



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, October 26, 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.

DRAFT MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Vice-President Kishimoto 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, Yoriko Kishimoto, Curt Riffle and Pete Siemens

Members Absent: Zoe Kersteen-Tucker

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, Natural Resources Manager Kirk Lennington, Senior Resources Management Specialist Coty-Sifuentes-Winter, District Clerk/Assistant to the General Manager Jennifer Woodworth, Deputy District Clerk Maria Soria

Vice-President Kishimoto 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. Vice-President Kishimoto described the process and protocols for the meeting.

1. Wildland Fire Resiliency Program: Prescribed Fire Plan (R-22-117)

Senior Resource Management Specialist Coty Sifuentes-Winter provided the staff presentation describing the objectives of the Wildland Fire Program, such as integrating Native American

traditional ecological knowledge practices, reducing wildland fire risks, improving wildland fire fighting capabilities and coordination, improving overall safety, etc. Mr. Sifuentes-Winter reported the District has received grant funding to help implement its Wildland Fire Resiliency Program and summarized the various monitoring methods used during the implementation of the program. Mr. Sifuentes-Winter introduced Jason Moghaddas with Spatial Informatics Group who helped develop the Prescribed Fire Plan.

Mr. Moghaddas stated the prescribed fire plan will define the activities the District will implement to reinstate prescribed fire practices on its lands to reduce wildland fire risks, while preserving and restoring biodiversity and minimizing effects on the environment. Mr. Moghaddas described the types and objectives of prescribed burns and the benefits of prescribed burns to the natural resources, such as reducing conifer and shrub encroachments, reintroduction of low severity fires, promotion and restoration of the natural environment, etc. Mr. Moghaddas provided an overview of the prescribed fire planning and implementation process, safety measures for prescribed fires, and changes made to the prescribed fire plan since the Board's last review of the document.

Mr. Sifuentes-Winter described the public notification process to alert the public of a planned prescribed fire burn, including partner, visitor, and neighbor notifications.

Tania Treis with Panorama Environmental reviewed the environmental review process for the prescribed fire plan, including the Board's approval of the final environmental impact report (FEIR) in May 2021 for the Wildland Fire Resiliency Program. She also discussed the proposed addendum to the FEIR for refinements to the prescribed fire program, including a review of the prescribed burn scenarios, parameters, and potential quantities of new control lines. Ms. Treis described the next steps for the project with planning and implementation proposed for spring 2023.

Director Hassett inquired regarding the District's capacity to complete the grant-funded projects and implement the prescribed fire program due to competing priorities from District neighbors, partners, stakeholders, etc.

Mr. Sifuentes-Winter commented on District work to date for grant funds received that do not require prescribed fires, including invasive weed management, resource surveys, etc. District staff has requested additional equipment, staff, and qualified contractors to help support implementation of the program. Additionally, the District contracts with the San Jose Conservation Corps and Grassroots Ecology to grow the ability to implement the program.

Director Riffle commented on the importance of notifying the public of a planned prescribed burn, including if a burn is cancelled.

Director Holman commented in support of the District outreaching to the various cities to help notify the public of the prescribed fire program and any planned prescribed burns.

Mr. Sifuentes-Winter summarized the various outreach to municipal and partner agencies to solicit feedback on the program.

General Manager Ruiz stated she will work with the Public Affairs and Natural Resources Department managers to ensure that broad and robust notifications are made to the public and cities.

Director Siemens suggested including the hardening of District structures to wildfire risk in the program or addressed in a future District project.

Vice-President Kishimoto commented on utilizing a helicopter during prescribed burns and the potential negative impacts on neighboring communities.

Mr. Sifuentes-Winter stated helicopters would only occasionally be used in rural areas that are difficult to access and would not be used near large communities.

Public comment opened at 6:12 p.m.

Ryan Augustine, member of the Midpeninsula Rangers Peace Officers Association, commented on the impact to District staff in implementing the prescribed fire plan. Mr. Augustine reported on the rangers' wildland fire training, equipment, and wildland firefighting experience. Mr. Augustine stated the District's rangers are wildland firefighters and should be recognized as such.

Alex Hapke, President of the Midpeninsula Rangers Peace Officers Association, spoke in support of the prescribed fire program and shared his experience in learning about and fighting wildfires in District preserves. Additionally, he shared the positive impacts on natural resources he has seen resulting from prescribed fire burns on District lands.

Craig Gleason spoke in support of outreach to municipalities to educate them on the program and solicit feedback, such as at city council meetings and other city committees to receive feedback from members of the public that live in the area.

Ryan Jordan commented on the Hazard Analysis and Risk Assessment included in the prescribed fire program documents and summarized many of the risks listed there. Due to the serious and inherent risks to District rangers associated with wildland fires and other ranger duties, the rangers should be provided with public safety retirement benefits.

Public comment closed at 6:22 p.m.

Director Riffle commented on the impact of wildland fires, the need for ongoing monitoring of the natural resources, and suggested sharing the District's information with partners to support scientific research on the use of prescribed fires.

Mr. Sifuentes-Winter reported numerous organizations, universities, etc., have reached out to the District to learn about the prescribed fire program and to request information on the implementation and benefits of the program as it moves forward.

Motion: Director Riffle moved, and Director Siemens seconded the motion to authorize the General Manager to amend the multi-year contract with Spatial Informatics Group, LLC of Pleasanton, California, to provide additional fire ecology services in the amount of \$27,000 for a new, not-to-exceed contract amount of \$367,405.

Director Holman requested additional information on how public outreach may be expanded.

Mr. Sifuentes-Winter reported staff will be returning to the Board in the future with additional information on the program and will include expanded information on public outreach.

ROLL CALL VOTE: **6-0-0** (Director Kersten-Tucker absent)

ADJOURNMENT

Vice-President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 6:35 p.m.

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

Vice-President Kishimoto 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, Yoriko Kishimoto, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker and Pete Siemens

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Deputy District Clerk Maria Soria, Planning Manager Jane Mark, Senior Planner Jared Hart

Vice-President Kishimoto 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. Vice-President Kishimoto described the process and protocols for the meeting.

ORAL COMMUNICATIONS

Ryan Augustine, member of the Midpeninsula Rangers Peace Officers Association, commented on the District’s refusal to provide protections to their employees that perform public safety duties and that its rangers should be regarded as a resource for the District.

Helen Midgard spoke against the Board’s recent award of the Bear Creek Stables concessionaire contract to Chaparral Country Corporation and stated the financial information submitted by

Chaparral is inaccurate and incomplete. Ms. Midgard stated Chaparral's submittal should have been disqualified as being incomplete.

Kent Knopp boarder and employee at Bear Creek Stables spoke in support of the current Bear Creek Stables concessionaire and stated they should continue to operate the Stables.

Brianna Wengler spoke against the award of the concessionaire agreement to Chaparral because their proposal is incomplete and inaccurate. Ms. Wengler commented on several items that were missing from the proposal.

Marta Wick spoke in support of the current management of Bear Creek Stables by Pam Ashford and the enjoyment of the program by the many riders. Ms. Wicke expressed concern that the number of available riding lessons will be reduced and not as many children will be able to ride there.

Katja Wick spoke against the selection of Chaparral as the new concessionaire for Bear Creek Stables and commented on the incomplete and inaccurate proposal submitted by Chaparral and the District's inaccurate scoring of the proposal. Ms. Wicke urged the Board to revisit its decision to award the concessionaire agreement to Chaparral.

Sofia Wick expressed concern that schools will no longer be able to visit Bear Creek Stables for free as was allowed by the previous concessionaire. This will limit the number of children who will be able to visit the stables.

Brooke Gaeta spoke in support of the current concessionaire's management of Bear Creek Stables and expressed concern regarding the proposed remodel of the Stables by the new concessionaire.

Katherine Black, boarder, trainer, and riding instructor, at Bear Creek Stables, shared her and others' positive experience and the benefits of riding there. Ms. Black expressed concern at the selection of Chaparral and the lack of response from the Board of Directors.

Camille Klaus, rider at Bear Creek Stables, shared her experience of riding horses there and expressed concern that others may not be able there.

Pamela Warren commented on the previous Board-adopted Bear Creek Stables Improvement Plan and the work and resources that went into creating it. Ms. Warren stated the public provided feedback during the creation of the plan but are now being ignored.

Alex Hapke, President of the Midpeninsula Regional Peace Officers Association (MRPOA), commented on the average age of rangers hired at the District and the average age of ranger retirements at the District versus the retirement benefits they are eligible for. Mr. Hapke shared the retirement formulas under Public Employees' Pension Reform Act and stated the MRPOA is concerned many of its rangers will not make it to the retirement age of 62 due to the hazards of the job and may therefore not receive any retirement benefits under their current retirement benefits.

Kate Stutzman shared her experiences of riding at various locations and stated her concerns that Chaparral will take away from the natural experience she is currently able to enjoy at Bear Creek Stables.

Ryan Jordan commented on the difficulty the District is currently having in recruiting rangers and the number of District rangers currently seeking employment elsewhere. Mr. Jordan stated this will likely continue if the District is not willing to look at its rangers as a resource.

Shelly Cannon expressed concern that the Board is not listening to the members of the public and its own rangers and addressing concerns raised.

General Manager Ana Ruiz and Assistant General Manager Brian Malone provided an update on the concessionaire transition plan for Bear Creek Stables, including an upcoming meeting with Bear Creek Stables boarders.

SPECIAL ORDERS OF THE DAY

- **Proclamation in recognition of District Clerk/Assistant to the General Manager Jennifer Woodworth**

Craig Gleason spoke in support of the proclamation and thanked Ms. Woodworth for her help and support during the recent election nomination period and throughout his interactions with the District.

Meredith Manning thanked Ms. Woodworth for all of her support when they worked together at the District and complimented her for her contributions to the District and its staff.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 6-0-0 (Director Kersten-Tucker absent)

CONSENT CALENDAR

Public comment opened at 7:59 p.m.

No public comments were submitted.

Public comment closed at 7:59 p.m.

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

ROLL CALL VOTE: 6-0-0 (Director Kersten-Tucker absent)

1. **Approve the October 12, 2022 Board meeting minutes**

2. License Agreement with Crown Castle for Use of the Redwood Radio Tower (R-22-119)

General Manager's Recommendation: Authorize the General Manager to execute a 10-year license agreement with Crown Castle, with four additional renewal periods of five years each, totaling 30 years, for use of the Redwood Radio Tower site located at 21450 Madrone Drive in Los Gatos starting at a cost of \$16,200, with an annual escalator of 3% effective each November 1, for a total 10-year and 30-year cost not-to-exceed \$185,964 and \$773,952 respectively.

3. Minor Contract Amendment for Construction Administration Services with Waterways Consulting, Inc., for the Alpine Road Regional Trail Improvement Project (R-22-120)

General Manager's Recommendation: Authorize a contract amendment in the amount of \$19,500 with Waterways Consulting, Inc., of Santa Cruz, California to provide on-going construction administration and project closeout services for the Alpine Road Regional Trail Improvement Project, bringing the contract to a not-to-exceed total amount of \$321,929.

4. Approval of a Joint Powers Authority Agreement and Memorandum of Understanding to join the Public Risk Innovation, Solutions, and Management Authority (PRISM) for Dental and Vision Insurance for Employees (R-22-121)

General Manager's Recommendation:

1. Adopt a Resolution Approving a Joint Powers Authority (JPA) Agreement and Memorandum of Understanding to join the Public Risk Innovation, Solutions, and Management Authority (Prism) for dental and vision Insurance for employees and authorizing the General Manager to act on matters related to the JPA.
2. Authorize the General Manager to take all necessary actions to formally withdraw from the County of Santa Clara's dental and vision plans.

BOARD BUSINESS

5. Guiding Principles for Highway 17 Crossings Design Enhancements (R-22-118)

Senior Planner Jared Hart presented the staff report describing the location and the purpose of the Highway 17 trail and wildlife crossings. Due to their high visibility, the Board will be reviewing and approving design enhancement options and design principles. Mr. Hart described several of the options for design enhancements, including fencing, concrete stamping, and murals, and reviewed the proposed guiding principles. Mr. Hart reviewed the timeline and next steps for the project.

Director Hassett inquired about which agency will own and maintain the structure after it is built.

Mr. Hart stated Caltrans will own and maintain the structure, but negotiations are still ongoing to finalize the agreement details.

Director Riffle requested and received clarification regarding the next steps of the project, including the design selection.

Director Riffle spoke in support of including interpretive signage to notify the public of the purpose of the wildlife crossing.

Director Holman spoke in support of incorporating dimensional wildlife images into the overcrossing, similar to a structure in Sacramento.

Public comment opened at 8:27 p.m.

Craig Gleason commented on the location of the Highway 17 crossing and the District's preserves nearby and the rich cultural history of the location. Mr. Gleason suggested thinking about the design as an opportunity to artistically incorporate the environment.

Public comment closed at 8:31 p.m.

Director Holman spoke in support of integrating art into the crossing structure.

Motion: Director Riffle moved, and Director Siemens seconded the motion to approve the recommended guiding principles for design enhancements of the Highway 17 Crossings project as recommended by the Legislative, Funding, and Public Affairs Committee.

INFORMATIONAL REPORTS

A. Committee Reports

Director Cyr reported Real Property Committee met on October 18, 2022 to discuss the proposed purchase of the Cloverdale Ranch property.

B. Staff Reports

Public Affairs Manager Kori Skinner reported on staff's involvement with the Right Relations organization to promote building alliances with local Native American communities. Ms. Skinner provided an update on upcoming events and projects for the District's 50th anniversary.

C. Director Reports

Directors Cyr and Hassett reported their attendance at the recent Alma College celebration event and the Hawthorns area virtual open house. Director Cyr reported his attendance at the Santa Clara Valley Water District Water Commission meeting on October 26, 2022.

Director Kishimoto reported she attended a meeting of the Bay Conservation and Development Commission on October 20, 2022.

ADJOURNMENT

Vice-President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into a special meeting at 8:47 p.m.

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT – CLOSED SESSION

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 Stefan Jaskulak, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, Real Property Specialist I Jasmine Leong

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

Property: Santa Clara County APN(s): 562-08-001 and 562-04-001

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Scott Hoffman, SJWC

Under Negotiation: Purchase Terms

Public comment opened at 8:47 p.m.

No public comments were submitted.

Public comment closed at 8:47 p.m.

The Board convened into closed session at 8:47 p.m.

ADJOURNMENT

Vice-President Kishimoto adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:37p.m.

Jennifer Woodworth, MMC
District Clerk