



## **SPECIAL AND REGULAR MEETING**

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

**Wednesday, July 22, 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 5:00 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Engineering & Construction Manager Jay Lin, Senior Capital Project Manager Tanisha Werner

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.

#### **1. Administrative Office Project Update (R-20-76)**

General Manager Ana Ruiz provided opening comments describing the decision points the Board will be considering at the meeting, including interior spaces, bird-safe window glazing, and additional design elements to mitigate potential infectious disease spread.

Assistant General Manager Susanna Chan stating that the project continues to remain on schedule and the design is currently being reviewed by the City of Los Altos to prepare for issuing construction permits.

Eric Skiba, Project Manager with Noll & Tam Architects, reviewed project progress.

Jane Catalano, with Noll & Tam Architects, discussed the design of the Board dais and a mockup created by staff to demonstrate the layout and sightlines for the proposed dais. Ms. Catalano described three options for the layout of the dais and resulting changes to the public seating area.

Director Kishimoto inquired regarding separation between the Board of Directors and senior staff members.

Mr. Skiba reported that having a separate table for staff created concerns regarding the technology connections to seat staff at a separate table. Also, the wood facing of the dais is different for the areas where staff sit as opposed to where the Board sits.

Director Kishimoto spoke in favor of options 2 and 3.

Director Hassett expressed concerns that the Board room would be able to be used during the current pandemic, and that the current virtual meetings are a better option to protect staff and the public. Director Hassett spoke in favor of options 2 and 3.

Director Kersteen-Tucker spoke in favor of options 2 and 3. Director Kersteen-Tucker inquired whether plexiglass could be added between Board seats if necessary and suggested adding an additional monitor to provide further options for spacing out members of the public.

Director Siemens spoke in favor of option 2 in order to have a better line of sight among Board members. Additionally, more monitors in the atrium should be included to provide better viewing for the public in the atrium.

President Holman spoke in favor of options 2 and 3, particularly option 2. President Holman spoke in favor of additional separation between Board members and staff members.

Director Cyr spoke in favor of options 2 and 3 and in favor of keeping the Board members centered to the room for the members of the public to be able to see them.

Director Riffle spoke in favor of option 2 due to its improved sightlines and suggested grouping the staff members together. Director Riffle expressed concern regarding the presenter and members of the public being able to view the presentation screen.

Mr. Skiba explained that the District staff members are separated to preserve the centering of the Board and to allow staff to assist the presenters and public at the podium when necessary.

Ms. Catalano explained that a change in floor height may result in ADA accessibility issues to raise the Board member seats above the level of the staff members.

By consensus, the Board selected option 2 and requested staff return to address some of the concerns raised regarding the presentation screens, monitors, dais layout, and additional separation between the Board and staff members.

Senior Capital Project Manager Tanisha Werner displayed options for frosted glass treatments for the Board room.

By consensus, the Board selected the opaquer option for the glass treatment with the mountain outlines.

President Holman requested staff return with a view of the frosted glass treatment from inside the Board room.

Mr. Skiba described options for the bird-safe glass designs, including the preferred options by the American Bird Conservancy and local Audubon Society.

Public comments opened at 6:07 p.m.

District Clerk Jennifer Woodworth read the submitted comments into the record.

Shani Kleinhaus stated the Santa Clara Audubon Society prefers glass pattern options 215 and 217 for use in the building.

Public comments closed at 6:08 p.m.

By consensus, the members of the Board supported using either the 215 or 217 glass pattern options, with a preference for style 215.

Mr. Skiba provided an update on sustainable design components to increase building efficiency, including glazing, and stated that the project is tracking as a LEED gold project.

Director Riffle suggested the District may want to reconsider pursuing LEED gold certification.

Director Kishimoto suggested moving to an all-electric building because it is more environmentally friendly.

Mr. Skiba reported that the project had to follow the previous mechanical structure, which including some natural gas appliances.

Director Kishimoto requested information related to additional costs associated with making this a LEED certified project.

Mr. Lin stated that he estimated the cost of making this a LEED certified project would be approximately \$200,000, and various steps must be taken throughout the project, including the design and construction process.

Director Siemens spoke in favor of automatic closures for windows and against use of acoustic tiles in the office.

Director Kersteen-Tucker spoke against pursuing LEED certification but in favor of following LEED gold standards.

The members of the Board requested staff return with information regarding the cost of including automatic window closures for the building.

Ms. Werner described design consideration updates in response to the current COVID-19 pandemic, including proper airflow and circulation, visual cues to signal one-way aisles and walkways, touchless fixtures, etc. Ms. Werner also provided updates on the wood sources for the various design elements, including using recycled and sustainable wood sources.

President Holman suggested reuse of redwood that would be removed during planned demolitions at Alma College, including from the classroom.

The members of the Board spoke in favor of using salvaged wood over recently felled wood and expressed concern regarding the proposal to use black acacia due to the project timing.

Director Kersteen-Tucker spoke in favor of using the building to tell environmental stories, such as tracking LEED gold without the cost, reusing salvaged wood, etc.

Ms. Werner provided an update regarding the prequalification process for contractors and selection of a construction manager and peer review services.

Director Hassett stated the construction management firm should be hired prior to selecting a contractor.

Ms. Werner reported that the construction management firm will be involved in selecting the contractor.

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:25 p.m.

**REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:30 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, 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, Governmental Affairs Specialist Josh Hugg

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Director Kersteen-Tucker joined the meeting at 7:31 p.m.

### **ORAL COMMUNICATIONS**

District Clerk Jennifer Woodworth read the comments submitted into the record.

Scott Smead shared comments in support of allowing e-bikes on District preserves to allow more visitors to access the preserves.

### **ADOPTION OF AGENDA**

**Motion:** Director Riffle moved, and Director Kishimoto seconded the motion to adopt the agenda with items 11 and 12 reversed.

**ROLL CALL VOTE: 6-0-0** (Director Siemens absent)

### **CONSENT CALENDAR**

Public comment opened at 7:35 p.m.

District Clerk Jennifer Woodworth read the comments submitted into the record.

Kathy Simpson provided comments in response to the draft response included as Item 5. Ms. Simpson commented on continued illegal parking along the roadway, especially those wanting to see the NEOWISE comet.

Public comment closed at 7:37 p.m.

Director Siemens joined the meeting at 7:37 p.m.

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

**ROLL CALL VOTE: 7-0-0**

1. **Approve July 8, 2020 Minutes**
2. **Claims Report**
3. **Contract Amendment with Questica Ltd., to Purchase Unlimited User Licenses for Budget Management Software (R-20-75)**

General Manager's Recommendation: Authorize the General Manager to amend the original three-year contract of \$127,350 with Questica Ltd., by \$44,583, for a new total contract amount not to exceed of \$171,933, to purchase and maintain unlimited user licenses for the Budget Management Software through October 2022.

4. **Written Response to Craig Dremann**

Staff Contact: Coty Sifuentes-Winter, Senior Resource Management Specialist

General Manager's Recommendation: Approve the written response to comments submitted by Craig Dremann.

5. **Written Response to Kathy Simpson**

Staff Contact: Matt Anderson, Chief Ranger/Visitor Services Manager

General Manager's Recommendation: Approve the written response to comments submitted by Kathy Simpson.

6. **Water Service Agreement between San Jose Water Company and Midpeninsula Regional Open Space District for the South Area Field Office Project (R-20-82)**

Staff Contact: Tanisha Werner, Senior Capital Project Manager

General Manager's Recommendation: Authorize the General Manager to execute an Agreement with SJWC for an amount not-to-exceed \$96,720.00, and to negotiate a reduction if feasible.

## **BOARD BUSINESS**

7. **Appointment of Four Measure AA Bond Oversight Committee Members (R-20-77)**

District Clerk Jennifer Woodworth described the interview and ranking process used by the Board of Directors and displayed the preliminary rankings as submitted by the Board of Directors.

President Holman discussed potential updates to Board Policy 1.10, *Measure AA Bond Oversight Committee Bylaws*, including appointment of alternates to the Committee and representation of the Coastside Area.

Public comment opened at 7:52 p.m.

Ms. Woodworth reported no public comments were submitted for the Consent Calendar.

Public comment closed at 7:52 p.m.

Director Riffle spoke in favor of recruiting a diverse candidate pool and spoke in support of policy updates to support diversity.

The members of the Board thanked all of the applicants for their interest in serving on the Bond Oversight Committee.

**Motion:** Director Cyr moved, and Director Siemens seconded the motion to:

1. Select and appoint Paul Betlem, Brian Cilker, David Emery, and Bruce Tolley to serve on the Measure AA Bond Oversight Committee for the four vacant positions from the candidates listed in the staff report.
2. Refer review of Board Policy 1.10, *Measure AA Bond Oversight Committee Bylaws*, to the Legislative, Funding, and Public Affairs Committee for potential updates.

**ROLL CALL VOTE: 6-0-1** (Director Kishimoto abstained)

**8. Proposed Purchase of the San Jose Water Company Property as an addition to El Sereno Open Space Preserve located in unincorporated Santa Clara County, Assessor's Parcel Numbers 510-33-001, -004, -005, -006, 510-35-004 & -005; Assignment of Purchase and Sale Agreement for the San Jose Water Company Property to Peninsula Open Space Trust; Approval of a Lease and Management Agreement (R-20-78)**

Director Riffle recused himself from participating in this potential transaction between POST and the District due to his employment with POST, which is categorized as a remote interest under California Government Code section 1091.

Director Riffle left the meeting at 7:54 p.m.

Senior Real Property Agent Allen Ishibashi provided the staff presentation describing the property, its location, and proposed terms and conditions for the purchase and lease and management agreement.

Director Hassett requested clarification regarding the potential grant funding being pursued.

Mr. Ishibashi reported the District is seeking 100% of the acquisition cost of the purchase price in grant funding.

Public comment opened at 7:58 p.m.

District Clerk Jennifer Woodworth read the comments submitted into the record.

Michael Blomquist submitted comments inquiring about the purpose of the lease and management agreement.

Alex Sabo, representing the Bay Area Ridge Trail Council, submitted comments in support of the potential acquisition stated that it supports closing gaps in the Ridge Trail and Juan Bautista de Anza National Historic Trail, and supports other regional trail networks.

Public comment closed at 8:01 p.m.

Mr. Ishibashi explained that the proposed lease would allow the District to lease and manage the property as if it owned the property and is a placeholder while the District seeks grants funding.

Directors Cyr and Kersteen-Tucker spoke in support of the proposed transaction and General Manager's recommendations.

**Motion:** Director Kishimoto moved, and Director Siemens seconded the motion to:

1. Determine that the recommended actions are categorically exempt under the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the purchase of the San Jose Water Company property at a cost of \$1,075,000 with corresponding authorization for a Fiscal Year 2020-21 budget adjustment of the same amount, and authorizing the General Manager, if necessary, to approve an Assignment of Purchase and Sale Agreement, and a Lease and Management Agreement, entered into with Peninsula Open Space Trust for the San Jose Water Company property.
3. Adopt a Preliminary Use and Management Plan for the property, as set out in the staff report.
4. Withhold dedication of the San Jose Water Company Property as public open space.

**ROLL CALL VOTE: 6-0-0** (Director Riffle absent)

Director Riffle returned to the meeting at 8:04 p.m.

**9. Authorization to enter into an Agreement with the University of California, Santa Cruz to conduct a Five-Year Mountain Lion Study and Site-Specific Management Plan (R-20-79)**

Ms. Ruiz provided comments stating mountain lion sightings at District preserves are much more frequent than other nearby areas, especially at Rancho San Antonio Open Space Preserve (OSP), which prompted the need for science-based research to help the District and wildlife advocacy groups better understand mountain lion populations in the region. The recommended approach has a minimal impact on the mountain lions and is recommended by mountain lion researchers, the academic community, and the California Department of Fish and Wildlife. The research will provide information to help land management agencies, like the District, protect mountain lion populations.

Resource Management Specialist II Matt Sharp Chaney presented the staff report, mountain lion observations to date, the proposed research approach for the study, and the communications and outreach plan to keep the public informed. The proposed study aims to study lion habitat, the impact of human activity, and mountain lion behavior. Finally, Mr. Sharp Chaney described the next steps for the project, including docent enrichment, on-site outreach, publications of the scientific research, etc.

Director Riffle requested progress reports to the Board and for the public to receive updates on the project.

Mr. Sharp Chaney reported staff will provide annual reports on the project and additional information can be tracked through the University of California, Santa Cruz website and mobile application.



Director Kersteen-Tucker inquired if technological advances that may be less invasive could be considered for the study if they are developed.

Mr. Sharp Chaney stated that alternative collaring options would be considered, but they often take some time to develop followed by years of testing. Therefore, it is unlikely that the technology would change, but the study could adopt if available.

Director Kersteen-Tucker inquired regarding the potential impact of the study on the District's conservation grazing program.

Mr. Sharp Chaney stated a proposed update to the grazing management policy will be considered by the Board later this year. Additionally, the research from the proposed study would be used by the District and throughout the state to study mountain lion activity, including grazing interactions.

Public comment opened at 8:42 p.m.

District Clerk Jennifer Woodworth read the submitted comments into the record.

Ginger Thomson stated collaring of pumas is outdated and non-invasive options should be pursued.

Barbara Beasley expressed concern about the proposed project due to the risks, costs, and the need for alternatives to collaring pumas.

Kiara Walker expressed opposition to collaring mountain lions in San Mateo County. Ms. Walker stated that less invasive options should be pursued because the collar can injure the lions

Lalli Venkatakrishan inquired if other factors are being studied as part of the research, such as mountain lion diet.

Robert Avalos stated that the collaring methodology for studying mountain lions is not effective.

Marilyn Krieger expressed opposition for collaring pumas stating that it is invasive and can impact their survival and habits.

Ron Sturgeon inquired regarding the number of collared mountain lions at Rancho San Antonio OSP, whether research is being completed on the presence or absence of prey at District preserves and neighboring lands, and why Russian Ridge OSP is not a higher priority for the study.

Trent Pearce expressed support for the proposed mountain lion study.

Staci Collins urged using less invasive and more innovative methods to study mountain lions.

Public comment closed at 8:48 p.m.

Mr. Sharp Chaney provided responses to comments submitted by the public, describing research studying mountain lions with and without collars, which determined there is no negative impact

of collars; reporting the area being studied aims to gather data in urban-wildlife interfaces; and further described the process proposed to gather and share the data.

**Motion:** Director Riffle moved, and Director Cyr seconded the motion to authorize the General Manager to enter into an Agreement with the University of California, Santa Cruz for a base contract price of \$500,000 to conduct a mountain lion collaring study for five years to assess the lion population and movement, provide annual updates and research findings at public meetings, and develop a site-specific management plan for reducing potential human-mountain lion conflicts in high risk areas.

**ROLL CALL VOTE: 7-0-0**

**10. Consideration of a Letter Commenting on the Proposed Redwood City Climate Action Plan (R-20-80)**

Assistant General Manager Brian Malone provided the staff presentation. Mr. Malone stated the Sierra Club submitted a support letter for Board consideration and staff drafted an alternative letter based on the District's Climate Action Plan and to be consistent with the Board policy on legislative actions.

President Holman provided comments in support of the request and stated the support letter submitted by the Sierra Club currently has 21 signatories. President Holman spoke in favor of the District to signing onto the Sierra Club letter to demonstrate stronger support for the letter.

Public comment opened at 9:10 p.m.

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

Public comment closed at 9:10 p.m.

Directors Kishimoto, Cyr, and Kersteen-Tucker, and Siemens spoke in support of sending both letters to Redwood City because the District-drafted letter directly addresses issues of concern to the District.

Director Riffle thanked staff for drafting the letter and spoke in support of the District-drafted letter because it addresses the District's specific concerns in addition to supporting the Redwood City Climate Action Plan.

**Motion:** Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to authorize the Board President to send the letter drafted by staff to Redwood City and to sign onto the Sierra Club support letter.

**ROLL CALL VOTE: 7-0-0**

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

Item 11 was heard after Item 12.

General Manager Ana Ruiz provided updates on ongoing preserve use, with the heaviest use occurring on Fridays, Saturdays, and Sundays. Santa Clara County Fire reported an increase in responses to medical calls at parks and open spaces, and the District and other agencies are working to create public service announcements to help the public prepare for park hikes in the summer. Most picnic tables have reopened consistent with public health orders, and new signage is being ordered and installed to reflect updated healthy and safety guidance and continued designation of one-way trails. Ms. Ruiz reported the current work arrangements for field and office staff will continue through at least December 31, 2020. Finally, staff is completing the phased reentry plan for District volunteers.

Public comment opened at 9:38 p.m.

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

Public comment closed at 9:38 p.m.

No Board action required.

**12. Consideration of a Letter of Support for a University of California Davis (UCD) proposal to Plan and Design Newt Connectivity Crossings along Alma Bridge Road in Santa Clara County (R-20-84)**

Item 12 was heard prior to Item 11.

Natural Resources Manager Kirk Lenington spoke regarding the proposed connectivity structures to cross Alma Bridge Road to provide safe undercrossings for the newts. Mr. Lenington stated the District is working with Peninsula Open Space Trust to further study newt crossing hotspots, times of greatest incidents, and the number of newts being killed in reference to the total newt population of the area.

Public comment opened at 9:24 p.m.

District Clerk Jennifer Woodworth read the submitted comments into the record.

Shani Kleinhaus thanked staff and the Board for considering the item and urged the Board to approve a letter of support for the UC Davis study on newt crossings.

Public comment closed at 9:25 p.m.

**Motion:** Director Kishimoto moved, and Director Holman seconded the motion to approve a Board Member request to submit a letter of support for grant funding for a Newt Connectivity Crossings Project led by the University of California Davis to provide a safe wildlife crossing across Alma Bridge Road for newts traveling from the Sierra Azul Open Space Preserve area to Lexington Reservoir.

**ROLL CALL VOTE: 7-0-0**

**INFORMATIONAL MEMORANDUM**

- Scoping Report for the Wildland Fire Resiliency Program
- Inventory and Monitoring of Vegetation on Midpeninsula Regional Open Space District Lands

**INFORMATIONAL REPORTS**

A. Committee Reports

No committee reports.

B. Staff Reports

Ms. Ruiz reported the District has been awarded more than \$230,000 in Proposition 68 grant funding for the Coal Creek fuel break project. The District has been invited by the Wildlife Conservation Board to apply for funding for the Daniels Nature Center public access project.

C. Director Reports

President Holman reported the Bay Area Restoration Authority’s grant cycle has commenced if anyone knows of anyone interested in applying.

**ADJOURNMENT**

President adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District into closed session at 9:47 p.m.

**SPECIAL MEETING – CLOSED SESSION**

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 9:47 p.m.

**ROLL CALL**

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

Members Absent: and Yoriko Kishimoto

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, Planner III Elish Ryan

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1))**

Name of Case: *Burkhart v. Midpeninsula Regional Open Space District*; Santa Clara County Superior Court Case Number 18CV 334473.

**ADJOURNMENT**

President adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:01 p.m.

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Jennifer Woodworth, MMC  
District Clerk