



## SPECIAL AND REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, August 26, 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 – STUDY SESSION

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 5:01 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, Resource Management Specialist II Karine Tokatlian

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. Midpeninsula Regional Open Space District American Badger and Burrowing Owl Research (R-20-93)**

Resource Management Specialist II Karine Tokatlian provided the staff presentation describing the American badger, including their behaviors and markings, habitats, and presence in District

preserves. Ms. Tokatlian explained badgers are difficult to monitor and study due to their nocturnal nature, but badgers typically prefer grassland habitats, which overlaps well with the District's conservation grazing areas on which badgers have been observed. Humans represent the largest threat to badgers through habitat loss, habitat fragmentation, vehicles, use of anticoagulant rodenticides (SGARs), and hunting and trapping, which led to American badgers being listed as a species of special concern in 1987 to reduce population decline and support population monitoring. The burrowing owl is another species of special concern that lives in District preserves and often use badger burrows. Burrowing owls are also at risk of population decline for similar reasons to badgers.

Ms. Tokatlian described the badgers and burrowing owl habitat suitability assessment, which is assessing existing data and collecting additional data through field surveys to create a habitat assessment and linkage models. The assessment also includes a genetic analysis to help better understand the population and its diversity. Ms. Tokatlian described the preliminary results of the study, including potential habitat linkages and badger sightings at various District preserves, and how the study results will inform District management actions, such as in designing roads, trails, and facilities; habitat and property acquisition; maintaining habitat connectivity; and managing potential conflicts with livestock. Burrowing owls have been observed in Purisima Creek Redwoods OSP (October Farm property) and on nearby properties during the winter, however they have not been observed on District preserves during the breeding season. Ms. Tokatlian described collaborative and partnership opportunities for studying badgers, including with Point Blue, Stanford Conservation Program, etc.

The members of the Board thanked Ms. Tokatlian for the thorough and informative presentation.

Director Kishimoto inquired regarding the impact of other (non-SGAR) pesticides on badgers.

Ms. Tokatlian reported there is currently limited data related to the impact of general pesticides on badgers but assumes pesticides would have a negative impact, similar to impacts reported from SGARs specifically, on badgers and spoke in support of the District's use of non-chemical pesticides.

Director Riffle inquired how staff will know once there is a healthy badger population.

Ms. Tokatlian stated this is hard to measure but requires that enough of the population is reproducing to replace current population and has genetic diversity among its population.

Director Siemens suggested an increased badger population could negatively impact row crops if they attempt to burrow in the row crops. Education and outreach to farmers may provide stewardship of badgers occurring within agricultural properties. Monitoring existing badger occurrence within row crops and grazing lands would also be informative.

Public comment opened at 6:41 p.m.

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

Public comment closed at 6:41 p.m.

No Board action required.

President Holman adjourned the special meeting of the Midpeninsula Regional Open Space District at 6:42 p.m.

## **REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 6:54 p.m.

## **ROLL CALL**

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

Members Absent: Yoriko Kishimoto

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, Senior Resource Management Specialist Aaron Hébert

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.

## **ORAL COMMUNICATIONS**

Director Kishimoto joined the meeting at 6:57 p.m.

Ms. Woodworth read the submitted comments into the record.

Janssen Liston expressed concern regarding eucalyptus trees in El Sereno Open Space Preserve stating they need to be removed immediately to protect against fire danger and property destruction.

Rhoda Fry expressed concerns regarding the Lehigh Quarry and the haze produced by the quarry due to various materials released into the air. Ms. Fry encouraged the District to advocate for public health, visibility, and native plants at open spaces.

## **ADOPTION OF AGENDA**

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

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

**SPECIAL ORDERS OF THE DAY**

- Proclamation of the Midpeninsula Regional Open Space District given to Honor the Retirement of Michael Jurich

**CONSENT CALENDAR**

Director Riffle requested staff report back on the use of contingency funds in contracts.

President Holman stated the Board could discuss this topic further during Director comments at the end of the meeting.

Public comment opened at 7:18 p.m.

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

Public comment closed at 7:18 p.m.

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

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

**1. Approve August 12, 2020 Minutes**

Director Riffle stated the vote for the second motion for item 4 is incorrect and should state that President Holman voted against the motion.

District Clerk Jennifer Woodworth stated she will correct the vote when finalizing the minutes.

**2. Claims Report**

**3. Acceptance of Funding from the California Conservation Corps for the Coal Creek Area Fuel Break Project (R-20-94)**

General Manager's Recommendations: Adopt a resolution accepting Proposition 68 grant funding from the California Conservation Corps for the Coal Creek Area Fuel Break Project.

**4. Lobitos Ridge/Elkus Uplands Ranch Grazing Lease in Purisima Creek Redwoods Open Space Preserve (R-20-95)**

General Manager's Recommendations: Adopt a resolution authorizing the General Manager to enter into a new, two-year grazing lease with an option for a one-year extension at Lobitos Ridge/Elkus Uplands Ranch in Purisima Creek Redwoods Open Space Preserve with current lessee, Vince Fontana.

**5. Purchase of Capital Equipment for Fiscal Year 2020-21 (R-20-86)**

General Manager's Recommendations: Authorize the General Manager to execute a purchase contract with the California Department of General Services and associated contract dealers for two replacement patrol vehicles and one replacement mini excavator, for a total cost not-to-exceed \$110,000.

Director Siemens stated the report has a typo, and the amount to be approved is \$140,000, not \$110,000.

Land & Facilities Manager Michael Jurich confirmed it is a typo, and the total amount should be \$150,000 – \$110,000 for vehicles and \$40,000 for an excavator.

**6. Award of Contract to Shellco General Contractor, Inc., for the Deer Hollow Farm White Barn Structural Stabilization Project at Rancho San Antonio Open Space Preserve (R-20-96)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Shellco General Contractor, Inc., of Patterson, California, for a base contract amount of \$235,551.
2. Authorize a 15% contingency of \$35,333 to be reserved for unanticipated issues, bringing the total contract to a not-to-exceed amount of \$270,884.

**7. Assign Fund Balance Transfers to Fiscal Year 2021 (R-20-85)**

General Manager's Recommendations: Adopt a resolution approving (1) balance transfers of unspent Fiscal Year 2020 appropriations in Fund 40 – General Fund Capital for projects that continue into Fiscal Year 2021, and (2) General Fund Capital budget amendments for Fiscal Year 2021.

**8. Contract Amendment with Top Line Engineers to Remove an Underground Oil/Water Separator at the South Area Field Office Project Site (R-20-91)**

General Manager's Recommendations:

1. Authorize the General Manager to amend the original contract of \$46,650 with Top Line Engineers by \$61,180, bringing the base contract amount to \$107,830 to remove an underground oil/water separator discovered at the South Area Field Office Project site.
2. Authorize a 15% contingency of \$16,175 to be awarded, if necessary, to cover unforeseen conditions, for a new total not-to-exceed contract amount of \$124,005.

**9. Award of Contract to Engineering/Remediation Resources Group, Inc. for the Madonna Creek Ranch Cleanup at Miramontes Ridge Open Space Preserve (R-20-92)**

General Manager's Recommendations:

1. Authorize the General Manager to enter into a contract with Engineering/Remediation Resources Group, Inc. of Martinez, CA, for a base contract amount of \$106,626.
2. Authorize a 15% contingency of \$15,994 to be reserved for unanticipated issues related to the base contract, bringing the total contract to a not-to-exceed amount of \$122,620.

3. Authorize an allowance of \$21,325 to be expended only if there are more materials or contaminants found during activities than previously estimated.

Director Hassett thanked staff for including in the next steps of the report that staff will be looking at the Board purchasing policy and other options to increase contractor participation and local sourcing.

## **BOARD BUSINESS**

### **10. Sediment Monitoring Results from the Watershed Protection Program at El Corte De Madera Creek Open Space Preserve (R-20-76)**

Senior Resource Management Specialist Aaron Hébert provided the staff presentation describing the history of the project, including implementation of the Watershed Protection Program, completion of monitoring work, and measuring the results of the sediment monitoring El Corte de Madera Creek Open Space Preserve. Mr. Hébert described the V\* method for monitoring sediment in the creeks over time, the locations where the sediment was measured, and how the data was compared over time. The data showed the amount of sedimentation was reduced by approximately 60% following District improvements to the area under the Watershed Protection Program.

Director Riffle inquired how the data could be applied to various preserves throughout the District.

Mr. Hébert commented that the District is applying the lessons learned at the Preserve by first completing restoration projects and road/trail upgrades prior to opening new preserve areas to public access. A recent example is the significant preparation and restoration work completed at the former Driscoll Ranch area of La Honda Creek Open Space Preserve.

Director Kishimoto inquired regarding the impact of historic clear-cutting and roadbuilding and whether these effects can be separated.

Mr. Hébert stated it is hard to distinguish between the impact of historic clear-cutting and current land use decisions in creating large landslides.

Director Kersteen-Tucker inquired how the information is being shared with partners.

Mr. Hébert stated the methodology for measuring the impact of roads and trails on creeks is being shared with various partners and regulatory agencies seeking to protect watersheds.

Public comment opened at 8:27 p.m.

Ms. Woodworth reported no public comments were received for this item.

Public comment closed at 8:27 p.m.

No Board action required.

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Kishimoto reported the Action Plan and Budget Committee met on August 18, 2020 regarding the quarterly budget process. The Lehigh Quarry ad hoc committee also met on August 24, 2020 to prepare for a meeting with Santa Clara County Supervisor Joe Simitian.

Director Kersteen-Tucker reported the Legislative, Funding, and Public Affairs Committee met on August 25, 2020 to discuss proposed updates to the District’s ordinance governing regulations on District lands.

Director Riffle reported the Board Appointee Evaluation Committee met on August 17, 2020 to discuss the draft written evaluations.

B. Staff Reports

Assistant General Manager Brian Malone reported on recent fires on District lands, which were started by lightning strikes and were quickly controlled and extinguished. Mr. Malone also provided updates on the CZU lightning complex fire and highlighted work completed by District staff to support firefighting efforts.

C. Director Reports

Director Hassett requested additional information regarding use of contract contingencies.

Chief Financial Officer Stefan Jaskulak reported staff will create an annual report to provide the Board with information regarding the use of contract contingencies.

Director Siemens suggested further discussing contract contingencies at an upcoming Board workshop.

Director Kishimoto reported her attendance at the virtual Healthy Soils Summit.

**ADJOURNMENT**

President adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:04 p.m.

**SPECIAL MEETING – CLOSED SESSION**

President Holman called the special meeting of the Midpeninsula Regional Open Space District to order at 9:05 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: None

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

**Title of Employee: Controller  
General Counsel  
General Manager**

**ADJOURNMENT**

President Holman adjourned the meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:32 p.m.

---

Jennifer Woodworth, MMC  
District Clerk