian reported on various protected and endangered species found in the SCNSA, such as the western snowy plover. Ms. Tokatlian reviewed the management alternatives to address the SCNSA and the benefits and limitations of each alternative. Ms. Tokatlian stated staff's recommendation to pursue a phased approach of near term and mid-term goals while continuing to engage with stakeholders and regional partners to plan for future actions. Finally, Ms. Tokatlian reviewed estimate costs and funding opportunities for each of the alternatives.

Director Kishimoto suggested clarifying the general manager's recommendation to state the phased approach includes the short-term measures included in alternative 1B, and the mid-term measures include alternative 2, as set out in the staff report. Alternative 3 could be considered at a later time.

Director Holman requested additional information regarding creation of a levee and the impact it could have on the natural areas.

Mr. Lowe described the potential size and height of the levees and stated additional information and planning would be required to determine the size, the material to be used, etc., to determine the construction of the levees to ensure safety on a long-term basis.

President Riffle inquired if the District has considered whether another agency should potentially manage the SCNSA.

Ms. Tokatlian stated staff had approached California Department of Fish and Wildlife who stated they did not have capacity to manage or own the area. Additionally, the District previously sought to use the preserve as an area for nature study.

President Riffle suggested formalizing the District's agreement with NASA for managing the area.

Ms. Tokatlian agreed and stated this topic would be part of the coordination and collaboration process that would continue in the coming years.

Public comment opened at 6:24 p.m.

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

Jan Hintermeister provided comments in support of the staff recommendation to pursue a phased approach to restoring the Stevens Creek Nature Study Area. Mr. Hintermeister stated it is important to maintain flexibility when managing a wide range of species. Deferring certain restoration decisions will provide a chance to monitor the recovery of the Snowy Plover and guide future restoration actions.

Matthew Dodder, Executive Director of Santa Clara Valley Audubon Society, expressed his strong support for staff's recommendation to pursue alternatives 1B and 2 for the Stevens Creek Nature Study Area.

Public comment closed at 6:26 p.m.

Motion: Director Cyr moved, and Director Siemens seconded the motion to approve a phased approach that includes the short-term measures included in alternative 1B, the mid-term measures included in alternative 2, and consider outer term measures included in alternative 3 based on regional restoration activities that are under development, as set out in the staff report.

ROLL CALL VOTE: 7-0-0

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:33 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 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, Budget & Analysis Manager Rafaela Duran, Grants Program Manager Deborah Hirst, Senior Capital Project Manager Tanisha Werner, Public Affairs Specialist Leigh Ann Gessner, IT Program Administrator Owen Sterzl, Real Property Manager Mike Williams

President Riffle announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, 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 announced there was no reportable action taken.

ORAL COMMUNICATIONS

Craig Gleason spoke regarding concerns raised by equestrians who ride on District trails, specifically safety concerns when interacting with cyclists who can spook horses. Mr. Gleason suggested designing the trails with features such as “pinch points” to help avoid these negative encounters and make the trail safer and more enjoyable for visitors.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

SPECIAL ORDERS OF THE DAY

- Introduction of staff
 - Field Resource Specialist Christian Bonner
- Proclamation Honoring Meredith Manning on her Retirement

CONSENT CALENDAR

Public comment opened at 7:33 p.m.

Ms. Woodworth reported no comments had been submitted for the Consent Calendar.

Public comment closed at 7:33 p.m.

Motion: Director Kersteen-Tucker moved, and Director Cyr seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

1. **Approve the October 27, 2021 Board meeting minutes**
2. **Claims Report**

3. Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-21-148)

General Manager's Recommendation: Adopt a resolution affirming findings on the continued need for remote teleconferenced public meetings pursuant to AB 361.

4. Quarter 1 Proposed Budget Amendments to the Fiscal Year ending June 30, 2022 (R-21-151)

General Manager's Recommendation: Adopt a resolution approving the proposed Quarter 1 budget amendments for the fiscal year ending June 30, 2022.

5. Resolution for Grant Funding from the California Department of Parks and Recreation Proposition 68 Recreational Infrastructure Revenue Enhancement Grant Program (R-21-152)

General Manager's Recommendation: Adopt a resolution authorizing the General Manager to apply for Proposition 68 Recreational Infrastructure Revenue Enhancement Program grant funding from the California Department of Parks and Recreation and to enter into a grant funding agreement for \$1,428,282 in funding for the proposed Cloverdale Ranch Land Conservation Project.

6. Application for Grant Funding from the Wildlife Conservation Board (R-21-154)

General Manager's Recommendation: Adopt a resolution authorizing the General Manager to apply for grant funding from the Wildlife Conservation Board and negotiate a grant funding agreement of up to \$295,000 for the Santa Cruz Kangaroo Rat Habitat and Population Management Plan Project.

7. Contract Amendment with Signet Testing Labs, Inc., for Special Inspection Services for the Administrative Office Project (R-21-150)

General Manager's Recommendation:

1. Authorize the General Manger to execute a contract amendment in the amount of \$22,553 with Signet Testing Labs, Inc., for special inspection services beyond the base contract scope of work that are necessary to complete the Administrative Office Project.
2. Authorize a 10% contingency of \$2,255 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$137,938.

8. Contract Amendment with BHM Construction, Inc., to fabricate and install interior Public Interpretive Elements at the Administrative Office located at 5050 El Camino Real in Los Altos and augment the Project Contingency Funds to bring the overall Administrative Office Project to completion and reach the March 2022 scheduled closeout date (R-21-153)

General Manager's Recommendation:

1. With designs for the public-facing interpretive elements for the Administrative Office project now final, approve the addition of a subcontractor to the contract with BHM Construction, Inc., to complete the fabrication and installation of two interior elements.

2. Authorize the General Manager to amend the original contract of \$21,982,643 with BHM Construction, Inc., by \$306,253 to fabricate and install two interior public-facing interpretive elements, bringing the total contract amount to \$22,288,896.
3. Authorize an additional \$160,000 in project contingency funds to cover unanticipated conditions through project closeout, for a new, not-to-exceed total contract amount of \$22,448,896.

9. New Phone System: Microsoft Teams Calling (R-21-155)

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with CDW Government LLC at a one-time cost of \$57,780 for professional implementation services of Microsoft Teams Calling with a 5% contingency of \$2,889 to address unanticipated technical issues, for a total amount of \$60,669.
2. Authorize the General Manager to amend the original three-year enterprise agreement of \$211,000 with Microsoft Corporation, by \$19,200, for a new total amount not-to-exceed \$230,200, to purchase Microsoft Teams Calling through May 2022.

BOARD BUSINESS

10. Proposed purchase of the Peninsula Open Space Trust - Johnston Ranch Uplands Property, located along Higgins Canyon Road, in unincorporated San Mateo County (Assessor's Parcel Numbers 064-370-110, 064-370-120, the north and east portion of 064-370-200, and the east portion of 065-210-220 and 065-210-240), as an addition to Miramontes Ridge Open Space Preserve (R-21-132)

Real Property Manager Mike Williams provided the staff presentation describing the Johnston Ranch property, geographical features of the area, habitat and resource values of the property, and reasons for the proposed purchase. Mr. Williams described the partnership agreement with the City of Half Moon Bay and Peninsula Open Space Trust, which includes trail and access easements to support public access and continued protection of agricultural uses through farmland and grazing lands. The Johnston ranch acquisition supports the northern conceptual alignment of the Bay to the Sea Trail and other important regional trail connections. Finally, Mr. Williams outlined the terms and conditions of the proposed purchase, including grant funding for the purchase, a management agreement with Peninsula Open Space Trust (POST), and a proposed land division being pursued to support continued farming and grazing of the property.

Public comment opened at 7:59 p.m.

Bob Nisbet, City Manager for the City of Half Moon Bay, spoke in support of the General Manager's recommendation and in support of public access. Mr. Nisbet provided additional information regarding neighbor concerns about parking for the site.

Public comment closed at 8:06 p.m.

Director Siemens spoke in support of the opportunity to work with Half Moon Bay on the project.

Director Kersteen-Tucker spoke in support of the continued protection of open space on the San Mateo County coast through local partnerships and public support.

Motion: Director Kersteen-Tucker moved, and Director Hassett seconded the motion to:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the Peninsula Open Space Trust - Johnston Ranch Uplands Property for \$4,800,000 with a corresponding authorization for a Fiscal Year 2021-22 budget increase in the same amount, and an additional adjustment of \$60,750 for miscellaneous costs related to this transaction, for a total budget adjustment of \$4,860,750.
3. Adopt a Resolution authorizing the filing of a notice of Williamson Act nonrenewal with the County of San Mateo for Assessor's Parcel Number 064-370-110.
4. Authorize the General Manager to enter into a Lease and Management Agreement with Peninsula Open Space Trust to manage the Property, including any extensions thereof, and the Assignment of Grazing Lease with Pacheco Ranch for a 5-year term with the option to extend for one additional 5-year term.
5. Adopt a Preliminary Use and Management Plan, as set out in the staff report.
6. Withhold dedication of the property as public open space at this time.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDA

- Update on the Electric Bicycle (e-bike) Noise Study
- Existing Natural Resources Conditions Report, Cloverdale Ranch

Ms. Woodworth read the submitted comments into the record.

Mike Buncic provided comments regarding the purpose of the e-bike noise study and requested additional information related to noise caused by other activities, such as hiking groups, equestrians, etc.

Mike Vandeman expressed concern regarding potentially allowing e-bikes on District preserves because e-bikes increase the human footprint and impact on wildlife habitats.

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Ms. Ruiz reported four staff members recently graduated from the Santa Clara County Leadership Academy: IT Program Administrator Owen Sterzl, Senior Resource Management Specialist Julie Andersen (NR), Senior Capital Project Manager Scott Reeve, and Water Resources Management Specialist Aaron Herbert. Director Kersteen-Tucker and President Riffle and staff recently led a coastside tour with Assemblymember Kevin Mullin to discuss District

projects there and separately met with Santa Clara County Supervisor Joe Simitian to provide an update on District projects.

Assistant General Manager Brian Malone reported provided an update regarding recent action by Santa Clara County related to Lehigh Quarry's reclamation plan and requirements

C. Director Reports

Director Kishimoto reported she attended LAFCO Advisory Committee meeting.

President Riffle reported on the recent meetings with San Mateo County Supervisor Groom and Santa Clara County Supervisor Simitian and the coastside tour with Assemblymember Mullin. President Riffle requested the District send a letter of support to the City of San Jose regarding the request by Green Foothills to change the land use designation for the Coyote Valley area of San Jose.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:26 p.m.

Jennifer Woodworth, MMC
District Clerk