



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, June 10, 2020

The Board of Directors conducted this meeting in accordance with California Governor Newsom's Executive Order N-29-20. All Board members and staff participated via teleconference.

DRAFT MINUTES

SPECIAL MEETING

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:30 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Susanna Chan, Chief Financial Officer/Director of Administrative Services Stefan Jaskulak, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, Planner III Elish Ryan

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

The Board of Directors convened into closed session at 5:30 p.m.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: Santa Clara County APNs: 510-33-001, -004, -005, -006, 510-35-004, -005, 544-03-001, & 544-06-001

Agency Negotiator: Allen Ishibashi, Senior Real Property Agent

Negotiating Party: Janelle McCombs, San Jose Water Company

Under Negotiation: Purchase Terms

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: 330 Distel Circle, Los Altos, Santa Clara County APN: 170-04-051
Agency Negotiator: Allen Ishibashi, Senior Real Property Agent
Negotiating Party: Diane New, Santa Clara County and Chris Jordan, City of Los Altos
Under Negotiation: Purchase Terms

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:02 p.m.

REGULAR MEETING

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:12 p.m.

ROLL CALL

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

Members Absent: None

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Chief Financial Officer Stefan Jaskulak, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, Controller Mike Foster, District Clerk/Assistant to the General Manager Jennifer Woodworth, Finance Manager Andrew Taylor, Natural Resources Manager Kirk Lenington, Visitor Services Manager Matt Anderson, Planning Manager Jane Mark, Land & Facilities Manager Michael Jurich, Engineering & Construction Manager Jay Lin, Information Systems & Technology Manager Casey Hiatt, Public Affairs Manager Kori Skinner, Real Property Manager Mike Williams, Budget Analyst I Lupe Hernandez, and Budget Analyst I Elissa Martinez, Senior Property Manager Omar Smith

President Holman announced this meeting is being held in accordance with Governor Newsom's Executive Order 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 Holman described the process and protocols for the meeting.

REPORT OUT OF CLOSED SESSION

General Counsel Hilary Stevenson stated there was no reportable action from the closed session.

ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

CONSENT CALENDAR

President Holman pulled Item 8 from the Consent Calendar in order to hear a brief presentation from Erika Guerra representing Lehigh Quarry.

Public comment opened at 7:20 p.m.

District Clerk Jennifer Woodworth reported no written comments were submitted for the Consent Calendar.

Public comment closed at 7:20 p.m.

Motion: Director Kishimoto moved, and Director Riffle seconded the motion to approve the Consent Calendar, except for Item 8.

ROLL CALL VOTE: 7-0-0

- 1. Approve May 27, 2020 Minutes**
- 2. Claims Report**
- 3. Call District Elections in Wards 3, 4, and 7 and Request Election Consolidation Services from Santa Clara and San Mateo Counties (R-20-54)**

General Manager's Recommendation:

1. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – Santa Clara County, Wards 3 and 4.
2. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District calling an election and requesting election consolidation services – San Mateo County, Ward 7.
3. Reconfirm Board Policy 1.07 (*Board Elections*) regarding a maximum of 200 words per candidate statement, payment of candidate statements and, if required by the respective county, translations of candidate statements pursuant to the Elections Code of the State of California, in those wards where two or more candidates have qualified to appear on the ballot.
4. Adopt a Resolution of the Board of Directors of the Midpeninsula Regional Open Space District authorizing not listing any unopposed candidate for election on the November 3, 2020 ballots of Santa Clara and San Mateo Counties.

- 4. Award of Contract to ECAST Engineering for Water System Repairs and Improvements to Support the Conservation Grazing Program at the Lone Madrone Ranch in La Honda Creek Open Space Preserve (R-20-56)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into contract with ECAST Engineering to repair and improve a spring, install new water distribution tank, new water trough, and associated waterline at Lone Madrone Ranch, Pastures 3 and 4, for a base contract amount of \$87,667.
2. Authorize a 10% contract contingency of \$8,767 to be reserved for unanticipated issues, for a total contract amount not-to-exceed \$96,434.

Director Riffle inquired regarding the bid received from Hammer Fences related to the required licensing and why the bid was non-responsive.

Senior Property Manager Omar Smith reported that the projects require two different classifications of licensing, and Hammer Fence did not have the required license for the water systems improvement project.

5. Award of Contract to Hammer Fences for Replacement Perimeter Fencing on Bluebrush Canyon Ranch and Lobitos Ridge/Elkus Uplands Ranch in Support of the Conservation Grazing Program at Purisima Creek Redwoods Open Space Preserve (R-20-55)

General Manager's Recommendations:

1. Authorize General Manager to award a contract to Hammer Fences to replace portions of perimeter fencing on Bluebrush Canyon Ranch and Lobitos Ridge/Elkus Uplands Ranch for the base contract amount of \$87,375.
2. Authorize a 10% contract contingency of \$8,735 to be reserved for unanticipated issues, for a total contract amount not-to-exceed \$96,110.

6. Recycled Paper Policy Revision (R-20-58)

General Manager's Recommendations:

1. Authorize the specification of 100% recycled paper stock, when feasible, for high quantity printing orders, including for brochure maps and the quarterly newsletter.
2. Adopt a revision to Board Policy 3.03 Section V.C, *Purchase of Recycled Products* to match Administrative Policy 4.03: "District staff shall purchase recycled products when the cost, suitability, and quality, taken together, provide the best outcome for the environment and best value for the public."

Director Kishimoto and President Holman expressed support for this item.

7. Award of Contracts with Three Firms for On-Call Printing and Mailing Services (R-20-57)

General Manager's Recommendations: Authorize the General Manager to enter into four-year contracts for on-call printing and mailing services with Almaden Global, Dakota Press, and GSL Fine Lithographers for amounts not-to-exceed \$200,000 per year for each contract.

8. Formation of the Lehigh Quarry Review Ad Hoc Committee (R-20-61)

General Manager's Recommendations: Form a Lehigh Quarry Review Ad Hoc Committee of the Board pursuant to Board Policy 1.04, *Board Committees*. Consistent with other recent Ad Hoc Committees of the Board, these meetings would be compensable.

Item 8 was heard after the Consent Calendar.

General Manager Ana Ruiz reported Erika Guerra representing Lehigh Hanson will provide comments on this item.

Erika Guerra Environmental Director of Cement Operations for Lehigh Hanson thanked the Board for visiting the Lehigh Permanente site and commented on Lehigh Hanson's desire to be a good neighbor. Ms. Guerra spoke in favor of creating a productive and cooperative working relationship with the propose ad hoc committee to help it make informed recommendations.

Motion: Director Kishimoto moved and Director Riffle seconded the motion to approve the General Manager's recommendations.

ROLL CALL VOTE: 7-0-0

President Holman announced that she appointed Director Kishimoto, Director Riffle, and herself to serve on the ad hoc committee. Director Cyr will serve as an alternate for the committee.

BOARD BUSINESS**9. Proposed Fiscal Year 2020-21 Budget and Action Plan Review and Public Hearing (R-20-59)**

Ms. Ruiz provided an overview of the District's response to COVID-19 fiscal impacts, including proposing flat general fund expenditures for the upcoming year, no new staff positions, and conducting an additional April review of projects for potential deferral based on shelter-in-place restrictions that have affected project schedules. Ms. Ruiz suggested the Board defer taking action on this item until after the presentation by Controller Mike Foster.

Chief Financial Officer/Director of Administrative Services Stefan Jaskulak provided an overview of the FY2020-21 budget. Mr. Jaskulak described the budget by funding source, including Measure AA, grants, and general fund, and changes to the proposed budget since the Board's February retreat. Mr. Jaskulak described the cash projections and funding revenues forecast for the upcoming budget year as compared to previous budget years. Mr. Jaskulak reviewed the proposed FY2020-21 budget by fund and the five-year trend for expenses by fund, including Measure AA expenses. Mr. Jaskulak reported no new full-time equivalents (FTE) are proposed for FY2020-21 and reviewed the proposed budget for the District's departments.

Assistant General Manager Susanna Chan presented the Land Acquisition and Preservation Program, including proposed acquisitions of the South Cowell, Tabachnik, and Johnston Ranch properties, El Sereno wildlife corridors and trail connections, Lower San Gregorio Creek watershed land conservation, and creation of a land conservation guidance document.

Mr. Malone presented the Natural Resource Protection and Restoration Program, including review and development of an agriculture policy, environmental review of the Highway 17 wildlife crossing, Lone Madrone fence installation, wildlife studies for badger/burrowing owl and mountain lions, and continued climate action plan implementation.

Director Hassett inquired regarding projects at Toto Ranch and the cost of the projects being completed by the tenants.

Assistant General Manager Brian Malone reported rental credits to the tenant to complete projects are taxable, and contractors will be used for some of the projects. Additionally, there is a backlog of maintenance projects to be completed on Toto Ranch.

Director Hassett suggested that nearby property owners should help cover the cost of driveway repairs and replacements that also service their properties.

Mr. Malone reported the District covers the portion of the repairs that service District residences, and for shared use portions of the driveways, the other property owners contribute to the cost of the project.

Director Kishimoto requested staff return with the results of the mountain lion and badger and burrowing owl habitat studies.

Assistant General Manager Susanna Chan reviewed projects included in the Public Access, Education, and Outreach program, including numerous regional trails, such as the Ravenswood Bay Trail, Purisima-to-the-Sea Trail, and Alpine Road Regional Trail; Districtwide ADA barrier removal; and expanding public access at District preserves, such as at La Honda Creek Redwoods and Bear Creek Redwoods Preserves.

Mr. Malone described projects included in the Assets and Organizational Support Program. Projects include agricultural workforce housing at the La Honda Creek Open Space Preserve, property management for residential, office, and other building sites, and improvements to business system and administrative processes.

Director Siemens suggested renaming the La Honda Creek Redwood Cabin Stabilization and Assessment to La Honda Creek Redwood Cabin Demolition to reflect the Board's direction on the structure. Director Siemens also suggested completing a mitigated negative declaration rather than an environmental impact report, if possible, to lower the costs for the project.

Ms. Ruiz reported that the bulk of the project cost is related to the demolition. More information will be learned about other costs once the project progresses.

Director Hassett suggested the District should analyze any structures on properties prior to purchase by the District because of the high cost of preserving or disposing of a structure.

Director Kersteen-Tucker inquired regarding the deferral of the e-bike policy to study potential use of e-bikes on District preserves, stating it may cause the District to lose an opportunity to adequately manage e-bike use in District preserves.

Ms. Chan stated that the Board may direct staff to include the project in the upcoming Budget & Action Plan.

Director Kishimoto inquired if deferral of the project would prevent commuters from being able to bike on the paved Ravenswood Bay Trail.

Mr. Malone suggested allowing bikes on the paved Ravenswood Bay Trail but to defer study of allowing e-bikes on other District trails. Additionally, Mr. Malone suggested adding signage to District preserves related to the District's current prohibition on e-bikes to better educate preserve visitors. Staff can return with additional information regarding the larger study of the potential impact of e-bikes on District trails as a future agenda item.

By consensus, the Board directed staff to move forward with bringing the consideration of e-bikes on the paved Ravenswood Bay Trail to the full Board and to also bring additional information regarding a study of the potential impact of e-bikes on other District trails to determine if the Board wants to move forward with this larger study during the upcoming fiscal year. Additional information will also be presented outlining other projects that could be deferred if the larger e-bikes study is scheduled during the upcoming fiscal year.

Mr. Malone reviewed areas of interest for the Capital Improvement and Action Plan, including projects supporting agriculture, diversity, and fire prevention, such as agricultural workforce housing, ADA barrier removal, vegetation removal, and wildland fire resiliency and prescribed fire programs.

Director Hassett inquired regarding the proposed cost of the Amah Mutsun tribal garden.

Mr. Malone described some of the complexities and limitations associated with this restoration, which impact the project cost.

Public hearing opened at 10:25 p.m.

District Clerk Jennifer Woodworth reported no public comments were submitted for this item.

Public hearing closed at 10:25 p.m.

The Board recessed at 10:25 p.m. and reconvened at 10:32 p.m. with all Directors present.

Mr. Jaskulak reviewed the General Manager's recommendations and stated Controller Mike Foster will now provide his annual report.

The Board returned to Item 9 at 11:10 p.m.

Motion: Director Kishimoto moved and Director Riffle seconded the motion to adopt the proposed Fiscal Year 2020-21 (FY21) Budget and Action Plan at the June 24, 2020 regular meeting of the Board of Directors.

ROLL CALL VOTE: 7-0-0

10. Controller's Report on the Proposed Fiscal Year 2020-21 Budget (R-20-60)

Controller Mike Foster provided the Controller's report outlining projected expenditures for operating and capital expenses. Mr. Foster reported the tax revenue continues to grow although at a reduced amount as previously projected and stated the District's FY2020-21 is affordable and sustainable. Mr. Foster provided his FY2020-21 cash projection, 30-year cash flow projection, and projected Measure AA tax rate for the life of the bonds. Mr. Foster stated the District will potentially issue a third tranche of Measure AA bonds when and if the Board decides to purchase Cloverdale Ranch. Mr. Foster recommended the Board adopt the proposed FY20-21 Budget and Action Plan.

Director Kishimoto inquired regarding the ability for the District to pay for all of the Measure AA projects using Measure AA funds.

Mr. Foster stated the District would be able to raise \$300 million in Measure AA funds, but additional funding sources will be needed, such as from grants.

Director Kishimoto stated the Action Plan & Budget Committee reviewed the proposed budget in detail and recommends Board approval and thanked the Board for their early input into setting the FY20-21 strategic plan goals and objectives. Director Kishimoto thanked District staff for their work in creating a comprehensive budget.

Public comment opened at 11:12 p.m.

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

Public comment closed at 11:12 p.m.

Motion: Director Cyr moved and Director Siemens seconded the motion to accept the Controller's Report on the Fiscal Year 2020-21 Budget.

ROLL CALL VOTE: 7-0-0

11. Oral Update on Midpeninsula Regional Open Space District COVID-19 Response

Ms. Ruiz provided several updates related to the District's response to COVID-19. There continues to be a high level of visitor use at District preserves, and staff is collecting public input on visitor experiences, including whether they are new users. Natural Resources staff are monitoring wildlife to determine if there is an impact on wildlife due to the higher usage to ensure natural resources are protected. In late May, all preserves began reopening, and all restrooms except those at the Black Mountain backpack camp and Daniels Nature Center are reopened. Staff is determining whether adjustments need to be made to the Black Mountain backpack camp to prepare for reopening. Docent and volunteer program managers are preparing a phased plan to restart volunteer activities.

Public comment opened at 11:21 p.m.

District Clerk Jennifer Woodworth reported no written comments were submitted for this item.

Public comment closed at 11:21 p.m.

No Board action required.

INFORMATIONAL MEMORANDUM

- Tunitas Creek Open Space Preserve – Gordon Ridge Barn Siding Protection

Director Hassett expressed caution regarding the recommended application of a clear product on the barn stating that they are often temporary and spoke against Option 2. Director Hassett spoke in favor of Option 3.

Ms. Ruiz stated staff will look into this further and seek additional peer review.

Senior Property Manager Omar Smith stated that the options provided were in response maintaining the historic nature and appearance of the structure and not necessarily the longest lasting options.

- Allocation of Water Rights Affecting the Gordon Ridge Ranch Purchase

INFORMATIONAL REPORTS

A. Committee Reports

No Committee reports.

B. Staff Reports

Ms. Ruiz reported staff recently met with Santa Clara Valley Open Space Authority executive team members to coordinate on future endeavors, such as adapting to increased visitation and use and additional outreach and other communication opportunities.

C. Director Reports

The Board members submitted their compensatory reports.

ADJOURNMENT

President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District back into closed session at 11:33 p.m. in the memory of George Floyd and others like him that have lost their life.

Jennifer Woodworth, MMC
District Clerk