



## SPECIAL AND REGULAR MEETING

### BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, September 23, 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: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Real Property Manager Mike Williams, Senior Real Property Agent Allen Ishibashi, and Real Property Specialist I Jasmine Leong

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

**Property:** San Mateo County APN: 080-282-080

**Agency Negotiator:** Allen Ishibashi, Senior Real Property Agent

**Negotiating Party:** Jacob Guenther and Tamara J. Shimizu

**Under Negotiation:** Loan Terms

Staff left the closed session after the first agenda item concluded.

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

Title of Employee: Controller  
General Counsel  
General Manager

**CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6**

Agency designated representatives: Board Appointee Evaluation Committee (Directors Holman, Riffle, and Siemens)

Unrepresented Employees: Controller  
General Counsel  
General Manager

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 6:48 p.m.

**REGULAR MEETING**

President Holman called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:00 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, 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**

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

**ADOPTION OF AGENDA**

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

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

**CONSENT CALENDAR**

Public comment opened at 7:05 p.m.

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

Public comment closed at 7:05 p.m.

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

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

1. **Approve September 9, 2020 Minutes**
2. **Claims Report**
3. **Award of Contract for Project Management of Fire Resiliency and Fuel Reduction Work and Associated Biological Monitoring Services at Coal Creek Open Space Preserve (R-20-103)**

**General Manager’s Recommendations:**

1. Authorize the General Manager to enter into a contract with Overstory Land Stewardship for the base contract price of \$62,627 to manage a project that will create and improve fuel breaks along existing open space roads and trails at Coal Creek Open Space Preserve.
2. Authorize a 10% contingency of \$6,263 to be expended only if additional work is required beyond the base contract scope of work, for a not-to-exceed total contract of \$68,890.
4. **Second Reading and Adoption of the Revised “Ordinance for Use of Midpeninsula Regional Open Space District Lands” (R-20-105)**

General Manager's Recommendations:

1. Waive second reading, read by title only, and adopt the Ordinance for Use of Midpeninsula Regional Open Space District Lands.
2. Adopt the Bail Schedule as revised.

**BOARD BUSINESS**

**5. Fiscal Year ending June 30, 2020 Annual Year End Report (R-20-106)**

Chief Financial Officer Stefan Jaskulak provided the FY2019-20 year end report highlighting various projects completed, such as closing a gap of the San Francisco Bay Trail in the Ravenswood Open Space Preserve and a new ADA-accessible loop trail in Bear Creek Redwoods Open Space Preserve; land protected, including additions to the Tunitas Creek, El Corte de Madera, and Purisima Creek Open Space Preserves; and continued work on various projects, such as fire protection and Climate Action Plan implementation. Mr. Jaskulak highlighted numerous actions taken in response to COVID-19 to protect the District's workforce and members of the public.

The members of the Board commended staff on their response to COVID-19 and their ability to continue to deliver on projects and support the District's mission with enthusiasm, dedication, and grace.

Public comment opened at 7:40 p.m.

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

Public comment closed at 7:40 p.m.

No Board action required.

**6. Authorization to enter into a Funding Agreement with Peninsula Open Space Trust to conduct a Newt Mortality and Population Study along Alma Bridge Road in collaboration with partners (R-20-104)**

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 7:41 p.m.

Ms. Ruiz commented on the proposed newt study and its ability to support the work previously completed by citizen scientists that have studied newt mortality in the area. The proposed study may also help support future grant applications to pursue funding for a wildlife crossing project for newts along Alma Bridge Road.

Senior Resource Management Specialist and Interim Land & Facilities Manager Julie Andersen provided the staff presentation describing the data already gathered by citizen scientists and the need to work with partners to pursue and implement a solution that addresses newt mortality

along Alma Bridge Road. Ms. Anderson outlined several conceptual ideas for newt crossings, including modifying existing culverts, directional fencing, etc., and any crossings would require support from the County of Santa Clara and Valley Water, which would own and manage the relevant infrastructure.

Neal Sharma, Wildlife Linkages Program Manager with Peninsula Open Space Trust, described the proposed study, which will look at the size of the breeding adult newt population, proportion of adult newts crossing Alma Bridge Road, percentage of the population killed by vehicles, and the carrying capacity for Lexington Reservoir. Mr. Sharma outlined how the study results will be used, including sharing the data with various agencies and stakeholders, supporting future grant funding requests, developing newt crossing alternatives, and adding to baseline data for determining the efficacy of newt crossing structures.

Ms. Andersen provided an overview of the project timeline and next steps for the project.

Director Kishimoto requested clarification regarding this study and its relation to the UC Davis newt study.

Ms. Andersen reported the UC Davis study is running in parallel and that the proposed study would complement the UC Davis proposal to design potential crossing structures.

Public comment opened at 8:12 p.m.

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

Beatrice Bui stated it would be helpful to consider studies that already exist and inquired if tunnels could be built.

Annette Herz supported saving newts stating action is needed immediately and should not be delayed for an additional study to be completed.

Kathleen Feigelman requested the District build a tunnel now, and additional research is not needed.

Merav Vonshak stated urgent action is needed to prevent additional newt mortality.

Kira Ord urged the Board to proceed with an investigation of what can be done to protect newts and their access to land and water without mass newt mortality.

Public comment closed at 8:15 p.m.

**Motion:** Director Kishimoto moved, and Director Holman seconded the motion to authorize the General Manager to enter into a Funding Agreement and contribute \$150,000 for Peninsula Open Space Trust and partner agencies to conduct a Newt Mortality and Population Study from October 2020 to June 2021.

Director Kishimoto acknowledged the work completed by citizen scientists and their dedication and expressed hope that other agencies will be able to use the data to support actions to prevent newt mortality. Director Kishimoto commented on one of the comments shared at the Planning

and Natural Resources Committee on this topic that the District should have a net zero impact for its public access projects.

**ROLL CALL VOTE: 6-0-0**

Director Riffle rejoined the meeting at 8:20 p.m.

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

General Manager Ana Ruiz provided the update describing visitor attendance at District preserves and reported the District's volunteers are beginning to return to the preserves to work on stewardship projects and volunteer trail patrol, including the Advanced Resource Management Stewards. Ms. Ruiz reported on several virtual events coming up featuring the District and its preserves. Ms. Ruiz provided updates on various other projects that had been impacted by COVID-19 and have also required crisis management, preparation, and response in light of recent statewide catastrophic fires.

Public comment opened at 8:42 p.m.

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

Public comment closed at 8:42 p.m.

No Board action required.

**INFORMATIONAL MEMORANDUM**

- Beatty Parking Area and Trail Connections Project Update

Public comment opened at 8:43 p.m.

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

Annette Herz opposed building a new parking lot for in the Beatty area due to its potential negative impact on migrating newts.

Merav Vonshak supported postponing the Beatty parking area project and hopes it will not be implemented due to the significant negative impact it will have on newts in the area.

Public comment closed at 8:43 p.m.

Director Siemens stated that the planning for the Beatty parking area should move forward in parallel to the newt study, with construction postponed until after the newt topic had been addressed.

Director Kersteen-Tucker supported bringing this item forward for a discussion by the full Board of Directors.

Directors Cyr and Hassett also supported bringing this item forward for full Board discussion.

**INFORMATIONAL REPORTS**

A. Committee Reports

Director Kishimoto reported the Planning and Natural Resources Committee met on September 22, 2020 and discussed the Rancho San Antonio multimodal access study.

B. Staff Reports

No staff reports.

C. Director Reports

Director Kishimoto reported the next virtual event for the Green Streets Symposium will be next week.

**ADJOURNMENT**

President Holman adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 8:57 p.m.

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Jennifer Woodworth, MMC  
District Clerk