



SPECIAL MEETING

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

Administrative Office
330 Distel Circle
Los Altos, CA 94022

April 25, 2019

DRAFT MINUTES

SPECIAL MEETING

President Siemens called the special meeting of the Midpeninsula Regional Open Space District to order at 6:01 p.m.

ROLL CALL

Members Present: Jed Cyr, Larry Hassett, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Pete Siemens, 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Planning Manager Jane Mark, Planner III Gretchen Laustsen, Land and Facilities Manager Michael Jurich, Engineering and Construction Manager Jay Lin, Grants Program Manager Melanie Askay

ADOPTION OF THE AGENDA

Director Cyr moved, and Director Hassett seconded the motion to adopt the agenda.

VOTE: 7-0-0

1. Bear Creek Stables Project Options and Cost Estimates (R-19-53)

General Manager Ana Ruiz provided opening comments describing the goal of the meeting explaining District staff would be presenting options for the Bear Creek Stables (Stables) and providing newly received information that the District received from Santa Clara County. Ms.

Ruiz also stated that part of the purpose of the meeting is for the Board to consider narrowing down the range of project options for further study by District staff.

Planner III Gretchen Laustsen presented the staff report summarizing the District's purchase of the Stables property, the prior adopted preliminary use and management plan, and existing uses and conditions at the site. The Board approved the Bear Creek Redwoods Open Space Preserve Plan in 2017, which seeks to protect the site's natural resources, maximize public benefits by broadening public access, and develop a viable and financially feasible site. Measure AA includes \$3 million for upgrades to the Stables, and the Board previously set aside an additional \$500,000 of General Fund funding for the project. Any remaining necessary funds would come from grants, partnerships, and other funding sources. Ms. Laustsen presented the five project options identified by staff, describing the elements and costs of each: 1) implementation of the Preserve Plan Site Design; 2) deferred maintenance repairs; 3) closure of the stables and site restoration; 4) sale or lease of the property; and 5) relocation of the stables.

Engineering and Construction Manager Jay Lin described various site constraints, including results of a geological investigation, which showed the site is within an active fault zone, active and dormant landslides, and the small amount of available land to locate new buildings. Mr. Lin also provided information regarding the construction cost estimates for implementation of the Preserve Plan Site Design.

Director Riffle inquired regarding replacement of the caretaker home.

Ms. Laustsen explained that a building permit would be required, but this would be allowed by Santa Clara without the need for a Use Permit because it does not expand or change the use of the site.

Director Kishimoto inquired if the current legal non-conforming use includes information regarding current level of public access.

Ms. Laustsen described the current allowed uses under the District's lease with the operator.

Director Kishimoto inquired whether the onsite trailer currently being used by the operator could remain on site or be replaced.

Ms. Laustsen explained Santa Clara County would not allow the trailer to remain on site.

Director Holman inquired if services were donated to make improvements rather than purchased by the District, would Santa Clara County measure the value of the service or the amount spent.

Ms. Laustsen reported she would research this and provide additional information at a later time.

Director Siemens inquired if the Board could implement option 1 after implementing option 2.

Ms. Laustsen explained the Board could proceed with option 1 after option 2, but it would require duplication of some of the improvements made to the site as part of implementing option 2.

Ms. Laustsen described the results of the fundraising feasibility study, which evaluated the feasibility of raising outside funds to close the funding gap for implementation of the Preserve Plan Site Design (option 1).

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided additional information regarding the amount of funds needed to be raised for implementation of option 1, which includes cost escalation based on when site improvements would be implemented.

Director Riffle inquired if staff had looked into whether raising funds by a third party would require District resources.

Mr. Jaskulak explained District resources of staff time and funds would be required to support fundraising by a third party.

Director Kersteen-Tucker inquired if the District had spoken with the Peninsula Open Space Trust (POST) regarding raising funds for the Stables project to determine their willingness to assist in the fundraising.

Bob Woods, who completed the fundraising feasibility study, reported he spoke with POST, but this project is not a high priority project for them at this time due to their efforts being focused elsewhere. The Sempervirens Fund did express some interest in working with the District on fundraising for the project.

Director Holman inquired why the District would need to fund the hiring of a development counsel.

Mr. Woods explained he recommends the District fund the development counsel because he recommends partnering with the Friends of Bear Creek Stables (Friends), who can be a long-term fundraising partner. However, the organization does not currently have financial capacity to hire a development counsel, which would be needed to guide the District and the third party fundraising group.

Director Hassett commented on the potential need for Board members to contact members of the Santa Clara County Board of Supervisors to discuss potential partnerships for the project.

Ms. Ruiz reported staff met with representatives from Santa Clara County to develop options for keeping the Stables open under the current legal non-conforming use.

Director Riffle inquired if the Board was interested in removing any of the options from consideration at this time.

The Board by consensus declined to further consider option 5 (relocation of the stables).

The Board by consensus declined to further consider option 3 (closure of the stables and site restoration).

The Board by consensus declined to further consider option 4 (sale or lease of the property), with Director Kishimoto dissenting.

Public comments opened at 7:42 p.m.

Geri Dietel stated her support for Measure AA but inquired if the long-term use of the Stables continues to be needed and maintained using more than \$6 million in public funds. Ms. Dietel expressed her support for options 3 and 4.

Erfert Fenton expressed a desire for the public to continue to participate in the process for the Stables project.

Kathryn Hampton spoke in support of Bear Creek Stables and the use of the stables by children, including a proposed pony club barn.

Shelly Cannon provided comments in support of keeping the stables open for use by children. Ms. Cannon spoke in favor of raising funds to keep the stables open to the public.

Marta Wick showed a video of people enjoying the stables.

Katja Wick, member of the Board for the Friends of Bear Creek Stables, spoke regarding potential public programs that could be offered at Bear Creek Stables.

Alan Foster spoke in favor of the cost-effective resources, such as riding lessons, offered at Bear Creek Stables.

Jason Addison thanked the Board for its commitment to the Stables and spoke in support of Bear Creek Stables.

Wendy Elliott spoke in support of equestrian use and Bear Creek Stables.

Clarisa Peer spoke in support of equestrian use and Bear Creek Stables.

Kristin White spoke in support of the Bear Creek Stables and the public outreach done by the Stables.

Nancy Mingelen spoke in favor of the rural character of the site near urban areas. Ms. Mingelen spoke of the positive influence of the stables on children.

Barbara Dutra shared her daughter's positive experience with riding horses and the positive impact it had on her life and others like her.

Pamela Warren stated the costs of the improvements could be reduced through the following ways: minimizing retaining walls, trying to keep the improvements residential, stated that porta potties could be used instead of flush restrooms, and the number of parking spaces could be reduced. Ms. Warren spoke in favor of community fundraising to support the needed improvements.

Lauren Kong shared her positive experiences at Bear Creek Stables.

Karen Read, member of the Board for the Friends of Bear Creek Stables, spoke regarding the various programs at Bear Creek Stables and the positive impact the programs have on visitors.

Gary spoke regarding the positive impact horses have on people.

Richard Rusnak thanked the Board for its support of Bear Creek Stables.

EJ Bolen spoke regarding her positive experiences riding and interacting with horses at Bear Creek Stables.

Jacqueline McDonough spoke regarding her positive experiences riding and interacting with horses and other animals at Bear Creek Stables, where she has made many friends.

Nancy Cole, president of the Friends of Bear Creek Stables, spoke regarding the positive experiences that many public visitors enjoy.

Carol Paral spoke regarding the programs at the Bear Creek Stables and the welcoming atmosphere it provides to visitors.

Scott Simpson spoke regarding his positive experiences at Bear Creek Stables and the surrounding area. Mr. Simpson spoke in favor of having a caretaker on site and improved housing for the caretaker. Mr. Simpson shared his support for option 2.

Michael McDonough shared his experiences in volunteering at Bear Creek Stables. Mr. McDonough volunteered his time to study the costs associated with option 2 to attempt to lower the costs.

Frank Bakonyi spoke in favor of lowering the costs of the various options.

Manal Zayed spoke regarding her positive experiences at Bear Creek Stables and invited others to come experience it.

Alexander Beckman spoke in favor of providing equestrian therapy programs at Bear Creek Stables. Additionally, Mr. Beckman spoke regarding the friendly and welcoming atmosphere at the stables.

Zoya Girthfeld shared her son's positive experience with riding horses and the supportive atmosphere at the stables.

Rick Parfitt requested additional information regarding potential public access and the need for an endowment fund for ongoing maintenance. Mr. Parfitt spoke in support of defining the goals of a potential fundraising campaign early. Additionally, Mr. Parfitt spoke in favor of implementing option 1 after implementation of option 2.

Public comments closed at 8:44 p.m.

The Board recessed at 8:45 p.m. and reconvened at 8:53 p.m. with all directors present.

Director Kishimoto spoke in favor of continuing fundraising efforts to implement option 2.

Director Hassett spoke in favor of reaching out to the Santa Clara County Board of Supervisors to seek a variance to allow for site improvements in a shorter period than allowed by the county.

Ms. Ruiz suggesting authorizing the Board president to select two Board members to pursue conversations with Santa Clara County Supervisors.

Director Holman concurred with the suggestion to meet with members of the Santa Clara County Board of Supervisors. Director Holman restated her request for clarification of the scope of the projects related to the time limits on repairs and whether repairs could be augmented by no-cost volunteer efforts. Director Holman suggested working with the Stables communities to determine which repairs are necessary, such as whether replacing the paddocks is needed. Director Holman requested clarification regarding the repairs that may be made to the Stables without requiring a conditional use permit. Director Holman requested updated graphics of the site that clearly indicate which facilities are existing (E) and which are newly proposed (N) facilities. Finally, Director Holman suggested collaborating with members of the community who have volunteered to help lower costs and work on site designs.

Director Kishimoto stated that option 1 is already well defined, so additional information may only be needed for option 2.

Director Riffle spoke in favor of moving forward with option 2 and requested staff look at the option to determine if it can be value-engineered to lower costs. Director Riffle commented on the need to look into the potential for other funding sources to narrow the budget gap. Director Riffle suggested the District issue a letter of interest for potential stables operators to gauge interest for a longer-term lease. Director Riffle requested staff return with information on how to work with the Friends of Bear Creek Stables to utilize the Stables as a community asset. Director Riffle stated his reluctance to have the District too involved in the fundraising for the Stables project and commented the Friends of Bear Creek Stables should take the lead in raising funds. As funds are raised, additional design elements may be incorporated. Director Riffle suggested contacting the Town of Los Gatos to determine if they could provide support for the project.

Ms. Ruiz reported staff worked closely with County staff to identify high priority repairs that can be completed under the current legal non-conforming use. The potential for value engineering will likely be limited to the specific materials used for identified repairs.

Director Kersteen-Tucker requested staff return with options and a timeline for phasing in aspects of option 1. Director Kersteen-Tucker requested additional information to help the Board get a clearer idea of how the District can work with the Sempervirens Fund and the Friends of Bear Creek Stables to raise funds without requiring District staff time and distracting the District from its core mission. Finally, Director Kersteen-Tucker suggested requesting funding from Santa Clara County for the project.

Ms. Ruiz reported that completing any elements of option 1 would trigger the need for a use permit and associated upgrade requirements.

Director Cyr expressed concern about the District becoming involved in fundraising because it is not the District's primary mission. Director Cyr requested clarification of the proposed improvements that go beyond option 2, such as potable water, flushable toilets, widened road, etc. Director Cyr suggested using a modular housing unit for the caretaker's house.

President Siemens requested additional details on how the District could proceed with implementation and phasing options.

Director Holman spoke in favor of partnering with the Town of Los Gatos similar to how the District works with Mountain View for Deer Hollow Farm.

Director Kishimoto spoke in favor of increased public access to the preserve as the improvements are made.

Motion: Director Holman moved, and Director Kishimoto seconded the motion to approve option 2 for the near-term and option 1 as a long-term solution.

VOTE: 7-0-0

President Siemens selected Director Riffle and himself to meet with members of the Santa Clara County Board of Supervisors.

ADJOURNMENT

President Siemens adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:27 p.m.

Jennifer Woodworth, MMC
District Clerk