



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, November 13, 2024**

*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 MacNiven called the special meeting of the Midpeninsula Regional Open Space District to order at 6:00 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Margaret MacNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker, Yoriko Kishimoto

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, and District Clerk/Assistant to the General Manager Maria Soria

President MacNiven that 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**

Initiation of litigation pursuant to Government Code Section 54956.9(d) (4): (one potential case)

Public comment opened at 5:00 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 5:00 p.m.

The Board convened into closed session.

**ADJOURNMENT**

President MacNiven 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 MacNiven called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:03 p.m.

**ROLL CALL**

Members Present: Jed Cyr, Craig Gleason, Karen Holman, Margaret MacNiven, and Curt Riffle

Members Absent: Zoe Kersteen-Tucker, Yoriko Kishimoto

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 Maria Soria, Executive Assistant/Deputy District Clerk Stephanie Gross, Real Property Agent II Lupe Hernandez, Real Property Planner III Aaron Peth, Natural Resources Manager Kirk Lenington, Engineering & Construction Manager Jason Lin, Capital Project Manager I Ayden Sabharwal,

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**REPORT OUT OF CLOSED SESSION**

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

**ORAL COMMUNICATIONS**

Public comment opened at 7:04 p.m.

District Clerk Maria Soria reported there were no public speakers for this item.

Public comment closed at 7:04 p.m.

**ADOPTION OF AGENDA**

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

**ROLL CALL VOTE: 5- 0- 0 (Absent Kersteen-Tucker and Kishimoto)**

**SPECIAL ORDERS OF THE DAY**

**Introduction of Staff**

- Ayden Sabharwal, Capital Project Manager I
- Sean Yao, Capital Project Manager I
- Sherilyn Reinhart, Administrative Assistant

**Proclamation**

- Friends of Deer Hollow Farm 30<sup>th</sup> Anniversary

Director Riffle thanked all who have been involved over the past 30 years to make Deer Hollow Farm a fantastic facility and asset for the community as well as great cooperation between Santa Clara County, City of Mountain View, and the District.

**CONSENT CALENDAR**

President MacNiven spoke on Agenda Item #7 and asked whether there is any measurable information on the Integrated Pest Management (IPM) program to see how the program is working.

Natural Resources Manager Kirk Lennington reported that staff is working on a comprehensive annual report that will cover the years 2022 and 2023 and will include the fire program work, IPM, and conservation grazing program effects.

Public comment opened at 7:17 p.m.

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

Public comment closed at 7:17 p.m.

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

**ROLL CALL VOTE: 5- 0-0 (Absent Kersteen-Tucker and Kishimoto)**

- 1. Approve the October 23, 2024 Board meeting minutes**
- 2. Approve Claims Report**
- 3. Appointment of Unopposed Candidates in Wards 3, 4, and 7 and Approval of Certificates of Appointment (R-24-133)**

General Manager’s Recommendation:

1. Adopt Resolutions appointing in lieu of an election the following unopposed candidates to the Board of Directors of the Midpeninsula Regional Open Space District for the 2025-2028 term:
  - J. Edmond (Jed) Cyr, Ward 3 Director
  - Curtis R. (Curt), Riffle, Ward 4 Director
  - Zoe Kersteen-Tucker, Ward 7 Director
2. Approve the Certificates of Appointment
- 4. Resolution Authorizing Controller, Chief Financial Officer, and Budget and Finance Manager to invest District funds in the Local Agency Investment Fund (R-24-134)**

General Manager's Recommendation: Adopt a resolution identifying District personnel authorized to invest District funds in the Local Agency Investment Fund (LAIF).

**5. Award of Contract for Computer Server System Data Backup and Disaster Recovery Service (R-24-135)**

General Manager's Recommendation: Authorize the General Manager to award a three year service contract with Unitrends Inc., via license service provider CDW-G procured through the Sourcewell cooperative purchasing agreement, in an amount not-to-exceed \$135,000 for computer server data backup and disaster recovery service.

**6. Contract Amendment with Gallagher Benefit Services, Inc., for Compensation and Classification Studies (R-24-136)**

General Manager's Recommendation: Authorize the General Manager to amend the professional services agreement with Gallagher Benefit Services, Inc., to increase the contract amount by \$150,000 and extend the contract to December 31, 2026, for a total not to exceed \$330,000 to conduct compensation and classification studies.

**7. Award of Contract with Panorama Environmental, Inc., for Environmental Review Services for the Integrated Pest Management Program (R-24-137)**

General Manager's Recommendations:

1. Authorize the General Manager to execute a contract with Panorama Environmental, Inc., for environmental review of the Integrated Pest Management Program, for a base contract amount not-to-exceed \$102,000.
2. Authorize a 10% contingency of \$10,200 to be awarded if necessary to cover unforeseen conditions, for a total not-to-exceed contract amount of \$112,200.

**BOARD BUSINESS**

**8. Purchase of the Estrada Property located in unincorporated Santa Clara County as an addition to Sierra Azul Open Space Preserve (Assessor's Parcel Numbers 56204-006, and 562-04-015) (R-24-138)**

Real Property Agent II Lupe Hernandez provided the staff presentation of the purchase of the 40-acre Estrada Property (Property) as an addition to Sierra Azul Open Space Preserve (Preserve). The Property is surrounded by Sierra Azul to the north, east, and south, and adjacent to San Jose Water Company to the west. The property can be accessed via Mount Umunhum Road and Loma Prieta Road. It provides panoramic views of Santa Clara County and Monterey Bay as well as Mount Umunhum, Loma Prieta, and Mount Hamilton. Purchase of the Property would fill a critical inholding to permanently protect forested lands and wildlife habitat within the Upper Los Gatos Creek and Upper Guadalupe Creek watersheds and further the connection of protected open space and wildlife corridors. This purchase advances Measure AA Portfolio #25: *Sierra Azul — Loma Prieta Area Public Access, Regional Trails and Habitat Projects* as the District secures additional property rights needed for future trail access between the Mount Umunhum area and Loma Prieta area. It has several abandoned structures and vehicles in poor condition, an unpaved roadway, has no public utilities or functioning well, and contains large amounts of debris and trash. There are violations on the property, which include unpermitted mobile homes and accessory structures and inoperative vehicles. The purchase price is \$950,000 and the Property comes as is with an estimated demo and clean-up cost of \$364,000. Staff will work with

Santa Clara County to resolve the violations and is anticipating closing escrow on or before December 6, 2024.

Director Gleason asked if this is the last link needed for the Mount Umunhum-to-the-Sea Trail.

Real Property Manager Allen Ishibashi stated that there may be two or three more properties needed to make the connection.

General Manager Ana Ruiz mentioned that this property, however, is a critical link for the corridor.

President MacNiven asked if any structure would be kept.

Mr. Ishibashi stated that everything would be removed from the property.

Director Holman asked if the metal items such as the school bus would be recycled.

Mr. Ishibashi confirmed that the District has an internal policy to recycle materials.

Public comment opened at 7:28 p.m.

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

Public comment closed at 7:28 p.m.

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

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA).
2. Adopt a Resolution authorizing the purchase of the Estrada Property at a cost of \$950,000 with corresponding authorization for a Fiscal Year 2024-25 budget adjustment of the same amount, and an additional adjustment of \$10,000 for miscellaneous costs related to this transaction, for a total budget adjustment of \$960,000
3. Authorize the General Manager to initiate plans for demolition and clean-up of the property and to bring a demolition/clean-up contract award to the Board of Directors as a future item.
4. Adopt a Preliminary Use and Management Plan for the Property.
5. Withhold dedication of the Estrada Property as public open space at this time.

**ROLL CALL VOTE: 5- 0-0 (Absent Kersteen-Tucker and Kishimoto)**

**9. Purchase of the 35.17-acre Edwards Property located in unincorporated Santa Clara County, as an addition to El Sereno Open Space Preserve (Assessor's Parcel Number 544-02-004 (R-24-139))**

Real Property Planner III Aaron Peth provided the staff presentation of the Proposed Purchase of the 35-acre Edwards Property (Property) as an addition to El Sereno Open Space Preserve (Preserve). The Property is 35.16-acres bordered by the Preserve to the west, private property to the north, and Highway 17 to the south and east. The property contains improvements associated with a now demolished former single-family home on the site that includes items such as retaining walls and water infrastructure that hooks into an old spring on the site, and a network of unmaintained dirt roads through the Property. Its current use is material and vehicle storage that

is largely centered at the former house site in the southeastern corner of the Property. The natural features include a mixture of oak and bay forest, chaparral, ornamental cacti, aloes, some eucalyptus and the Property itself steeply slopes down from the Preserve. In order to establish a pedestrian trail connection between El Sereno Open Space Preserve and the Los Gatos Creek Trail, the Board had previously selected the Northern Trail pedestrian overcrossing, which requires this Property. Additionally, the acquisition would also help protect open space lands, native habitat, special status species, and facilitate wildlife dispersal of animals using the wildlife crossing that is planned further south of the trail crossing. The property also supports Measure AA Portfolio 19: *El Sereno OSP for Dog trails and Connections* and Measure AA Portfolio 20: *South Bay Foothills Wildlife Passage and Ridge Trail Improvements*. The purchase price is \$1,207,500 with an agreement for the seller to remove stored materials and vehicles prior to closing. Staff is aiming for close of escrow by December 6, 2024.

Director Riffle mentioned that the proposed pedestrian and wildlife crossings are planned within the Caltrans right-of-way and asked if the District has an agreement in place with Caltrans.

Mr. Peth confirmed that the plans for the trail connection were submitted to and reviewed by Caltrans, and they understand the proposed trail crossing is in their right-of-way. He added that, in the long term, a series of agreements would be established and noted that the District has Caltrans' support.

Director Riffle referred to the special plants species and asked how trail usage would affect them.

Mr. Peth explained that the District crew assessed the site and recommended a less direct trail route to minimize impacts on the plants.

Public comment opened at 7:43 p.m.

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

Public comment closed at 7:43 p.m.

**Motion:** Director Gleason moved, and Director Cyr 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 the Edwards Property at a cost of \$1,207,500 with corresponding authorization for a Fiscal Year 2024-25 budget adjustment of the same amount, and an additional adjustment of \$10,000 for miscellaneous costs related to this transaction, for a total budget adjustment of \$1,217,500.
3. Adopt a Use and Management Plan for the Property, as set out in the staff report.
4. Withhold dedication of the Edwards Property as public open space at this time.

**ROLL CALL VOTE: 5- 0-0 (Absent Kersteen-Tucker and Kishimoto)**  
**INFORMATIONAL REPORTS**

A. Committee Reports

Director Gleason provided an update on the two Bear Creek Stables Ad Hoc Committee meetings that were held on October 24 and October 29. He also provided an update of the Legislative, Funding, and Public Affairs Committee that was held on November 5, 2024.

B. Staff Reports

General Manager Ana Ruiz reported that on November 1, staff, along with Director Kersteen-Tucker, attended the Farm Bureau's Veterans Day dinner. She also shared that she will be attending a meeting with the Friends of Deer Hollow Farm to present them with the Board-adopted proclamation. Additionally, she announced that on November 19, staff will visit Bear Creek Redwoods Open Space Preserve to celebrate the opening of the Phase II Trails.

C. Director Reports

Director Riffle reported that he attended the October 30<sup>th</sup> District Staff Recognition Event.

Director Gleason reported he attended the October 25<sup>th</sup> Bear Creek Redwoods Phase II Trails opening ceremony and thanked staff for their work and also attended the November 4<sup>th</sup> tour of Cloverdale.

Director Holman requested if another tour of Cloverdale could be scheduled.

Ms. Ruiz commented that most likely a tour could be scheduled for next year due to the weather. She also received Board confirmation for scheduling a maximum of four tours per year to manage and disperse tour requests over future years.

President MacNiven reported that she also attended the October 25<sup>th</sup> Bear Creek Redwoods Phase II Trails opening ceremony, the October 30<sup>th</sup> District Staff Recognition event, the November 5<sup>th</sup> Cloverdale tour, and had a meeting with Supervisor Ellenberg of Santa Clara County.

**ADJOURNMENT**

President MacNiven adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District meeting at 7:53 p.m.

Stephanie Gross, Deputy District Clerk  
Maria Soria, MMC, District Clerk