



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, August 12, 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 – CLOSED SESSION**

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: Controller Mike Foster and General Counsel Hilary Stevenson

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.

Public comment opened at 5:01 p.m.

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

Public comment closed at 5:01 p.m.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION. Government Code Section 54957(b)(1)**

**Title of Employee: Controller  
General Counsel**

President Holman adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 5:02 p.m.

Director Hassett joined the meeting at 5:07 p.m.

President Holman continued the special meeting until after the close of the regular meeting at 6:54 p.m.

**REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:01 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, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Integrated Pest Management Coordinator Tome Reyes, Senior Natural Resources Specialist Coty Sifuentes-Winter, Visitor Services Manager Matt Anderson, Public Affairs Specialist I Carmen Lau

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**CLOSED SESSION REPORT**

The Board held a July 22, 2020 closed session following the adjournment of the Board’s regular meeting. In closed session, the Board approved a settlement in the matter of Burkhart v. MROSD, Santa Clara County Case number 18CV334473. The substance of the settlement agreement relates to the maintenance of a shared water system between Burkhart and the District. The Board vote was 7 in favor, none opposed, none abstaining. The settlement agreement is on file in the General Counsel’s office.

**ORAL COMMUNICATIONS**

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

**ADOPTION OF AGENDA**

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

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

**SPECIAL ORDERS OF THE DAY**

- Introduction of Staff:
  - Ari Nuri, Planner I
  - Mike Bower, Budget & Analysis Manager

**CONSENT CALENDAR**

Director Siemens pulled Item 3.

Public comment opened at 7:14 p.m.

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

Public comment closed at 7:14 p.m.

**Motion:** Director Hassett moved, and Director Riffle seconded the motion to approve the Consent Calendar, except for Item 3.

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

- 1. Approve July 22, 2020 Minutes**
- 2. Claims Report**
- 3. Award of Contract to Sandbar Solar to Design and Install Solar Panels at the Skyline Field Office at Skyline Ridge Open Space Preserve (R-20-87)**

Item 3 was heard after the consent calendar.

**General Manager's Recommendations:**

1. Authorize the General Manager to enter into a contract with Sandbar Solar for a base amount of \$151,533 to design and install a grid-tie solar panel system at the Skyline Field Office
2. Authorize a 10% contingency of \$15,153 to be reserved for unanticipated issues, bringing the contract to a total not-to-exceed amount of \$166,686.

Director Hassett commented that the item should have been considered at the Committee level before Board deliberation.

Director Siemens inquired regarding the country of origin for the solar panels.

Area Manager Craig Beckman provided additional information regarding the design-build process for the project, potentially including selection of the brand of panels.

Director Siemens stated he supports using solar panels that are not manufactured in China and expressed concern regarding the project costs, based on his own evaluation of solar panel projects.

General Counsel Hilary Stevenson provided additional information regarding the design-build process and limitations on the District requiring the contractor to use solar panels manufactured in a specific country.

General Manager Ana Ruiz stated the Board could reject all bids and re-bid the project with different specifications.

Assistant General Manager Brian Malone reported the District has not previously specified country of origin for project bid specifications and stated this may be a larger discussion for the Board to consider.

Director Kishimoto spoke against specifying a country that the District will not purchase from.

Director Siemens spoke in favor of deferring this item until staff can talk with the contractor about the ratings for the solar panels to be used on the project.

Director Hassett expressed concerns regarding the size of the project and the bids received related to the optional charging stations.

Director Kersteen-Tucker expressed concern in singling out a country of origin for projects and spoke in favor of supporting local vendors.

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

1. Approve the General Manager's recommendation.
2. Direct staff to return to the Board at a future date to discuss appropriate sourcing guidelines for construction projects, with a preference for local contractors.

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

### **BOARD BUSINESS**

#### **4. Consider designation of select preserve trails, roadways, and parking areas to allow electric bicycle use under a 1-year pilot project (R-20-89)**

Mr. Malone discussed the Board's prior actions related to electric bicycles (e-bikes) and described the recent opening of Ravenswood Bay Trail and its potential use as a commuter route.

Chief Ranger Matt Anderson reviewed the different classifications of e-bikes and the District's current regulations and signage prohibiting all e-bikes on District lands. Chief Andersen

displayed maps of the areas being proposed for inclusion in the pilot program: Ravenswood Bay Trail, Mount Umunhum Road, and Rancho San Antonio bike trail. Chief Andersen provided information related to compliance with the California Environmental Quality Act (CEQA) and monitoring plan for the proposed pilot program.

Director Kishimoto inquired regarding the availability of bike parking.

Chief Andersen reported staff has discussed the potential need for additional parking and the ease of installing bike parking at various preserves to accommodate additional bicycles.

Director Kersteen-Tucker inquired regarding the ability of District staff to enforce e-bike regulations when visitors enter the preserves from various entry points, especially at Rancho San Antonio.

Chief Andersen stated additional enforcement would be required, but to date mountain bikes entering unauthorized trails has not been an issue at Rancho San Antonio.

Director Riffle inquired how the results of pilot program will be measured.

Chief Andersen reported that much of the data will come from visitor complaints and conflicts and through intercept surveys conducted throughout the pilot program.

Mr. Malone reported staff will also conduct trail surveys at the start of the pilot program and at its completion.

Director Hassett inquired if monitoring would also look at the time of day for usage to determine if usage is related to commutes.

Chief Andersen reported this information could be gathered through intercept surveys and through counting users.

Public comment opened at 8:25 p.m.

Ms. Woodworth read the submitted comments into the record.

Mike Dicker supported allowing class 1 e-bikes wherever regular bikes are permitted. E-bikes would allow visitors to reach the trailheads by bike instead of car, which would reduce carbon footprints.

Andrew Fitzgerald supported the General Manager's recommendations and stated a class 1 or 2 e-bike has a similar impact as an unassisted bicycle allowing visitors of various fitness levels and physical abilities to access open spaces.

Arvind Ganesh supported being able to commute by e-bike along the Ravenswood Bay Trail.

Bill Bushnell supported the General Manager's recommendations stating the intent of the state legislation defining e-bikes was to encourage additional bicycling and e-bicycling.

Basim Jaber suggesting allowing e-bikes at Sierra Azul or other preserves that have more interesting trails for e-bikes. Additionally, the impact of e-bikes is similar to the impact of conventional bicycles.

Christine Fisher stated e-bikes are essential for visitors with disabilities and suggested regulating user behaviors, such as speed limits, noise limits, banning, jumps, staying on trails, yielding to others, etc.

Catherine Sheu stated the only way she can enjoy biking on trails is by using an e-bike.

Diana Tashjian was in favor of the General Manager's recommendations.

Guy Shuman stated class 3 e-bikes should be allowed, but class 2 e-bikes should be banned on District preserves.

James Takasugi supported increasing trail accessibility to class 1 and 2 e-bikes. Additionally, the specific evaluation criteria and process for the pilot program should be made public prior to the start of the test period, and the results should be publicly posted.

Larry Plaza stated e-bikes open recreation to many seniors, which could be unattainable otherwise.

Michael McHenry supported the General Manager's recommendations.

Patrick Noon supported allowing e-bikes on District preserves to allow those who cannot use a standard bike to be able to enjoy the outdoors.

Alex Liston stated he would like to be extend his enjoyment of open space by using a class 1 e-bike.

Alan Muschott stated support for allowing e-bikes on all trails where bicycles are permitted and suggested starting the pilot project sooner.

Carole Bridgeman expressed concern related to e-bikes being on trails with equestrians and suggested another trial period to study e-bikes on multi-use trails.

Jerry Wittenauer expressed concern regarding risks associated with e-bikes users and equestrian use. Mr. Wittenauer suggested gathering data with respect to equestrian and e-bike interactions.

Kevin Wang supported allowing e-bikes on District trails to help his wife access the trails. Mr. Wang suggested restricting speed, but not the tool.

Lada Adamic, who is a bike commuter, expressed excitement and appreciation for the new Ravenswood Bay Trail connection.

Pete Huston stated e-bikes are a great alternative to gas powered motor vehicles to allow visitors to access the preserves. Mr. Huston suggested additional signage is needed at District preserves to let visitors know e-bikes are prohibited. Mr. Huston opposed allowing e-bikes on preserve trails.

Pejman Khosropour stated he would use his e-bike to access District preserves if allowed and stated e-bikes present no more danger to the trails or nature than mountain bikes. E-bikes also allow those with physical limitations to access outdoor recreation.

Patrick Mullins encouraged the Board to consider class 1 e-bikes at El Corte de Madera, which would allow cyclists to return to the parking lot more easily in the steep elevation.

Lili Esfahani supported the General Manager's recommendations.

Ron Stein supported the General Manager's recommendations stating that class 1 and 2 e-bikes should be allowed on all trails available to standard bicycles. Additionally, e-bikes should be allowed on access roads and parking lots.

Fred Trueman supported the General Manager's recommendations.

Public comment closed at 8:48 p.m.

Mr. Malone clarified that the proposed pilot program is only for the trail specified in the staff report, not a pilot program for expanding e-bike use to other preserves.

Director Riffle inquired regarding commuter use along Ravenswood Bay Trail and the difference between this area and allowing e-bikes at Rancho San Antonio.

Chief Andersen stated that Ravenswood Bay Trail is a commuter route but may not be receiving heavy traffic during the current pandemic. However, Rancho San Antonio does not likely receive large amounts of commute traffic.

Director Riffle expressed concern regarding e-bike access at Rancho San Antonio Open Space Preserve and whether access should end at the border of the Rancho San Antonio County Park.

Mr. Malone stated that many visitors ride their bikes from their homes and park near Deer Hollow Farm before hiking along the trail system. The General Manager's recommendation would allow e-bikes the same access. Also, Santa Clara County already allows e-bikes on their lands, so this would allow for consistency.

President Holman suggested not allowing class 2 e-bikes into the preserve but having them park in the parking lot and expressed concerns related to the use of e-bikes around children due to speed concerns.

Director Cyr commented that once a new use is allowed, it becomes difficult to alter the use later.

Director Kersteen-Tucker spoke in favor of the General Manager's recommendation and of preserve visitors being able to visit District preserves without having to use their vehicles.

Director Kishimoto spoke in favor of the General Manager's second recommendation and opening the Ravenswood Bay Trail to class 1 and class 2 e-bikes. Director Kishimoto stated opening Rancho San Antonio to e-bikes would likely lessen vehicle traffic there and help address parking concerns at the preserve.

President Holman spoke in favor of the General Manager's second recommendation and opening the Ravenswood Bay Trail to class 1 and class 2 e-bikes but stated additional study is needed regarding the impact of e-bikes. President Holman stated that she is uncomfortable with allowing e-bikes into the preserve at Rancho San Antonio. President Holman stated a survey is needed to further gather feedback on the pilot program. Finally, President Holman stated her discomfort with the proposed CEQA exemption.

Director Hassett spoke in favor of the General Manager's second recommendation and opening the Ravenswood Bay Trail to class 1 and class 2 e-bikes. Director Hassett stated a survey is needed to better understand the impact of e-bikes at Rancho San Antonio.

Director Kersteen-Tucker stated many other partner agencies allow e-bikes on their lands, and the pilot project would not allow e-bikes on dirt trails. Additional study is needed to understand this mode of recreation and transportation that is here to stay.

Director Siemens spoke in support of the General Manager's recommendations.

Director Riffle spoke in favor of the General Manager's second recommendation and opening the Ravenswood Bay Trail to class 1 and class 2 e-bikes. Director Riffle expressed concerns related to allowing e-bikes on District trails.

Directors Cyr and Kersteen-Tucker commented that the family-friendly nature of the Deer Hollow Farm area and the ability of children to access the area by bicycle.

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

1. Designate select trails at Ravenswood Open Space Preserve where bicycles are currently allowed as open to class 1 and 2 electric bicycle use under a 1-year pilot project and determine that this action is categorically exempt from the California Environmental Quality Act.
2. Designate select trails at Rancho San Antonio Open Space Preserve and County Park where bicycles are currently allowed as open to class 1 and 2 electric bicycle use under a 1-year pilot project and determine that this action is categorically exempt from the California Environmental Quality Act.
3. Designate all roads and parking areas that are open to the public for motor vehicle use during regular preserve hours as also open to all classes of electric bicycles.

**Friendly Amendment:** Director Riffle suggested separating out the recommendations, and vote on them individually.

President Holman accepted the friendly amendment.

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

1. Designate select trails at Ravenswood Open Space Preserve where bicycles are currently allowed as open to class 1 and 2 electric bicycle use under a 1-year pilot project and determine that this action is categorically exempt from the California Environmental Quality Act.

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



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

2. Designate select trails at Rancho San Antonio Open Space Preserve and County Park where bicycles are currently allowed as open to class 1 and 2 electric bicycle use under a 1-year pilot project and determine that this action is categorically exempt from the California Environmental Quality Act.

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

Director Kishimoto asked staff to ensure signage is placed at the Lower Meadow Trail stating that bikes are prohibited on that trail.

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

3. Designate all roads and parking areas that are open to the public for motor vehicle use during regular preserve hours as also open to all classes of electric bicycles.

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

The Board recessed at 9:46 and reconvened with all directors present at 9:57 p.m.

President Holman announced the closed session for the General Counsel's performance evaluation will be continued to August 13, 2020 at 5:00 p.m.

**5. Integrated Pest Management Program 2019 Calendar Year Report (R-20-90)**

Integrated Pest Management (IPM) Coordinator Tom Reyes presented the staff report describing the IPM program goals, summary of pest control treatments and labor hours by type of treatment method. Mr. Reyes described the results of the 2019 IPM program, including removal of yellow star thistle at Los Trancos and recovery of native plants at Bear Creek Redwoods OSP.

The Board members thanked staff for their continued work on the program to work smart and use volunteer and staff hours wisely.

Director Kersteen-Tucker inquired regarding the impact of COVID-19 on the IPM program.

Mr. Reyes reported COVID-19 largely stopped volunteer work for the IPM program during the critical spring season. The impact will be seen in the following year's report and may potentially have a lasting impact on invasive species management.

The Board members inquired and received additional information regarding various invasive species control methods such as goats, sheep, use of masticators, prescribed burns, etc.

Public comment opened at 10:34 p.m.

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

Public comment closed at 10:34 p.m.

No Board action required.

**6. Midpeninsula Regional Open Space District's Youth Outreach Plan (R-20-88)**

Public Affairs Specialist I Carmen Lau provided the staff presentation describing the District's Youth Outreach Plan, which seeks to foster knowledge and appreciation for nature, conservation, and land management among youth ages four to twenty-one. Staff is working with new youth groups to provide outreach engagement and educational services to youth and families in the District and creating additional youth outreach materials and events. Additionally, staff created virtual nature experiences and other virtual events to continue outreach during the COVID-19 pandemic.

The Board members thanked staff for their work to create the youth outreach program and commented on the importance of reaching out to youth.

Director Holman requested staff provide additional information regarding the amount of staff hours required for the program when it returns to the Board.

Public comment opened at 10:56 p.m.

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

Public comment closed at 10:56 p.m.

**Motion:** Director Kersteen-Tucker moved, and Director Kishimoto seconded the motion to approve the Youth Outreach Plan.

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

**INFORMATIONAL MEMORANDUM**

- Deer Hollow Farm White Barn -- Replacement of Attic Stairs with Pull-down Ladder
- Updated Scope and Timeline for the Science Advisory Panel

**INFORMATIONAL REPORTS****A. Committee Reports**

Director Kishimoto reported the Planning and Natural Resources Committee met on July 28, 2020 to discuss the La Honda Access Public Access Working Group report and on August 4, 2020 to discuss the Beatty property.

Director Kishimoto provided an update regarding the Lehigh Quarry ad hoc committee met.

**B. Staff Reports**

District Clerk Jennifer Woodworth reported the elections for wards 4 and 7 will be cancelled because they are uncontested. Ward 3 is a contested election and will be included on the November 3, 2020 ballot.

Assistant General Manager Brian Malone reported Valley Water and Santa Clara County Roads also sent support letters for the UC Davis grant proposal regarding the new study for Alma Bridge Road. Mr. Malone reported the bids for the painting of the La Honda red barn came in below estimates and will be within the general manager's signature authority. The eucalyptus removal along Page Mill Road for fire protection will be moving forward, and staff met with stakeholders to discuss the project.

Assistant General Manager Susanna Chan reported staff submitted comments regarding the Draft Environmental Impact Report being conducted by the San Francisco Public Utilities Commission for the Southern Skyline Boulevard Ridge Trail Extension Project.

Directors Kersteen-Tucker and Holman requested letters of this type be brought to the Board for their consideration before being sent.

Chief Financial Officer Stefan Jaskulak reported the potential uses of the \$10 million appropriation by the state legislature were expanded in the most recent state budget to include acquisition, planning, design, development, public access, restoration, etc. and the geographic area was also expanded to include Los Gatos Creek, Saratoga Creek, Upper Guadalupe watershed, etc. The funds can potentially be used for the Highway 17 crossing, Ama College rehabilitation, etc.

General Manager Ana Ruiz reported staff will be taking California Senate candidate Ann Ravel for a tour of District lands. Ms. Ruiz thanked staff for their efforts to hold the virtual celebration of the Ravenswood Bay Trail opening.

C. Director Reports

The Board members thanked and commended staff on their work on the Ravenswood Bay Trail and the successful virtual opening event.

President Holman and Director Cyr thanked and commended staff for their work with the La Honda Public Access Working Group and commented on its success.

**ADJOURNMENT**

President adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 11:27 p.m.

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Jennifer Woodworth, MMC  
District Clerk