



**SPECIAL AND REGULAR MEETING**

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

**Wednesday, September 9, 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: None

District Clerk Jennifer Woodworth 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. Ms. Woodworth described the process and protocols for the meeting.

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

**Title of Employee: Controller  
General Counsel**

Public comment opened at 5:00 p.m.

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

Public comment closed at 5:00 p.m.

The Board convened into closed session at 5:01 p.m.

President Holman adjourned the special meeting of the Midpeninsula Regional Open Space District at 6:58 p.m.

**REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:08 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, Planning Manager Jane Mark, Chief Ranger Matt Andersen, Area Superintendent Brad Pennington, Engineering & Construction Manager Jason Lin, Senior Capital Project Manager Tanisha Werner, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, and Real Property Agent I Jasmine Leong

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**ORAL COMMUNICATIONS**

Ms. Woodworth announced no public comments were submitted for this item.

**ADOPTION OF AGENDA**

**Motion:** Director Kishimoto moved, and Director Kersteen-Tucker seconded the motion to adopt the agenda.

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

**SPECIAL ORDERS OF THE DAY**

- Presentation by Tim Ramirez (SFPUC) Re: SFPUC Southern Skyline Boulevard Bay Area Ridge Trail Extension Project

**CONSENT CALENDAR**

President Holman pulled Item 3 from the Consent Calendar.

Public comment opened at 7:46 p.m.

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

Public comment closed at 7:46 p.m.

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

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

1. **Approve August 26, 2020 Minutes**
2. **Claims Report**
3. **First Amendment to the Secured Promissory Note between Jacob Guenther and Tamara J. Shimizu (a.k.a. Tamara J. Guenther) and Midpeninsula Regional Open Space District for a Fee Determinable Estate at 5705 Alpine Road, Portola Valley, CA 94028, adjoining Skyline Ridge Open Space Preserve in unincorporated San Mateo County (Assessor's Parcel Number 080-282-080) (R-20-98)**

General Manager's Recommendations:

1. Determine that the recommended actions are categorically exempt from the California Environmental Quality Act (CEQA), as set out in the staff report.
2. Adopt a Resolution authorizing the General Manager to enter into a First Amendment to the Secured Promissory Note held by Midpeninsula Regional Open Space District against Jacob Guenther and Tamara J. Shimizu as described in the staff.

Item 3 was heard after the Consent Calendar.

President Holman suggested lowering the interest rate for the tenants to a level closer to the market rate, such as 5%.

**Motion:** Director Holman moved, and Director Kishimoto seconded the motion to approve the General Manager's recommendation with the interest rate reduced to 5%.

General Counsel Hilary Stevenson suggested that if the Board would like to further deliberate on the terms and conditions, the Board could direct the General Manager to bring this item back to

the Board after the deal terms have been further negotiated or return to closed session for further negotiation.

President Holman inquired regarding the Guenther's in the meantime.

Senior Real Property Agent Allen Ishibashi provided additional information regarding the negotiations with the Guenthers, and stated the proposed agreement would be retroactive.

**Amended Motion:** President Holman amended her motion to direct staff to return with this item in closed session after staff determines whether there is a lower interest rate that would meet the District's objectives and would be acceptable to the tenants. Director Kishimoto seconded the amended motion.

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

#### **4. Award of Contract for Environmental Services for the Beatty House Removal and Site Restoration Project (R-20-99)**

##### General Manager's Recommendations:

1. Authorize the General Manager to contract with LSA Associates, Inc., to provide environmental and permitting consulting services to remove the Beatty House and restore the natural resource values of the site for a base contract amount of \$79,786.
2. Authorize a 5% contingency of \$3,989, to be expended only if necessary, to cover unforeseen conditions, for a not-to-exceed contract amount of \$83,775.

#### **BOARD BUSINESS**

#### **5. First reading of the revised "Ordinance for Use of Midpeninsula Regional Open Space District Lands" (R-20-100)**

Assistant General Manager Brian Malone provided an overview of the proposed ordinance explaining that most of the proposed changes are to correct typos or other grammatical errors. A few additional adjustments are proposed to conform to updated legal regulations and to address new emerging issues experienced by District Rangers.

Area Superintendent Brad Pennington described the process to review the ordinance and make suggested updates. The updates are to the regulations for use of District lands and to the bail schedule, which is submitted to the courts to describe the amount of the fine and level of violation. Mr. Pennington described several major changes and/or new additions to the ordinance. One major change proposed is to change the title from regulations to ordinance, reinforcing the District's option of enacting an administrative enforcement program, if the District chooses to do so in the future. Additionally, new sections were modified or added to reflect current use and operations, such as allowing bicycles and e-bikes into District parking lots and to address interference with livestock. The entire ordinance was also updated with gender-neutral language. Proposed changes to the bail schedule relate to how violations are handled by the courts. Mr. Pennington provided additional information in response to questions raised at the Legislative, Funding, and Public Affairs Committee related to the harassment of domestic animals and livestock.

Director Siemens comment that a space is needed between permit and violation in section 408.1.

Director Riffle inquired regarding fines imposed for killing a mountain lion stating it may need to be raised.

Mr. Pennington provided additional information regarding how fines are imposed at the superior court level. Additional fines may be imposed by the California Department of Fish and Wildlife.

Public comment opened at 8:38 p.m.

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

Public comment closed at 8:38 p.m.

Director Riffle suggested staff look into whether the District may increase the fines for certain violations, such as killing mountain lions or having fireworks on District lands.

General Counsel Hilary Stevenson reported the bail schedule does not need to be published with the ordinance and could be modified at a separate time.

**Motion:** Director Riffle moved, and Director Kersteen-Tucker seconded the motion to:

1. Waive reading, read by title only, and introduce the proposed amendments to the Ordinance regulating use of Midpeninsula Regional Open Space District Lands for adoption at the next regular meeting of September 23, 2020.
2. Recommend proposed updates to the Bail Schedule for adoption at the next regular Board meeting of September 23, 2020.

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

**6. Administrative Office Project Update (R-20-97)**

Senior Capital Project Manager Tanisha Werner provided the staff presentation highlighting various elements of the Project that require additional Board input and direction, including the Board room dais and other follow-up items from previous Board discussions.

Director Cyr inquired regarding the speakers for the overflow area to allow those sitting there to hear the presentations.

Eric Skiba with Noll & Tam reported there will be speakers throughout the area, and the speakers can be turned off when not needed.

Director Riffle commented on whether the design has the flexibility to address current or potential future conditions, such as the COVID-19 pandemic, nearby wildfires, etc.

General Manager Ana Ruiz confirmed that the building will have various features to improve flexibility, including a larger room with an attached atrium for social distancing, built in audiovisual capabilities for virtual meetings, and an improved HVAC system and associated air filters.

Directors Siemens requested the Board weigh in on the design of the chairs in the Board room.

Director Kersteen-Tucker requested additional information regarding the options for Board members to virtually participate in public meetings, such as video.

President Holman inquired regarding the materials being used for the front of the dais.

Jane Catalano from Noll & Tam reported the materials for the dais will be a combination of salvaged material and wood veneer.

President Holman spoke in favor of using all salvaged or natural materials for the dais and spoke in favor of using salvaged wood from buildings at Alma College.

Director Siemens suggested using the salvaged materials in a horizontal position to differentiate between the Board and staff areas of the dais.

Directors Kishimoto and Siemens spoke in favor of upgrading the windows to automatic windows.

Director Riffle provided comments regarding windows with automatic closure due to the cost and the ability of staff to select whether to open or close windows.

Mr. Skiba provided additional information about the functionality of the proposed automatic window system.

**Motion:** Director Siemens moved, and Director Hassett seconded the motion to include windows with automatic closure in the design.

**ROLL CALL VOTE: 6-1-0** (Director Riffle dissenting)

Director Kishimoto requested staff provide an informational report regarding the proposed HVAC system.

Ms. Werner provided information regarding design changes based on the permit review by the City of Los Altos. Changes were to the outdoor rear access ramp, staff break room exit routes, and the outdoor area for the staff break room.

Ms. Werner provided information regarding the various solicitations for services, including contractor pre-qualification, construction management and peer review services, and interpretation services.

Director Kersteen-Tucker requested the interpretive elements adequately interpret the coastside portion of the District and various ecosystems the District protects.

Public Affairs Manager Kori Skinner reported the coastside mission is included in the request for proposals.

No additional Board action required.

**INFORMATIONAL MEMORANDUM**

- Trail Use Designation of Short Segment of Lower Meadow Trail in Rancho San Antonio Open Space Preserve

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Kersteen-Tucker reported the Real Property Committee met on September 8, 2020 to discuss the South Cowell Ranch property, which the Board will be considering in October.

Director Kishimoto reported the Lehigh Quarry ad hoc committee also met with Santa Clara County Supervisor Joe Simitian and his staff.

B. Staff Reports

Assistant General Manager Brian Malone reported on the CZU lightning complex fire and its impact on District preserves, including the continued closure of Long Ridge Open Space Preserve. The District's Advanced Resource Management Steward volunteers recently returned to District preserves, and additional volunteers will be returning as allowed by county health departments. Mr. Malone provided an update on staff's measurements of dog waste being left at District preserves and will continue measuring going forward.

General Manager Ana Ruiz commended staff on their work in public outreach and helping contain the recent wildfires.

C. Director Reports

Director Kishimoto reported the Green Streets for Sustainable Communities virtual events will begin this week.

The members the Board thanked staff for their efforts in response to the CZU fires in the recent weeks.

**ADJOURNMENT**

President adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:38 p.m.

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Jennifer Woodworth, MMC  
District Clerk