



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, January 11, 2023**

*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**

President Kersteen-Tucker called the special meeting of the Midpeninsula Regional Open Space District to order at 5:03 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Karen Holman, Yoriko Kishimoto, Curt Riffle, and Zoe Kersteen-Tucker

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Acting District Clerk Maria Soria, Acting Deputy District Clerk Loana Lumina-Hsu

Director Craig Gleason and Director Margaret MacNiven were present at the meeting.

**1. SWEARING IN OF NEW BOARD MEMBERS FOR THE TERM STARTING JANUARY 2023**

Acting Deputy District Clerk Loana Lumina-Hsu swore in Directors Craig Gleason, Karen Holman, Yoriko Kishimoto, and Margaret MacNiven for their terms ending in 2026.

Public comment opened at 5:09 p.m.

Former Director Pete Siemens welcomed the new Board members and commented that the District is in good hands.

Tyler MacNiven stated that he is excited to see Director MacNiven take this task on as a Board Director and is excited to see her work with such a great organization.

Rowan MacNiven congratulated Director MacNiven and expressed his pride.

General Manager Ana Ruiz commented former Director Larry Hassett was not able to attend and asked Ms. Ruiz to congratulate the new members on his behalf and wish them the very best.

Public comment closed at 5:12 p.m.

**ADJOURNMENT**

President Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 5:12 p.m.

**SPECIAL MEETING – CLOSED SESSION**

President Kersteen-Tucker called the special closed session of the Midpeninsula Regional Open Space District to order at 5:12 p.m.

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (GOVERNMENT CODE SECTION 54956.8)**

Property: San Mateo County Apns: 072-343-010, 072-343-020, 075-340-130, 075-330-100  
Agency Negotiator: Allen Ishibashi, Senior Real Property Agent  
Negotiating Party: Martin And Carolyn Eberhard  
Under Negotiation: Purchase Terms

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. GOVERNMENT CODE SECTION 54957(B)(1)**

Title Of Employee: Controller  
General Counsel

Public comment opened at 5:12 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 5:12 p.m.

The Board convened into closed session at 5:13 p.m.

**ADJOURNMENT**

President Zoe Kersteen-Tucker adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:00 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 7:04 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret McNiven, and Curt Riffle

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, Acting District Clerk Maria Soria, Acting Deputy District Clerk Loana Lumina-Hsu, Engineering & Construction Manager Jason Lin, Senior Capital Projects Manager Scott Reeves, Acting Senior Resource Management Specialist/Capital Project Manager III Zachary Alexander, Land and Facilities Manager Brandon Stewart, Public Affairs Manager Korrine Skinner

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.

**REPORT OUT OF CLOSED SESSION**

President Kersteen-Tucker reported the Board met in closed session, and no reportable action was taken.

**ORAL COMMUNICATIONS**

Basim Jaber congratulated Directors Gleason and MacNiven for their Board appointments. Mr. Jaber hopes that the District reopens the discussion and considers allowing Class 1 e-bikes on District trails where regular bicycles are allowed.

Pamela Warren commented on the Bear Creek Stables Improvement Plan and mentioned she had researched the permit with the County of Santa Clara and the status of the permit is incomplete and has been closed with no current application. Ms. Warren questioned the District's commitment to the Bear Creek Stables Improvement Plan. She mentioned the only improvements that have been made to the Stables is the added blue rock to the trails, which is great, but no work has been done to address where horses are kept, drainage, erosion, stalls, and paddocks. In addition, she inquired on the progress of the project.

General Manager Ana Ruiz stated that staff will address Ms. Warren's comments and explain the permit status for the project and asked Ms. Warren to provide her contact information so staff could reach out to her.

Alexander Hapke, President of the Midpeninsula Rangers Peace Officers Association, spoke on the imposition of work rules, recruitment and retention challenges, and retirement and public safety benefits. Mr. Hapke stated he hopes the District will acknowledge the job duty differences and negotiate for better retirement benefits for the rangers.

Shelly Cannon expressed disagreement with the District's response to Public Records Act requests regarding the Bear Creek Stables Request for Proposal (RFP) process and scoring for Bear Creek Stables. According to her knowledge, a member of the public filed a complaint to the Grand Jury for an investigation. Ms. Cannon commented that some Board members had met with Peggy Kaufman and two members of a non-profit that submitted failed RFPs and provided them with internal key District details, but the Directors refused to accept other meeting invites from other boarders. She inquired when the Board would submit a motion to reconsider the award to Chaparral.

### **INTRODUCTION OF NEW BOARD MEMBERS**

- Craig Gleason, Ward 1
- Margaret MacNiven, Ward 6

President Kersteen-Tucker introduced and welcomed the newly sworn-in Directors and gave them an opportunity to address the Board and the public.

Director Gleason stated he has a huge amount of respect for the organization and all the people he has worked with at the District, and it is an honor and quite exciting for him to be a part of the Board. Director Gleason provided information on what led him to the District and being on the Board of Directors, including spending time in open spaces, cross-country training, and hiking trails. Director Gleason believes that providing great experiences will draw more people to the District's mission and lead them to value the open spaces, inspiring new defenders and protectors of open space.

Director MacNiven stated it is an honor for her to be part of the Board and thanked everyone for their support. She is delighted to be a part of the District and looks forward to furthering the mission of preservation, protection, and caring for the natural world so that it can be passed on to future generations.

Director Riffle welcomed both of the new members and stated that the Board is open to their new ideas. He thanked Director Siemens for all his work and for encouraging Director Gleason to become a Board member. Director Riffle additionally thanked President Kersteen-Tucker for her services as President of the Board and appreciated her leadership.

Director Holman welcomed the new Board members and commented it is a pleasure getting to know Directors Gleason and MacNiven. Director Holman is looking forward to getting to know each of them better and serving with them.

Director Cyr echoed fellow Board members' comments and welcomed Directors Gleason and MacNiven. Director Cyr looks forward to many years with the new members.

Director Kishimoto welcomed Directors Gleason and MacNiven and looks forward to working with them.

Public comment opened at 7:32 p.m.

Mike Bunsic urged the District to reexamine public access in terms of trail design, planning, and construction. He encouraged the Board to take to heart the new ideas that Director Gleason will bring to the table. Mr. Bunsic thanked Director Gleason for his representation and wished him the best of luck in this future position.

Public comment closed at 7:33 p.m.

### **ADOPTION OF AGENDA**

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

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

### **BOARD BUSINESS**

#### **1. Election of the Calendar Year 2023 Officers for the Midpeninsula Regional Open Space District Board of Directors (R-23-07)**

Acting District Clerk Maria Soria described the procedure for electing Board officers.

President Kersteen-Tucker called for nominations for Board President.

Director Holman nominated Director Kishimoto for Board President and Director Riffle seconded the nomination. No further nominations were presented.

**Motion:** Director Cyr moved, and Director Kersteen-Tucker seconded the motion to close the nominations for Board President.

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

By a vote of 7 to 0, the Board elected Director Kishimoto as Board President for Calendar Year 2023.

President Kishimoto thanked the Board for her nomination and called for nominations for Board Vice-President.

Director Riffle nominated Director MacNiven for Board Vice President and Director Kishimoto seconded the nomination. No further nominations were presented.

**Motion:** Director Cyr moved, and Director Holman seconded the motion to close the nominations for Board Vice-President.

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

By a vote of 7 to 0, the Board elected Director MacNiven as Board Vice President for Calendar Year 2023.

Director MacNiven thanked the Board.

President Kishimoto called for nominations for Board Treasurer.

Director Kishimoto nominated Director Riffle for Board Treasurer. Director Kersteen-Tucker seconded the nomination. No further nominations were presented.

**Motion:** Director Cyr moved, and Director Kersteen-Tucker seconded the motion to close the nominations for Board Treasurer.

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

By a vote of 7 to 0, the Board elected Director Riffle as Board Treasurer for the 2023 calendar year.

President Kishimoto called for nominations for Board Secretary.

Director Kishimoto nominated Director Gleason for Board Secretary and Director MacNiven seconded the nomination. No further nominations were presented.

**Motion:** Director Cyr moved, and Director Riffle seconded the motion to close the nominations for Board Secretary.

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

By a vote of 7 to 0, the Board elected Director Gleason as Board Secretary for Calendar Year 2023.

President Kishimoto spoke on the challenges of many changes during the previous year and on the accomplishments of the outgoing president and invited Board Directors to say a few words.

Directors Cyr, Riffle, and Holman thanked and acknowledged Director Kersteen-Tucker for her representation and perspective as the first Board member from the coast.

Director Kersteen-Tucker thanked the Board for their comments and highlighted many of the District's accomplishments in 2022, including the 50<sup>th</sup> Anniversary celebrations, solid financial footing in a challenging economy, the opening of Alma Cultural Landscape at Bear Creek Redwoods Open Space Preserve, the opening of Grasshopper Loop Trail at La Honda Creek Open Space Preserve, the discussion and voting on e-bikes, work on the Agricultural Policy, the Bear Creek Stables Concessionaire selection, and Cloverdale Ranch purchase.

President Kishimoto spoke on the future of the District, including the Financial and Operational Sustainability Model revamp, the use of the Administrative Office as a conservation hub, and starting a brown bag series inviting speakers and the public to the District office.

Ms. Ruiz spoke on several upcoming District projects, including its efforts in furthering diversity, equity, and inclusion (DEI) initiatives, including: entering the fourth year of implementation to improve accessibility and remove ADA barriers at District preserves; hiring a new Human Resources staff with DEI experience and focus; developing the Ride Hail Program and the Shuttle Program at Rancho San Antonio Open Space Preserve; and implementing the Purisima Creek Redwoods Multimodal Strategies.

Ms. Ruiz introduced Dr. Metha Klock, Assistant Professor in Environmental Studies at San Jose State University (SJSU), to discuss a DEI-focused grant-funded partnership between the District and SJSU involving environmental restoration work at various preserves.

Dr. Klock discussed two main goals of the partnership: increasing access for minority students to District lands and leveraging student learning in environmental restoration courses to address science-based questions about habitat restoration.

Ms. Ruiz next spoke on numerous ongoing and upcoming District efforts to protect the local biodiversity and introduced U.S. Geological Survey Research Biologist Dr. Brian Halstead, a District collaborator since 2014 who focuses on the conservation of reptiles and amphibians.

Dr. Halstead spoke on the planned work for the federally threatened San Francisco garter snake (SFGS). A project at Cloverdale Ranch will study the distribution of snakes at the site and develop a focused habitat management plan for the species. A second project will study the feasibility of introducing the snake at La Honda Creek Open Space Preserve. The La Honda Preserve offers several wetlands with prey for the snake and establishing a population in the area would strongly help meet the snake's recovery goals. Mr. Halstead also spoke on the North American Bat Monitoring Program, which also involves the District. Dr. Halstead thanked the Board for the continued partnership.

Public comment opened at 8:14 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 8:14 p.m.

### **CONSENT CALENDAR**

Public comment opened at 8:15 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 8:15 p.m.

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

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

2. **Approve the November 9, 2022 Board meeting minutes**
3. **Approve Claims Report**
4. **Teleconferenced Board Meetings Pursuant to the Brown Act and Assembly Bill 361 (R-23-01)**

General Manager's Recommendation: Adopt a resolution affirming findings to continue remote teleconferenced public meetings, including as part of hybrid (remote/in-person) meetings, pursuant to AB 361.

5. **Annual Findings on the number of Compensated Board Meetings (R-23-02)**

General Manager's Recommendation: Adopt a Resolution making annual findings that more than five Board meetings per month are necessary for the effective operation of the Midpeninsula Regional Open Space District.

6. **Minor Contract Amendment for Construction Administration Services with Waterways Consulting, Inc., for the Lower Alpine Road Retaining Wall Project (R-23-03)**

General Manager's Recommendation: Authorize the General Manager to execute a contract amendment with Waterways Consulting, Inc., of Santa Cruz, California to provide construction administration, geotechnical oversight, structural observations, civil observations, and project closeout services for the Lower Alpine Road Retaining Wall Project in the amount of \$46,338, bringing the total contract to a not-to-exceed amount of \$368,267.

7. **Contract Amendment for the San Gregorio Creek Sediment Survey (R-23-04)**

General Manager's Recommendation:

1. Authorize the General Manager to execute an amendment to the professional services contract with Balance Hydrologics, Inc., to provide additional field data collection and reporting for the San Gregorio Water Quality Improvement Plan in the amount of \$54,624.
  2. Authorize an allowance of \$7,475 for sediment surveys on a future proposed property purchase located in the San Gregorio Creek watershed (allowance would only be spent if the property purchase is approved by the Board of Directors).
  3. Authorize a 10% contingency in the amount of \$6,210 to address unforeseen issues, bringing the total not-to-exceed amendment amount to \$62,099 and total not-to-exceed contract amount to \$302,542.
  4. Authorize extending the term of the contract to June 30, 2024.
8. **Partnership Agreement with the United States Geological Service for Reptile and Amphibian Monitoring to Inform Management Planning at Three Preserve Locations (R-23-05)**



General Manager's Recommendation: Authorize the General Manager to enter into a partnership agreement with the United States Geological Survey for a base amount of \$198,364 to provide reptile and amphibian monitoring.

**9. Contract Amendment for Cultural Resources Support to Implement the Bear Creek Redwoods Vegetation Treatment Project (R-23-06)**

General Manager's Recommendation: Authorize the General Manager to execute a contract amendment with Rincon Consulting, Inc., of Santa Cruz, California to provide cultural resources support to the Vegetation Treatment Project, in the amount of \$36,915, bringing the contract to a not-to-exceed total amount of \$110,337.

**BOARD BUSINESS**

**10. Award of Contract to Granite Rock Company to complete the Lower Alpine Road Regional Trail Retaining Wall Project at Coal Creek Open Space Preserve (R-23-08)**

Capital Project Manager III Zachary Alexander provided the staff presentation describing the project, its location, and the project timeline. Mr. Alexander described the proposed repairs and the construction constraints, including a strict timeline, narrow work zone and access, and required trail closures.

Director Cyr requested Mr. Alexander to elaborate on the concerns from the neighboring properties.

Mr. Alexander explained that an area near the entrance is owned by the Town of Portola Valley and the District obtained permission to conduct the construction activities as the work may affect their property.

Director Riffle expressed his support and asked for information on communications with the neighbors who will be impacted by the project.

Mr. Alexander stated Senior Capital Project Manager Scott Reeves has been in constant contact with all the neighbors that may be affected by the Alpine (Road) Trail repairs. Mr. Alexander received positive feedback from the neighbors to see the project completed.

Mr. Reeves explained the recent Upper Alpine Improvements communication with the neighbors included postings on neighborhood email listservs, trail head notifications, and active dialogues with neighbors. Mr. Reeves stated a similar approach will be applied to the current project.

Director Riffle asked how staff has notified active trail users.

Mr. Reeves stated staff reached out to mountain biking community groups as a conduit for expanding the communication networks related to the trail project.

Director Holman asked how the work on the trail will affect Corte Madera Creek and what were the comments from the permitting agencies.

Mr. Alexander explained the construction techniques and stated that heavy equipment will not enter the creek channel. Work will be done from the existing road surface.

Director Holman inquired if there will be habitat disruption.

Mr. Reeves explained the work will not affect the creek or impact the existing conditions of the wetted channel.

Director Holman inquired about the visual effects and appearance of the pile wall.

Mr. Alexander stated that the retaining wall will be below ground, and above grade will be timber.

Director Riffle requested and received clarification on the District's responsibility of the County Road.

President Kishimoto inquired about the two-month closure during the summer.

Mr. Alexander confirmed the closure must occur to complete the work.

Director Cyr requested and received additional information on the creek and road erosion.

Director Gleason commented on users having a larger picture of the Alpine Road projects. Director Gleason inquired and received additional information on the budget allocation for the Alpine Road projects.

General Counsel Hilary Stevenson provided additional information on the mitigation declaration in response to Director Holman's earlier question regarding impacts.

Public comment opened at 8:50 p.m.

Ms. Lumina-Hsu reported there were no public speakers for this item.

Public comment closed at 8:50 p.m.

Director MacNiven inquired on the results of the recent work completed by Granite Rock.

Mr. Alexander and Mr. Reeves provided positive remarks about Granite Rock, their work on previous projects, and their understanding of District requirements.

Motion: Director MacNiven moved, and Director Riffle seconded the motion to:

1. Authorize the General Manager to enter into a contract with Granite Rock Company of San Jose, California for a base amount of \$626,800.
2. Authorize a 15% contingency in the amount of \$94,020 to be reserved for unanticipated construction issues.
3. Authorize an allowance in the amount of \$40,260 for inflationary cost increases to account for delays in commencing the project to address issues related to neighboring properties, bringing the total not-to-exceed contract amount to \$761,080.

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

**INFORMATIONAL MEMORANDA**

- Alma Bridge Road Newt Passage Project Update and Final Background Technical Memorandum

There were no Board member questions.

**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

Land and Facilities Manager Brandon Stewart reported on the current 2023 storm damage and repair efforts throughout District preserves.

Director MacNiven thanked Assistant General Manager Brian Malone for sending crews to Portal Heights Road to help clear fallen trees.

Director Holman expressed her appreciation for the storm damage presentation.

President Kishimoto asked if photos were posted on District social media.

Public Affairs Manager Kori Skinner confirmed photos were shared on social media of the closed roads, preserves, and trails.

Director Holman inquired if Windy Hill Open Space Preserve had closures.

Mr. Malone confirmed that a trail was closed, visitors can check the District website for active trail closures and preserve closures.

C. Director Reports

Director Gleason reported he attended docent and restoration events.

Director Riffle reported every year he challenges himself to visit every preserve and he achieved that accomplishment in 2022.

Director Kersteen-Tucker reported members of the Half Moon Bay and the mayor contacted her regarding an aerial tram, which would run adjacent to Highway 92. She will keep the Board posted on further developments.

President Kishimoto reported she and Director Kersteen-Tucker attended the District holiday luncheon, which was a great opportunity to talk with the staff members.

President Kishimoto requested Directors to think about and provide suggestions on how to honor former Directors Siemens and Hassett and referred the topic to the Legislative, Funding, and Public Affairs Committee.

**ADJOURNMENT**

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:14 p.m.

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

The Closed Session of the Midpeninsula Regional Open Space District was continued to Thursday, January 12, 2023 at 5:30 p.m.

Loana Lumina-Hsu  
Acting Deputy District Clerk