



## **SPECIAL AND REGULAR MEETING**

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

**Wednesday, February 23, 2022**

*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 Kersteen-Tucker 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 Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Capital Projects Field Manager Bryan Apple, Senior Planner Gretchen Laustsen, Planner III Aaron Peth

#### **1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)**

**Property:** 1000 Verde Road, Half Moon Bay, CA 94019-2534

**Agency Negotiator:** Michael Williams, Real Property Manager

**Negotiating Party:** Ben Wright, Director of Land Acquisition, Peninsula Open Space Trust

**Under Negotiation:** Terms and Conditions

Public comment opened at 5:00 p.m.

District Clerk/Assistant to the General Manager Jennifer Woodworth reported no public comments were submitted for the closed session.

Public comment closed at 5:00 p.m.

The Board convened into closed session.

### **ADJOURNMENT**

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:51 p.m.

### **SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – STUDY SESSION**

President Kersteen-Tucker called the special meeting of the Midpeninsula Regional Open Space District to order at 5:54 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 Susanna Chan, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Land & Facilities Manager Brandon Stewart

#### **1. Review of the Housing Program and Policies (R-22-26)**

Assistant General Manager Brian Malone provided the staff presentation reviewing the District's current housing program, including the order of priority for housing assignments and rental rates. Mr. Malone described changes to housing assignments since the policy was updated in 2017 and the geographical distribution of housing throughout the District. Mr. Malone described the planned administrative policy changes, including updates to the process to determine market rates, changing the cap on rental rate changes, and clarifying how rental rates are reassessed at the end of a seven-year employee occupancy limit.

Director Hassett suggested a property management firm take over the management and appraisal work for the District due to potential conflicts when rental rates are raised.

Director Holman inquired regarding the potential increases to rental rates for staff who are in District housing for more than seven years.

Mr. Malone stated any rent increases must comply with applicable laws.

Director Holman requested additional information regarding the maintenance responsibilities for the life state/terminable fee and historic home leases.

Mr. Malone reported these are typically long-term agreements, which limit the District's oversight ability. For the historic leases, the District includes inspection requirements.

Director Siemens inquired regarding the amount of time staff spends in managing the District's properties to determine the cost for the housing program.

Land and Facilities Manager Brandon Stewart described the District's procedures for managing the properties, including tracking staff time, process for contracting for larger maintenance needs, etc.

Public comment opened at 6:41p.m.

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

Public comment closed at 6:41 p.m.

Director Holman suggested requiring in future lease agreements the inspection of tenant improvements and/or maintenance to allow for greater oversight. Additionally, proactive maintenance will often be more cost effective than addressing deferred maintenance later.

Mr. Malone stated there are annual property inspections and the new tracing procedures by Land and Facilities staff is helping the program become more efficient and sustainable.

Director Riffle spoke in support of District providing staff housing near the administrative office, if it is possible.

Director Hassett commented regarding the planned housing project at the 330 Distel Circle site and allocation for staff housing at this site.

No Board action required.

### **ADJOURNMENT**

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:51 p.m.

### **REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT**

President Kersteen-Tucker called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:05 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 Financial Officer/Director of Administrative Services Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Land & Facilities Manager Brandon Stewart, Senior Property Management Specialist Omar Smith III, Capital Projects Manager II Ivana Yeung

President Kersteen-Tucker 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 Kersteen-Tucker described the process and protocols for the meeting.

### **CLOSED SESSION REPORT**

General Counsel Hilary Stevenson reported the Board met in closed session, and no reportable action was taken.

### **ORAL COMMUNICATIONS**

William Schwaderer commented in support of opening additional areas of Mount Umunhum to public access including building a new trail along an area he called "Dave's Ridge." Mr. Schwaderer also showed of a video of the potential trail route and views from the potential trail.

Ms. Woodworth read the submitted comments into the record.

Alex Driskell-Smith provided comments in support of allowing e-bikes on District preserves where traditional mountain bikes are allowed. E-bikes allow older riders to enjoy the preserves and continue to be active.

### **SPECIAL ORDERS OF THE DAY**

- Introduction of staff
  - Nisha Ting, Management Analyst II

### **ADOPTION OF AGENDA**

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

**ROLL CALL VOTE:**        **7-0-0**

### **CONSENT CALENDAR**

Public comment opened at 7:17 p.m.

Ms. Woodworth read the submitted comments into the record.

Delilah Barr supported the conservation grazing program for its role in supporting biodiversity, reducing fire risk, and protecting open spaces.

Mohan Gurunathan opposed the expansion of grazing at Mindego Hill and expansion of the grazing program stating grazing is one of the primary sources of methane emission in the atmosphere.

Rhoda Fry commented in support of the proposed ad hoc committee regarding the potential Lehigh acquisition. Ms. Fry expressed concern regarding the amount of fill onsite for filling the quarry and protecting water quality.

Public comment closed at 7:22 p.m.

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

**ROLL CALL VOTE: 7-0-0**

1. **Approve February 9, 2022 Minutes**
2. **Approve Claims Report**
3. **Mindego Hill Grazing Lease Amendment Adding 98 Acres of Grazing Land and Extending the Term of the Lease for Five Years (R-22-28)**

General Manager's Recommendation: Adopt a Resolution authorizing the General Manager to execute a second amendment to the Mindego Hill grazing lease to add 98 acres of grazing land and exercise the option to extend the lease with Bar DX Livestock for five years.

4. **Formation of a Lehigh Quarry Review Ad Hoc Committee (R-22-27)**

General Manager's Recommendation: Approve the formation of a Lehigh Quarry Review Ad Hoc Committee of the Board and authorize the Board President to work with the General Manager to determine the best timing for forming the committee pursuant to Board Policy 1.04, *Board Committees*. Consistent with other recent Ad Hoc Committees of the Board of Directors, these meetings would be compensable. This action would expedite formation of the Ad Hoc Committee once the right timing is identified based on the Santa Clara County Board of Supervisors' referral to County staff on the exploration of the feasibility of the County's purchase of the quarry and cement plant site.

5. **Grant Award to the University of California for Forest Health and Resiliency Services (R-22-25)**

General Manager's Recommendation: Authorize the General Manager to award a \$173,000 grant that spans over 5 years to the University of California, Berkeley to coordinate annual Sudden Oak Death Blitz events and provide forest health and resiliency peer-review services.

**BOARD BUSINESS****6. Disposition of the Quam House and Accessory Structures (R-22-24)**

Senior Property Management Specialist Omar Smith III described the location of the Quam house, the extensive driveway leading to the location, and the various structures on the site. Mr. Smith explained the current repairs needed for the driveway, several culverts, and the driveway's seasonal use limitations. Mr. Smith reviewed the District's factors to consider for structures and the financial comparisons for the options to keep or demolish the structures and any associated road repairs.

Director Hassett expressed concern regarding the cost comparison between the two options because there are other variables that can affect the overall project costs. Director Hassett suggested additional review by the Real Property Committee after bids are received for both options.

Mr. Smith agreed that unknown factors can affect the project costs for either option.

Mr. Malone stated the costs are estimated, but one of the deciding factors is also the value of keeping a residence for staff or public rental.

Director Kishimoto inquired if the Quam house would likely be permitted today.

Mr. Malone stated it could likely be permitted, but the construction requirements would be different, including fire access for the driveway.

Director Holman inquired if the project could be segmented out to avoid triggering permitting requirements, such as for the driveway.

Mr. Malone reported it is often less expensive to contract the entire project at once, but staff can look to see if smaller improvements can be made that would not require additional permit requirements.

Director Siemens inquired if the driveway has value as a patrol road.

Mr. Malone stated minimal maintenance would be needed for the driveway for patrol road because it would not be frequently used for patrol due to its remote location.

President Kersteen-Tucker inquired if District staff members are interested in renting the residence.

Mr. Malone stated staff members have expressed interest in the house, but an official list of interested staff has not been determined.

Director Riffle inquired regarding wildfire prevention and clearance areas and obligations for the residence.

Mr. Malone described the requirements for fire clearance for the site for rental by the public and/or a staff member.

Public comment opened at 8:15 p.m.

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

Public comment closed at 8:15 p.m.

Director Cyr spoke in favor of waiting to make a determination for the project until after bids are received for the two options.

Director Riffle spoke in support of the General Manager's recommendation.

Director Hassett spoke in support of soliciting bids for the two options before determining how to proceed.

Director Siemens stated the road improvements are the largest cost and should be reduced as much as possible. Once a bid for the road is received, the Board can then make a determination on how to proceed with the project.

Mr. Malone stated if the District bids a project then it is largely committing to move forward with the project depending on the bids received.

General Ruiz commented on the staff time required to move forward two parallel projects, including coordination with San Mateo County, determining permit requirements, construction drawings, creating separate bid packages, etc. Ms. Ruiz suggested increasing the cap to \$400,000 and if costs were about that cap, staff would report back to the Board before proceeding with the project.

Director Holman expressed concern with losing a housing unit where there is staff interest, especially since the long-term demolition costs are higher than the costs of keeping the house and repairing the driveway.

Director Kishimoto expressed concern regarding the location of the house due to its remote location and potential safety concerns related to wildfires.

Director Cyr agreed with the General Manager's suggestion to have staff report back to the Board once bids for the roadway repairs are received.

**Motion:** Director Riffle moved, and Director Siemens seconded the motion to retain the residential structure and complete road repairs and culvert replacements, as specified by Waterways Consulting, Inc., and minor structure repairs and cleanup at refined costs of no more than \$350,000. If costs come in above this number, General Manager will return to the Board for confirmation whether to proceed with repairs or move forward with demolition.

Director Holman suggested identifying the necessary work to be completed for the road and separating this from additional road repairs that may not be necessary at this time.

Ms. Ruiz agreed and stated staff will make efforts to lower costs where possible.

**ROLL CALL VOTE:**       **6-1-0** (Director Kishimoto dissenting)

**7.       Disposition of the Smith House and Smith Barn (R-22-23)**

Capital Projects Manager II Ivana Yeung provided the staff presentation describing the location of the Smith property and its distance from the Quam property. Ms. Yeung reviewed the current state of the Smith house and barn and driveway conditions and reported on the District's factors to consider for structure demolition and stating the condition of the structures are currently uninhabitable. Ms. Yeung outlined the repairs to the structures necessary to make it habitable and estimated costs of the repairs. If the Board approves demolition, then a comprehensive use and management plan amendment will be required.

Director Hassett commented on the rock outcroppings on the site and the need to protect these formations from a demolition crew.

Mr. Malone stated measures can be taken to help protect these natural rock formations.

Public comment opened at 9:00 p.m.

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

Public comment closed at 9:00 p.m.

**Motion:** Director Holman moved, and Director Hassett seconded the motion to approve the demolition of the Smith House and Barn at a cost of approximately \$250,000 and the associated Comprehensive Use and Management Plan Amendment that reflects this decision due to the deteriorated condition of the buildings and other factors as detailed in the staff report.

Director Holman asked staff take measures to protect the rock formations on site and relocate the artifacts in the barn to a safe location. Additionally, Director Holman made suggestions regarding potential interpretive projects for the summit.

**ROLL CALL VOTE:**       **7-0-0**

**INFORMATIONAL MEMORANDA**

- Review Use of Contingency Funds – FY21
- Rancho San Antonio Multimodal Access Implementation Update

**INFORMATIONAL REPORTS**

**A.       Committee Reports**

No committee reports.

**B.       Staff Reports**

Public Affairs Specialist II Leigh Ann Gessner provided an update on the District's 50th anniversary events and presented a video of media coverage of the District's 50th anniversary.



C. Director Reports

Director Riffle thanked the Board ad hoc committee and staff for their work on the Board retreat on February 16, 2022. Director Riffle encouraged the Board and staff to attend Bay Nature's 2022 Local Hero Awards Event where District founder Nonette Hanco will be honored as a Conservation Action Hero on March 27, 2022.

Directors Riffle and Kishimoto reported they attended the State of the Valley event on February 18, 2022.

Director Kishimoto reported she attended a San Francisco Bay Conservation and Development Commission meeting on February 17, 2022.

President Kersteen-Tucker commented on Santa Clara County Supervisor Simitian's press conference regarding Lehigh Quarry and announced she will be appointing the District's ad hoc committee. President Kersteen-Tucker reported she attended a meeting of the San Mateo County Agricultural Advisory Committee.

**ADJOURNMENT**

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:22 p.m.

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Jennifer Woodworth, MMC  
District Clerk