



Midpeninsula Regional
Open Space District

April 12, 2023
Board Meeting 23-11

REGULAR MEETING

**BOARD OF DIRECTORS
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT
5050 EL CAMINO REAL
LOS ALTOS, CA 94022**

Wednesday, April 12, 2023

*The Board of Directors conducted this meeting in accordance with
California Government Code section 54953.*

DRAFT MINUTES

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

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, Craig Gleason, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Assistant General Manager Susanna Chan, Acting Deputy District Clerk Loana Lumina-Hsu, Executive Assistant/Legal Secretary Irma Mora, Real Property Manager Mike Williams, Engineering & Construction Manager Jason Lin, Senior Capital Project Manager Paul Kvam, Public Affairs Manager Korrine Skinner

President Kishimoto announced this meeting is being held in accordance with Government Code section 54953. 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.

REPORT OUT OF CLOSED SESSION

President Kishimoto reported the Board met in closed session on April 5, 2023, and no reportable action was taken.

ORAL COMMUNICATIONS

Public comment opened at 7:01 p.m.

Acting Deputy District Clerk Loana Lumina-Hsu reported there were no public speakers.

Public comment closed at 7:02 p.m.

President Kishimoto spoke on the passing of former Director Pete Siemens who served on the District's Board of Directors for over 30 years.

Director Riffle concurred with President Kishimoto's comments and spoke of learning from and appreciation for the work of Mr. Siemens.

Director Gleason expressed sympathy for Mr. Siemens passing, and the recent involvement of Mr. Siemens at District public workshops.

Director Cyr stated he learned of Mr. Siemens' passing at the Santa Clara Valley Water Commission meeting when the representative from Los Gatos shared information of his passing. Director Cyr spoke on the many years he and Mr. Siemens worked together.

Director Holman suggested holding the board meeting in honor of former Director Pete Siemens.

President Kishimoto proclaimed the April 12, 2023 meeting is held in honor of former Director Pete Siemens.

Director Kersteen-Tucker spoke of meeting Mr. Siemens during the Coastal Annexation effort over 20 years prior.

ADOPTION OF AGENDA

Motion: Director Riffle moved, and Director Kersteen-Tucker seconded the motion to adopt the agenda.

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Director Riffle commented on agenda item four thanking the Bond Oversight Committee for the Committee's work this fiscal year and supported the recommendation for the Board to accept the report.

Public comment opened at 7:10 p.m.

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

Public comment closed at 7:10 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 February 8, 2023 Board meeting minutes**
2. **Approve Claims Report**
3. **Award of Contract to Square Signs, of Burbank, California, to complete the Administrative Office Interpretive Exhibit Wall Fabrication at 5050 El Camino Real, Los Altos CA (R-23-39)**

General Manager's Recommendation:

1. Authorize the General Manager to enter into a contract with Square Signs for a not-to-exceed base contract amount of \$94,353.
 2. Authorize a contingency of 15% in the amount of \$14,153 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount of \$108,506.
4. **Report from the Bond Oversight Committee to the Board of Directors for the review period from July 1, 2021 to June 30, 2022**

Bond Oversight Committee's Recommendation: The Bond Oversight Committee recommends that the Board of Directors accepts this report.

BOARD BUSINESS

5. **Proposed Purchase of a Remaining 33% Undivided Interest in the 611.7-acre South Cowell Property from Peninsula Open Space Trust, which is located at 1000 Verde Road, Half Moon Bay, in unincorporated San Mateo County (Assessor's Parcel Numbers 066-280-010, 066-280-020, and 066-280-051), as an addition to Purisima Creek Redwoods Open Space Preserve (R-23-40)**

Real Property Manager Mike Williams provided the staff presentation on the proposed purchase of the South Cowell Property as an addition to Purisima Creek Redwoods Open Space Preserve and discussed the Purisima-to-the-Sea proposed trail alignments, potential trail easement to connect to the Cowell-Purisima Trail, proposed parking area, residential property, and conservation easements.

Director Kersteen-Tucker requested and received additional information about farm labor housing and the conservation easement.

Mr. Williams continued the staff presentation, stating the purchase terms and conditions and the proposed land division process to create a separate Upland to be owned by the District and separate Farm property to be owned by the Marsh family.

Director Holman requested and received additional information on the residence tenant.

Director Holman inquired if it is possible to keep the apartment in the barn.

Mr. Williams explained that staff met with the County of San Mateo and discussed what is allowed under the Planned Agricultural Development (PAD) zoning ordinance as the interior of the structure was built without permits. During the subdivision application, the interior apartment buildout inside the barn structure was flagged as a building violation and has been largely removed by POST.

Director Holman thanked staff for the on-site tour of the property.

Director Riffle requested additional information on planned uses and the relationships with the Marsh Property.

Mr. Williams explained the Marsh family is supportive of the trail and neighboring farm and grazing operations. Staff had meetings with the Marsh family, grazing tenant, and farm neighbors, and staff will meet with them again prior to the South Cowell purchase going to Board.

Director Riffle asked if there are any restrictions on the trail in regards to the neighboring farm.

Mr. Williams explained the neighboring operation is a dry farm. POST has a trail easement on the southern boundary from Verde Road to Highway 1 and when the trail is implemented along the access easement, it will be subject to closure approximately half a dozen times a year. Staff has discussed the planned trail use with the neighbor. Mr. Williams explained it is not a part of the Agenda Item, however, it will be part of a future trail project that will connect to the coastal trail.

Director Kersteen-Tucker asked if there are additional infrastructure issues with the house that may need to be addressed in the future.

Mr. Williams stated normal wear and tear and ongoing maintenance and repair. The structure has a new roof and deferred maintenance issues were identified and repaired by POST.

Director Kersteen-Tucker asked how maintenance and repair for the residence property is budgeted.

General Manager Ana Ruiz stated the District uses maintenance management system for properties to track maintenance needs and to assist with properly scheduling and budgeting for future repairs.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak explained the District also has a capital maintenance reserve of \$6,000,000 to \$8,000,000 million designated for large capital projects. The District uses a conservative approach to grow the reserve and the reserve can fund repairs. Mr. Jaskulak stated that regular maintenance is annually included in the budget.

Director Kishimoto asked and received clarification on the modernization of conservation easements.

Mr. Williams provided additional information of the mineral and oil rights for the property.

Director MacNiven requested and received additional information on the conservation easement, trail easement, and location of proposed future trails.

Public comment opened at 7:47 p.m.

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

Public comment closed at 7:47 p.m.

Kersteen-Tucker expressed gratitude for staff working with the local community and POST, and expressed support for the General Manager's Recommendations.

Mr. Williams thanked the caretaker tenant Rob Scilingo for positive outreach and relationships with the neighbors and grazing tenants.

Director Riffle expressed support for the South Cowell purchase. Director Riffle thanked POST and District staff for their work on the complicated purchase.

Directors Cyr, MacNiven, and President Kishimoto expressed support for the purchase and acknowledged the hard work of staff.

- Motion:** Director Kersteen-Tucker moved, and Director Holman 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 an undivided 33% interest in the South Cowell Property for \$1,251,000;
 3. Approve, execute, and accept a Public Trail Easement from the tenants in common owners;
 4. Amend the South Cowell Preliminary Use and Management Plan to reflect the purchase of the Property;
 5. Withhold dedication of the property as public open space at this time; and
 6. Allocate \$450,000 of the available interest income on Measure AA Bond Proceeds to Portfolio #03 to include the proposed South Cowell Property purchase as a Measure AA project.

ROLL CALL VOTE: 7-0-0

6. Oral Presentation – Engineering and Construction Department Overview

Engineering & Construction Manager Jason Lin began by expressing kind words for former Director Pete Siemens. Mr. Lin then provided a staff presentation on the Engineering and Construction department creation, structure, purpose, and goals.

Director Holman asked and received information on the Engineering and Construction staff.

Mr. Lin continued the staff presentation explaining the role of Engineering and Construction in the project planning and delivery process. Core functions include design and engineering, permitting, bidding, construction management, contracting, project management, regulations and codes, mitigation measures, constructability, and cost estimating. Mr. Lin presented the department's organizational structure and existing staff. He explained the horizontal infrastructure programs encompassing staging area, roads and trails, grading and drainage, site improvements, and hazardous materials, as well as the vertical infrastructure programs encompassing facilities and buildings, bridges, structures repairs and upgrades, miscellaneous structures such as the Mount Umunhum stairway in Sierra Azul Open Space Preserve, structures disposition, and site improvements. He then presented the upcoming Fiscal Year 2024-25 project priorities, noting in particular the Federal Emergency Management Agency (FEMA) storm repairs from the Winter 2023 storm damage.

Director Kersteen-Tucker expressed gratitude for the staff working on the enormity of the projects.

Director Riffle expressed gratitude for staff's work and asked what the department may need to complete more projects.

Mr. Lin replied retaining staff is a challenge and stated the District trains staff well, who often move onto other places as there are many opportunities around the San Francisco Bay Area.

Director Holman thanked the department staff for the work completed with a small team. Director Holman requested and received additional information on the difference between horizontal and vertical infrastructure.

Director Holman commented on the upcoming project priorities list and asked how the FEMA storm repairs will affect the other projects.

Mr. Lin explained most of the work will be completed by Land & Facilities staff and the task of Engineering & Construction staff is to start the design and permitting process for larger repair projects, such as repairs to Purisima Creek Trail and to the Bear Creek Redwoods Open Space Preserve parking lot culvert, which will take multiple years to complete.

Director Holman asked about the La Honda Creek Open Space Preserve White Barn project and expressed surprise the project has not yet been completed.

Mr. Lin explained the project is going to bid in late April or May. Mr. Lin explained that with staff turnover, the remaining capacity was largely focused on the new Administrative Office project. Mr. Lin expressed the White Barn project is important and acknowledged it fell behind schedule.

Director Holman asked and received additional information on the Billingsley structure.

Mr. Lin explained the structure needed to be removed for public safety.

Director Cyr expressed gratitude for staff and the progress on projects.

President Kishimoto asked and received information on engineer estimates in the bidding process.

President Kishimoto asked if tenant residence repairs are completed by the Engineering & Construction department.

Mr. Lin explained Engineering & Construction works on major renovations and repairs, including design and County permitting.

General Manager Ana Ruiz expressed gratitude of Mr. Lin who joined the District as a result of the Financial and Operational Sustainability Model (FOSM) recommendations and who has been integral in the creation of the Engineering & Construction department.

Public comment opened at 8:23 p.m.

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

Public comment closed at 8:23 p.m.

No Board action was required or taken.

7. Oral Presentation – Real Property Department Overview

Real Property Manager Mike Williams provided a staff presentation on the Real Property department's staff; organizational structure; department mission and core functions; land conservation opportunities and collaboration; and partnerships with Peninsula Open Space Trust (POST), Santa Clara County Parks, local communities, City of East Palo Alto, City of Half Moon Bay, San Francisco Public Utilities Commission, and other partners.

Director Cyr expressed appreciation for staff's work on the complicated projects.

Director Holman complemented and recognized the work of Mr. Williams and the Real Property Department staff.

Mr. Williams praised the support of District staff and the collaboration of partner agencies.

Director Riffle expressed appreciation of Mr. Williams. Director Riffle asked about what the Real Property department may need and what the Board should think about to support future land opportunities, which may be more difficult to obtain.

Mr. Williams stated collaboration with existing and potential partners needs to continue, as well as relying on partners for their expertise. Mr. Williams stated he is working on succession planning, setting the Real Property Department up for a successful future.

Director Kersteen-Tucker asked how the District can cultivate opportunities around Pescadero and Tunitas Creek and on how to expand and develop partnerships.

Mr. Williams explained for past projects it was important to connect with local agency staff and follow their guidance on reaching out to the community.

Director Kersteen-Tucker expressed appreciation for staff in building strong relationships with POST.

Director Gleason expressed appreciation for staff and the purchase of lands, creating and expanding open space preserves. Director Gleason requested more information on the partnerships within the Pescadero Creek Watershed.

Mr. Williams explained the relationships are different than most other communities, as there are three timber companies in the area. District staff is learning from POST, Save the Redwoods League, and Sempervirens Fund on developing relationships with timber companies and about their desire to protect the redwoods in the region.

Ms. Ruiz praised Mr. Williams for valuing the importance of relationship building, cultivating relationships with partners and community members, and for his leadership in protecting and preserving lands, facilitating regional trails, and sustaining habitat connectivity and wildlife corridors.

President Kishimoto expressed appreciation for Mr. Williams.

Public comment opened at 8:59 p.m.

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

Public comment closed at 8:59 p.m.

No Board action was required or taken.

INFORMATIONAL MEMORANDA

No informational memoranda were provided.

INFORMATIONAL REPORTS

A. Committee Reports

Director MacNiven reported the Legislative, Funding, and Public Affairs Committee met on March 28, 2023, to review the modification to the Monetary Gift Acknowledgement Policy Language and implementation plan for updating Board Policy 5.02 – *Good Neighbor Policy*.

Director Cyr reported the Planning and Natural Resources Committee met on April 4, 2023, to review the Highway 35 Multi-Use Trail Crossing and Parking Feasibility Study project goals and existing conditions/site opportunities and constraints. The Committee reviewed the staff report and had no modifications.

B. Staff Reports

Mr. Jaskulak provided an update for the FOSM refresh stating the project is on schedule, the contract was signed in March, and a field trip to the coast will be provided for Baker Tilly staff showcasing the District Administrative Office, Skyline Field Office, La Honda Creek Open

Space Preserve Sears Ranch, Coastal Area Outpost, South Cowell, and Johnston Ranch. Deeper dives into programs will begin in late April and into May. The project is currently on schedule for initial reports and actionable items to the Board in September or October 2023.

Director Kishimoto asked when the project will return to the Board.

Mr. Jaskulak confirmed the project will return to the Board in the Fall.

Mr. Jaskulak provided an update on FEMA projects and stated the District is working with San Mateo County and California Governor's Office of Emergency Services. Mr. Jaskulak stated the FEMA funding process is intensive for grantees and the District has identified at least fifteen projects ranging from \$6,000,000 to \$8,000,000 related to storm damage through January 31, 2023. The District sustained additional damage since January 31 due to additional storms and it is currently unknown if FEMA will extend the coverage dates.

Assistant General Manager Brian Malone provided an update on the City of East Palo Alto approval of the City's Parks Master Plan the week prior. One element includes a proposal to open Ruckers Avenue to the University Avenue neighborhood, which would provide the District with direct access to the neighborhood through such easement. Mr. Malone provided an update on preserve and trail closures. Mr. Malone stated staff will bring forth to the Action Plan and Budget Committee any adjustments to the work plan that may be necessary to incorporate the FEMA-funded related repairs.

President Kishimoto asked if Hicks Road was reopened.

Mr. Malone stated the last known information is that Hicks Road is still closed but Mount Umunhum Road is accessible.

Director Holman asked about the best wildflower access given road and trail closures.

Mr. Malone stated staff provided information for a Mercury News article. Mr. Malone stated Pinnacles National Park has wildflowers in bloom, Russian Ridge Open Space Preserve wildflowers are starting to bloom, however, more wildflowers will bloom later in the season. Mr. Malone stated there is wildflower access to Skyline Ridge, Monte Bello, Los Trancos, and Russian Ridge Open Space Preserve.

Director Cyr asked if the wildflower season is spread out.

Mr. Malone explained when it is colder, the grass grows and will often cover the flowers.

C. Director Reports

Director Gleason attended a volunteer restoration event at El Sereno Open Space Preserve.

Director Kersteen-Tucker stated she and Director MacNiven attended the Farm Day Lunch. Director Kersteen-Tucker attended the Farm Bureau meeting where staff presented the draft Agricultural Policy and stated it was a productive meeting.

Director Riffle attended the Santa Clara County Parks virtual public meeting on updating the County-wide trails master plan and an updated version is slated for release in Fall 2023. Director Riffle attended the Bear Creek Redwoods Open Space Preserve Phase II Trails Options public workshop in Los Gatos.

Director Cyr attended Santa Clara Valley Water (Valley Water) Commission, which meets twice a year and the Commission moved the next meeting from October to August. Director Cyr reported that Valley Water staff suggested a water rate increase to fund long-range large capital projects over the next ten years. Director Cyr commented Valley Water initiated a campaign to notify constituents on an assistance program to pay for water bills, including a credit of up to \$1,000.

President Kishimoto stated she is attending the Santa Clara Local Agency Formation Commission on April 5 and the Bay Conservation and Development Commission on April 6. President Kishimoto heard about developments regarding Lehigh Cement and Permanente Quarry related to Valley Water discussing the possibility of using the quarry pit for water storage and that the staff recommendation will go to the Valley Water Board at a later time. Also, the Permanente Creek Environmental Impact Report was released, and the cement kiln is now closed. President Kishimoto reminded the Directors of the upcoming brown bag sessions on April 26 *Wildflower Mimicry* and on May 22 *California 30 x 30 plan*.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:19 p.m. in memory of the honorable Director Pete Siemens.

Loana Lumina-Hsu
Acting Deputy District Clerk