



SPECIAL AND REGULAR MEETING

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

Wednesday, May 10, 2023

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

DRAFT MINUTES

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

President Kishimoto called the special closed session of the Midpeninsula Regional Open Space District to order at 5:02 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, District Clerk/Assistant to the General Manager Maria Soria, Engineering & Construction Manager Jason Lin, Assistant General Counsel II Egan Hill

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.

- 1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
 - A. Significant exposure to litigation pursuant to Section 54956.9(d)(2) (1 case)
Written claim from BHM Construction, Inc. pursuant to Public Contract Code section 9204
 - B. Initiation of litigation pursuant to Government Code 54956.9(d)(4) (1 case)

**2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
GOVERNMENT CODE 54956.9(D)(1) (2 CASES)**

Pamela Ashford v. Midpeninsula Regional Open Space District, Santa Clara County Superior Court Case No. 22CV407741

Midpeninsula Regional Open Space District v. Pamela Ashford, Santa Clara County Superior Court Case No. 23CV410606

Public comment opened at 5:02 p.m.

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

Public comment closed at 5:02 p.m.

The Board convened into closed session at 5:03 p.m.

ADJOURNMENT

President Kishimoto 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 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, Zoe Kersteen-Tucker, Yoriko Kishimoto, Margaret MacNiven, and Curt Riffle

Members Absent: Karen Holman

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 Maria Soria, Executive Assistant/Legal Secretary Irma Mora, Land and Facilities Manager Brandon Stewart, Chief Ranger/Visitor Services Manager Matt Anderson, Senior Resource Management Specialist Coty Sifuentes-Winter

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.

Director Holman joined the meeting at 7:25 p.m.

REPORT OUT OF CLOSED SESSION

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

ORAL COMMUNICATIONS

Public comment opened at 7:03 p.m.

Nancy Cole commented on the Bear Creek Redwoods Preserve and suggested that the trail area where the existing trails are on the east side of the preserve be considered as a sanctuary that would be open for families, hikers, equestrians, and kept as a quiet zone where bicyclists would travel separately in proximity to Bear Creek Road.

Helen Midgard commented on the Bear Creek multi-use trail and expressed her concerns about the idea of having a shared multi-use trail with equestrians and bicyclists. Ms. Midgard also commented since it was announced that Chaparral would be taking over the stables, 15 horses and boarders had left the facility, leaving numerous empty paddocks.

Katja Wick commented that riding a horse is unique. She remarked that there are places, like Fremont Older, where bicyclists and equestrians can coexist, and she gave her thoughts on why she thought the multi-use trail was a bad idea. Ms. Wick gave the Board two handouts that included suggestions for potential locations for multi-use trails.

Jane Krejci expressed her concern over young children's safety and mixing mountain bicyclists. She worries that the steep trails, blind curves, and speed are dangerous for children and hikers. She remarked that having multi-use trails in this area was a bad idea, as opposed to Wilder Ranch and Fremont Older, which are safer. She encourages staff to provide the young children safe access to trails to explore.

Leonard Ruggieri commented that he is a great supporter of the District and frequently uses its trails for bicycling and hiking. He strongly believes the Bear Creek Redwoods is not a great fit to add a multi-use trail because some trails are rather steep and have blind curves. Additionally, Mr. Ruggieri said that after listening to the Town Hall meetings, he believes there might be a practical method to fund the original intended alignment.

Pamela Warren thanked staff for the in-person town hall meetings in Los Gatos. She shared her concerns on safety and mentioned that it would be best to work together to avoid a collision and mentioned that it would be interesting to find out from Rangers how many reports of bike and equestrian accidents there have been, and hopefully not add any more to it, but to keep a separation to avoid any accidents that could have been avoided.

Public comment closed at 7:20 p.m.

SPECIAL ORDERS OF THE DAY

- **Introduction Of Staff**

- Grace Vannelli, Open Space Technician
- Greg Paredes, Open Space Technician
- Valerie Niles, Open Space Technician
- Allison Nirmaier, Open Space Technician
- Reed Prescott, Open Space Technician

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

Public comment opened at 7:36 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 7:36 p.m.

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

ROLL CALL VOTE: 7-0-0

- 1. Approve the March 7, 2023 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Quarter 3 Proposed Budget Amendments to the Fiscal Year ending June 30, 2023 (R-23-46)**

General Manager’s Recommendation: Adopt a resolution approving the proposed Quarter 3 budget amendments for the fiscal year ending June 30, 2023.

- 4. Legislative Position Recommendations (R-23-47)**

General Manager’s Recommendation: Approve the recommended list of legislative positions for the 2023 state legislative session as reviewed and supported by the Legislative, Funding, and Public Affairs Committee.

- 5. Contract Amendment for On-Call Vehicle Maintenance & Repair Services (R-23-48)**

General Manager’s Recommendation: Authorize the General Manager to amend an on-call vehicle maintenance and repair contract with Renson Automotive Inc., to increase the contract amount by \$35,000 for a new not-to-exceed total amount of \$85,000 to cover service needs through end of June 2023 (end of Fiscal Year 2022-23).

- 6. Reject All Bids for the Custodial Services Contract (R-23-49)**

General Manager's Recommendation:

1. Reject all bids received for the Custodial Services Contract that is meant to provide custodial services at five staff facilities.
2. Authorize the General Manager to re-solicit bids.

BOARD BUSINESS

5. Calendar Year Vegetation Management Annual Reports for 2020 and 2021, and Proposed Updates to the Integrated Pest Management and Wildland Fire Resiliency Programs (R-23-50)

Senior Resource Management Specialist Coty Sifuentes-Winter provided the staff presentation on the report for activities in calendar year 2020 and 2021 for the vegetation activities. Mr. Sifuentes-Winter commented that the report was late due to COVID and also from staff departures within the department. Mr. Sifuentes-Winter reviewed three programs: the Integrated Pest Management (IPM) Program, Conservation Management Program, and Wildland Fire Resiliency Program. He then reviewed the vegetation management goals and treatments for each program. He also detailed the benefits and impacts of using each treatment method.

Director Kersteen-Tucker inquired about controlled burns.

Mr. Sifuentes-Winter stated that controlled burns can be considered as both a cultural treatment method and a manual treatment method.

President Kishimoto inquired and received information on the spread of invasives via shoes, bikes, and birds.

Mr. Sifuentes-Winter continued his presentation and explained the need for ecological sensitive vegetation management given the presence of 87 special status animal species and 46 special status plant species. He reviewed the protection measures that are in place and stated that work is seasonally timed when possible to avoid disturbing wildlife. Mr. Sifuentes-Winter described the decision hierarchy on how work is prioritized stating that staff reviews the District's mission, the Resources Management Policies, Program Objectives, Project Goals, the Annual Strategic Plan to prioritize the work.

President Kishimoto inquired if highly visible/popular trails are prioritized.

Mr. Sifuentes-Winter stated that there are many factors taken into consideration when prioritizing work, with habitat quality being one of them. Another factor is the presence of invasive species.

Mr. Sifuentes-Winter continued with the presentation and reviewed the organizations that have received grant funding from the District under its Grantmaking Program to carry out peer-reviewed research that can inform the District's vegetation management program. These organizations include the University of California, which is studying French broom and pollinators, the San Francisco Bird Observatory, which educates the public about the value of ecology, and Groundswell Coastal Ecology, which takes kids to various locations for service learning.

Mr. Sifuentes-Winter provided an Annual Report of the Conservation Grazing Program, stating that there is a total of 9,000 acres under conservation grazing in the La Honda Creek, Miramontes Ridge, Purisima Creek Redwoods, Russian Ridge, and Tunitas Creek preserves. Throughout the year, staff monitors these sites on a monthly basis, and if not more, to review the monitoring parameters and results, and perform a qualitative assessment of the rangelands.

Director Kersteen-Tucker inquired and received information on how to monitor brush encroachment on the coast and how to deal with the brush.

Director MacNiven inquired and received information on how scrub is removed.

Mr. Sifuentes-Winter continued the presentation and reported on the IPM Program and reviewed the number of pre and post treatment site visits. Due to COVID, there were fewer site visits in 2020 than in 2021; there was a total of 397 different site visits pre and post treatment. Mr. Sifuentes-Winter reported on the related field work hours by crew type that include staff, contractors, and volunteers. He also highlighted the California Invasive Plant Council (Cal-IPC) ratings of highly critical invasive species, as well as the treatment hours by labor source and method used for 2020 and 2021. Mr. Sifuentes-Winter reported on the re-prioritization of projects due to COVID and stated that contractor costs have increased from 2020 to 2021 by 34% and staff is continuing to see the costs rise. He also explained the amounts of pesticides used District wide and reviewed the 36 Best Management Practices (BMPs), of which about a third of them are related to pesticide use. He pointed out that the Written Pest Control Recommendation is done by a pest control advisor who is licensed through the state. The District has one pest control advisor on staff and a contract with Mark Heath from OnPoint Land Management, who is one of the premier restoration biologists in the Bay Area, working almost exclusively in wildland areas to help manage and make sure the District is being protective of the environment.

Director Holman inquired about buffers along creeks when using pesticides.

Mr. Sifuentes-Winter stated that depending on the type of pesticide used, typically there is a 25-foot buffer on streams, creeks, and ponds.

Public comment opened at 8:40 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 8:40 p.m.

Mr. Sifuentes-Winter continued the presentation and provided the Annual Report of the Wildland Fire Resiliency Program (WFRP), highlighting the success and difficulties that were learned along the way and provided an overview of where the work has been done since May of 2021. Furthermore, he reviewed the proposed modifications to the IPM program and the WFFP. He next highlighted the next steps to continue the pre and post treatment surveys and stated the calendar year Vegetation Management Annual Report will be presented to the Board in August 2023.

President Kishimoto thanked Mr. Sifuentes-Winter for his presentation and for his nearly ten years of overseeing these programs.

Director Cyr and Director Mac Niven thanked Mr. Sifuentes-Winter and staff for a job well done.

Director Holman thanked Mr. Sifuentes-Winter for a job well done, noting the very massive endeavor, and hoped his enthusiasm persists for a very long time.

Public comment opened at 8:48 p.m.

Ms. Soria reported there were no public speakers for this item, but written comments were received and provided to the Board.

Public comment closed at 8:48 p.m.

Motion: Director Kersteen-Tucker moved, and Director Holman seconded the motion to accept the 2020 and 2021 Calendar Year Vegetation Management Annual Reports; approve the proposed minor modifications to the Integrated Pest Management Program; and approve the proposed additional criteria for prioritizing Fuel Reduction Areas for ecosystem resiliency.

ROLL CALL VOTE: 7-0-0

6. Oral Presentation – Land & Facilities Department Overview

Land & Facilities Manager Brandon Stewart provided a staff presentation on the department creation, organizational structure, purpose, staff training and development and goals of the Land & Facilities Department. In addition, he highlighted some of the work that is conducted such as the FY23 Leadership Retreat, CityWorks Management, budget preparation and management, and uniform support. Mr. Stewart reported that after COVID, his department has brought back joint crew workdays, and last year crew engaged in three joint crew workdays that consisted of restoration fencing at Alma College, erosion control at Bear Creek Redwoods and, Oyster Shell distribution at Stevens Creek Shoreline. In addition, he highlighted some of the field services work that is performed by staff, such as trail and road brushing, participating in road associations and road agreements, invasive species removal, and parking lot maintenance. Mr. Stewart also provide an overview of the CityWorks work plan database for the department’s maintenance and restoration program and provided examples of the multiple types of work that staff works on underneath the programmatic permit led by the capital projects crew. He also highlighted the property management program, examples of facilities maintenance projects, and fleet management.

Director Riffle asked Mr. Stewart what one thing that he is happy with and what is one thing that troubles him.

Mr. Stewart stated that one thing he is pleased with is his dedicated staff, who enjoy working together, and is very thankful for their positive attitudes. One thing that troubles him is providing a high level of service as the District continues to grow and build new infrastructure. It is important that the District provides access to the public and does so with a high level of

service, which includes providing safe access, free of hazards like potholes in the parking lots, and clean restrooms.

Director Holman asked whether there were any regulations for the appearance of telecommunications towers and proposed making the towers resemble fake trees so that the towers do not stand out in the preserves.

Mr. Steward stated that staff would take the suggestion into consideration.

Public comment opened at 9:32 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 9:32 p.m.

No Board action required.

7. Oral Presentation – Visitor Services Department Overview

Chief Ranger/Visitor Services Manager Matt Anderson provided a staff presentation on the department's mission statement, core functions, purpose, and organizational chart. Mr. Anderson highlighted the four main programs: Ranger Program, Interpretive and Education Program, Volunteer Program, and Use Permits/Administrative Support.

Director Riffle commented that it has been a pleasure meeting staff when he has an encounter with them, and they are very passionate about their work and profession.

Director Riffle commented that Mr. Anderson has already addressed one of this two questions on what is working well, in which Mr. Anderson alluded to the great work of the volunteers and his desire to hire more staff to engage more volunteers. Director Riffle inquired what was one thing that troubles him.

Mr. Anderson mentioned that one thing he is thinking about is how to better forecast the need for more staffing, including the use of soft and flexible metrics to show when and why to add more staff, as well as to assist when the numbers may not be reflecting the actual results and desired outcomes. Overall, he is glad to see that staff's spirit is evident and they enjoy their work.

President Kishimoto asked whether anything could or should be done to increase the relationship between the field and the administrative staff in the office.

Mr. Anderson stated that office staff are starting to build personal connections with the field staff and are spending more time in the field, and that collaborative projects such as the joint crew workdays, where administrative staff works alongside field staff, are also beneficial.

Public comment opened at 9:58 p.m.

Ms. Soria reported there were no public speakers for this item.

Public comment closed at 9:58 p.m.

No Board action required.

INFORMATIONAL MEMORANDA

- Interim Public Access at Cloverdale Ranch Open Space Preserve

INFORMATIONAL REPORTS

A. Committee Reports

Director Riffle reported the Action Plan and Budget Committee (APBC) met on May 3, 2023, to receive an Overview of the Proposed Fiscal Year 2023-24 Budget and Three-Year Capital Improvement and Action Plan. The item is continued to the next APBC meeting scheduled for May 16, 2023.

B. Staff Reports

General Manager Ruiz reported that she attended the Open Space Authority's 30th anniversary celebration, which was well attended by many dignitaries, including Director Riffle, and that she met with President Walter Moore of the Peninsula Open Space Trust (POST) on May 8, 2023, to discuss numerous project opportunities and staff re-engagements between both agencies. Lastly, she also attended the May 10, Together Bay Area Conference and was part of a panel that spoke about "Meeting the Moment" and their experiences leading various organizations.

C. Director Reports

Director Cyr reported he had an interview with Baker Tilly for the FOSM refresh.

Director Riffle reported that he attended the Open Space Authority's 30th anniversary celebration and presented the District's proclamation to their board Chairperson Helen Chapman. He also virtually attended the Together Bay Area Conference kick-off of meeting, and a tour of the Cloverdale Ranch with the CA Secretary for Natural Resources Wade Crowfoot.

Director Kersteen-Tucker reported that she attended a presentation of the draft Agriculture Policy to the Conservation Council, and a Coastal Agriculture meeting with County Supervisor Ray Mueller, alongside General Manager Ruiz, Public Affairs Manager Kori Skinner, and Assistant General Manager Brian Malone.

Director Gleason reported attending a Wildflower training at Hawthorns and participated in a docent lead hike at Cherry Springs at Rancho de Guadalupe.

Director MacNiven reported she also attended the Wildflower training and is participating in the Santa Cruz Mountains Spotlight Stewardship.

President Kishimoto reported the next Brown Bag lunch that will be held at the District office on May 22, Governmental Affairs Specialist Josh Hugg and a representative from the State of CA Biodiversity and Natural Resources will be speaking at this event.

ADJOURNMENT

President Kishimoto adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:08 p.m.

Maria Soria, MMC
District Clerk