



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, January 27, 2021

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 Riffle 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 Brian Malone, Assistant General Manager Susanna Chan, Chief Financial Officer Stefan Jaskulak, District Clerk/Assistant to the General Manager Jennifer Woodworth, Chief Ranger Matt Anderson, Area Superintendent Brad Pennington,

President Riffle 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 Riffle described the process and protocols for the meeting.

1. Options for the Analysis of Class 1 and 2 Electric Bicycle Use on Paved Trails and Class 1 Electric Bicycle Use on Unpaved Trails (R-21-13)

General Manager Ana Ruiz provided comments stating the options being presented to the Board are in response to Board feedback. Ms. Ruiz commented the District's commitment to land and natural resource preservation is different than other agencies which allow higher intensity uses.

Therefore, additional research is warranted to ensure that the resources are protected and that the visitor experience and land management/operations are not negatively impacted.

Assistant General Manager Brian Malone described the purpose of the meeting for the Board to select an option for how to proceed with analyzing the potential effects of e-bike use on the visitor trail experience, trail maintenance, enforcement, and natural resources for paved and unpaved trails. Mr. Malone reviewed the three options for Board consideration: 1) complete a one-year pilot program for paved trails followed by a pilot program for unpaved trails; 2) reduce the scale of the pilot program for paved trail and proceed with the pilot program for unpaved trails; and 3) reduce the scope of the pilot program for paved trails and partner with another agency to analyze e-bike use on trails similar to District trails. Mr. Malone summarized the various District policies that govern e-bike use in District preserves.

Director Holman requested clarification regarding the definition of mobility disability.

Mr. Malone reported this is defined by a doctor, and additional information regarding a visitor's disability may not be requested by District staff.

President Riffle inquired regarding enforcement of District policies, including policies regarding Other Power-Driven Mobility Devices.

Chief Ranger Matt Anderson reported there is abuse of the Other Power-Driven Mobility Devices Policy by some visitors, but not frequently, and staff errs on the side of assuming the policy applies to the visitor.

Mr. Anderson described the three classifications of e-bikes and summarized state and federal regulations related to e-bikes. Mr. Anderson provided projected timelines for the various pilot program options.

Director Cyr inquired if Class 1 e-bikes can be modified to achieve faster speeds.

Mr. Anderson reported they can be modified, but it is likely not common on District trails.

Director Hassett inquired if other land management agencies allow e-bikes and require a disability placard.

Mr. Anderson reported he is not aware of any agencies requiring a placard to identify a rider who has a disability.

Director Holman inquired if there is data available regarding injuries related to the various types of e-bikes due to potentially higher speed of the e-bike.

Mr. Anderson reported currently available studies have shown e-bikes are typically going slower than analog bicycles and is unaware of any studies related to accident injuries specifically involving e-bikes.

Mr. Malone stated staff will report back to the Board on any studies and other literature District staff finds on the topic. Additionally, Mr. Malone reported that after speed limits were instituted

in District preserves, mountain biking accidents declined, which had typically involved bicycles speeding.

Director Kersteen-Tucker inquired how the impacts to resources will be measured.

Mr. Malone reported the impacts of e-bikes will be difficult to measure as compared to analog bikes and staff may not be able to definitively determine the difference in impacts by e-bike and analog bikes.

Director Kersteen-Tucker inquired how e-bike compatibility with equestrians will be determined.

Mr. Anderson reported this can be studied through intercept surveys and visitor complaints.

Director Kishimoto inquired regarding options for enforceability and whether additional resources would be needed.

Mr. Anderson reported enforcement during a pilot program would relate to speed enforcement, and enforceability would be similar to current regulations for analog bikes.

Director Kishimoto inquired regarding the long-term impact of e-bikes on wildlife.

Mr. Malone stated the Science Advisory Panel is not currently studying the impact of e-bikes on wildlife but is studying the impact of public access on wildlife. Staff and the Science Advisory Panel report the presence of people does impact wildlife, but it is not known if it is possible to measure any impact specifically attributed to e-bike use.

Director Siemens inquired if staff identified local partner agencies for Option 3.

Mr. Anderson reported staff contacted Santa Clara County Parks and California State Parks related to the possible study.

President Riffle requested and received clarification regarding the paved and unpaved pilot programs.

Mr. Malone further described the data being collected in the current paved trail pilot program and how the timelines for the projects would overlap.

Public comment opened at 6:19 p.m.

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

Josh Stivers stated previous studies concluded e-bikes are safe, low-impact, and manageable using existing bicycle regulations; therefore, the District should not spend additional funds to analyze the topic. If additional study is to be done, it should be regarding e-bikes on unpaved trails.

John Kunz supports allowing e-bikes in District preserves in order to enrich the physical, emotional, and social lives of visitors, who are largely senior citizens.

Ed Noskowski supports allowing e-bikes on all paved and unpaved trails in order to make the trails more accessible to everyone.

James Hartigan supports allowing class 1 and 2 e-bikes on open space trails because they don't go faster than analog bikes. Additionally, e-bikes users are typically older and more courteous than other cyclists.

Griffith Tully supports allowing e-bikes on unpaved trails, especially for the physically disabled and older riders, which need assistance on uphill portions of the trail.

Jerry Wittenauer, on behalf of the Equestrian Trail Riders Action Committee, opposes Option 3 unless trails with interactions between e-bikes and equestrian riders are studied.

Carmen Lynaugh supports Option 3 in order to expedite the pilot project for unpaved trails.

Alan Muschott supports allowing e-bikes on District trails where analog bikes are allowed because e-bikes are similar in weight to analog bikes and allow older riders to exercise and enjoy the fresh air.

Aaron Rough supports Option 2 because e-bikes create no more impacts than analog bikes and allowing e-bikes will expand the ability of people with disabilities and older riders to enjoy public spaces and outdoor activities.

Page Brooks opposes e-bike restrictions stating they are discriminatory against older individuals.

Rudy Birnel supports allowing seniors to ride all trails with e-bikes.

Raymond Chu supports allowing e-bikes on District trails in order to allow older riders like himself to exercise and enjoy the outdoors.

Patrick Noon stated e-bikes should be allowed on all trails open to other cyclists.

Lawrence Casey supports allowing Class-1 e-bikes on trails because e-bikes allow him and others to exercise safely.

Tom Moran supports allowing e-bikes on District trails.

Kent Taylor opposed the limited e-bike pilot project stating all District bike trails should be open to e-bikes.

Kent Bell expressed concern that District bike trails are closed to e-bikes because e-bikes allow older riders to remain active. Mr. Bell urged the Board to repeal the restrictions on e-bikes.

George Wang supported starting a pilot program for e-bikes sooner by reducing the scale of the program. E-bike power assist is typically only used when cyclists are climbing hills.

Nancy Cole opposed allowing e-bikes on District trails.

Gorka Sandowski stated e-bikes should be allowed in District preserves because they do not have a larger impact than analog bicycles, horses, hikers, etc.

Joe Zheng commented on the differences between Class 1 and Class 2 e-bikes and stated Class 1 e-bikes should be allowed on all trails where analog bicycles are allowed.

Arash Izadi stated ample studies on e-bikes have been completed by other agencies and show no evidence of harm by Class 1 e-bikes.

James Schek supports allowing e-bikes on District trails because they allow more people to experience open space and parks and can reduce the number of visitors driving to preserves.

Bruce Rosenthal opposed allowing e-bikes on District preserves due to the negative impact on other visitors.

John Ham supported allowing e-bikes on District trails.

Saul Leiken supported allowing e-bikes on District trails stating other agencies allow e-bikes and have shown that concerns related to negative environmental impacts and user conflicts are unwarranted.

Public comment closed at 6:42 p.m.

Director Cyr commented many members of the public do not differentiate among the various operators of open space and park areas and do not always know what regulations apply.

Director Hassett commented once e-bikes are allowed through a pilot program, it may be difficult to return to no longer allowing e-bikes if the Board decides to restrict them.

Director Holman spoke in favor of completing the current pilot program and in favor of Option 3.

Director Holman inquired regarding the application of CEQA for the project.

General Counsel Hilary Stevenson commented CEQA provides a categorical exemption for information gathering and additional environmental study would be completed depending on the Board's direction on whether to allow e-bikes and on the types of trails to be allowed.

Director Kishimoto commented on the District's Basic Policy which promotes low impact uses of preserves.

Director Siemens spoke in favor of Option 3 to learn from other agencies and due to the shorter timeline.

President Riffle spoke in favor of Option 3 and in favor of working with partner agencies with similar trails and trail experiences as the District's trails.

Motion: Director Siemens moved, and Director Cyr seconded the motion to reduce the scale of the Paved Pilot Program to release staff capacity for partnering with a local agency to conduct

intercept surveys and complete observation reports on trails that are a good proxy for District trails where e-bikes are already permitted. Present findings for Board consideration on next steps for e-bike use on District lands (depending on results, may expedite by close to one year).

Friendly Amendment: Director Kersteen-Tucker offered a friendly amendment to include intercept surveys or speed surveys to help understand what is occurring on paved trails.

Directors Siemens and Cyr accepted the friendly amendment.

Director Kersteen-Tucker stated it is important to understand if there are any impacts to the visitor experience and requested staff return with visitor feedback. Director Kersteen-Tucker also asked staff to consult with the Science Advisory Panel regarding the impact of e-bikes on natural resources.

Mr. Malone reported the online survey for visitors will gather visitor feedback.

Mr. Pennington reported the visitor intercept survey can also be added to the District’s website.

Director Kishimoto stated the results should be evaluated against the District’s Basic Policy.

Mr. Malone stated the evaluation criteria for the pilot program closely aligns with the District’s Basic Policy.

Director Kersteen-Tucker withdrew her friendly amendment.

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

ADJOURNMENT

President Riffle adjourned the special meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 7:20 p.m.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Riffle called the regular meeting of the Midpeninsula Regional Open Space District to order at 7:25 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, Assistant General Manager Brian Malone, Assistant General Manager Susanna Chan, District Clerk/Assistant to the General Manager Jennifer Woodworth, Public Affairs Manager Kori Skinner, Public Affairs

Specialist II Leigh Ann Gessner, Engineering & Construction Manager
Jay Lin, Senior Capital Project Manager Scott Reeves, Senior Capital
Project Manager Tanisha Werner, Real Property Manager Mike Williams,
Senior Real Property Agent Mike Williams, Real Property Agent I
Jasmine Leong

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ORAL COMMUNICATIONS

District Clerk Jennifer Woodworth announced no comments were submitted.

ADOPTION OF AGENDA

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

ROLL CALL VOTE: 7-0-0

SPECIAL ORDER OF THE DAY

- Introduction of Staff
 - Tyler Smith, Planner II

CONSENT CALENDAR

Public comment opened at 7:31 p.m.

District Clerk Jennifer Woodworth reported no comments were submitted for the consent calendar.

Public comment closed at 7:31 p.m.

Motion: Director Kersteen-Tucker moved, and Director Kishimoto seconded the motion to approve the Consent Calendar.

ROLL CALL VOTE: 7-0-0

1. **Approve Claims Report**
2. **Appointment of Board of Directors Standing Committee Members and Representatives to Various Bodies, Including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, for Calendar Year 2021 (R-20-14)**

Board President's Recommendation: Approve the Board President's appointments to the Board Standing Committees and other bodies, including the Governing Board of the Midpeninsula Regional Open Space District Financing Authority, and determine the compensable status for attendance at these meetings.

3. Annual Dedication Report of Certain Lands of the Midpeninsula Regional Open Space District (R-21-17)

General Manager's Recommendation: Accept the annual report on the status of dedicated interests in lands of the Midpeninsula Regional Open Space District held for public open space purposes.

BOARD BUSINESS

4. Proposed Purchase of the Billingsley Ranch Property, located at 34000 Loma Prieta Road, Los Gatos, in unincorporated Santa Clara County (Assessor's Parcel Number 562-20-001), as an addition to Sierra Azul Open Space Preserve (R-21-15)

Real Property Agent I Jasmine Leong provided the staff presentation describing the Billingsley property, its location, geographical features, natural resources, and displayed photos of the property and improvements on the property. Ms. Leong described the reasons for the purchase, including purchase of an inholding, protection of natural resources, and to support the Mount Umunhum-to-the-Sea Trail. Funds for the proposed purchase are included in Measure AA portfolio 25. Finally, Ms. Leong outlined the terms and conditions of the proposed purchase, including the purchase price, removal of vehicles by the seller, and proposed demolition of the residence and the partially built cabin to be completed by the District.

Director Hassett requested additional information regarding the existing water tanks.

Ms. Leong reported if the tanks are in good condition, they will be moved to the concrete slab.

Public comment opened at 7:43 p.m.

Ms. Woodworth read the submitted comments into the record.

Alex Sabo with the Bay Area Ridge Trail Council supported the purchase of the Billingsley Ranch property, which will support the future Ridge Trail South County loop through Uvas Canyon and Mt. Madonna county parks.

Matthew DeYoung supported the acquisition of the Billingsley Ranch property because it will enhance regional connectivity for trail users.

Public comment closed at 7:44 p.m.

Motion: Director Cyr moved, and Director Kersteen-Tucker 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 Billingsley Ranch Property for \$1,650,000 with a corresponding authorization for a Fiscal Year 2020-21 budget adjustment of the same amount.
3. Authorize the General Manager to initiate plans for demolition of the structures and to bring a demolition contract award to the Board as a future item.
4. Adopt a Preliminary Use and Management Plan for the Property, as set out in the staff report.
5. Withhold dedication of the Billingsley Ranch Property as public open space at this time.

ROLL CALL VOTE: 7-0-0

5. Reject all bids for the Cultural Landscape Rehabilitation Project at Bear Creek Redwoods Open Space Preserve (R-21-19)

Senior Capital Project Manager Scott Reeves provided the staff presentation describing the project scope and the procurement process. Mr. Reeves reported on feedback received by the bidders related the high bids as compared to the engineer's estimate. Finally, Mr. Reeves presented the proposed next steps for the project, including value engineering the project scope, additional bid alternates, deferring improvements, etc., and the revised project schedule.

Director Holman inquired regarding dividing the work into separate contracts.

Mr. Reeves stated staff is looking into this option to determine if it is feasible.

Public comment opened at 7:58 p.m.

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

Public comment closed at 7:58 p.m.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to:

1. Reject all bids received for the Alma Cultural Landscape Rehabilitation Project at Bear Creek Redwood Open Space Preserve.
2. Authorize the General Manager to publicly re-solicit bids.

ROLL CALL VOTE: 7-0-0

6. Project Brief for the Administrative Office Interpretive Elements Project (R-21-18)

Public Affairs Specialist II Leigh Ann Gessner provided the staff presentation describing the purpose of the interpretive elements to provide an opportunity to connect visitors to the District's work, mission, and preserves. Ms. Gessner described opportunities for interpretive elements throughout the building's interior and exterior and outlined the project phases and associated timeline. Ms. Gessner introduced the interpretive consultants, Sherry Smith and Charlie Davis, with EDX Exhibits.

Ms. Smith and Mr. Davis described the purpose of interpretation is to evoke curiosity and engagement, as well as presented the proposed project goals, possible resources, etc. Mr. Davis described potential interpretive themes for the District office, such as the importance of open space, open space is for everyone, and the Midpen agency.

Director Hassett commented about incorporating the Ohlone and/or Amah Mutsun tribes into the interpretive design.

Ms. Gessner reported staff will note the comment for inclusion as the designs are developed.

Director Holman suggested the salvaged materials used for the building's design and construction should be showcased and incorporated into the interpretation without covering them.

Director Holman suggested low-impact uses and no-net impact could be highlighted and proposed representing open space elements as a fourth theme, such as wildlife, wildflowers, etc., and helping make these accessible to the public.

Director Kersten-Tucker suggesting adding interpretive elements near the bus stop location.

Director Kishimoto inquired if the interior exhibits would change.

Ms. Gessner stated these details have not yet been determined, and resources needed to support the changes would need to be considered.

Director Kishimoto suggested including interpretive elements in various languages and an area to display staff photos from the District's history.

Director Holman stated the District's various cultural artifacts should be included and suggested a museum with adequate space be included.

Director Siemens spoke regarding the importance of highlighting interpretive photos and images over a large amount of text.

President Riffle spoke in favor of having an area that is periodically updated, highlighting past staff members in group photos, and potentially incorporating the District's online presence into the physical building.

Public comment opened at 9:00 p.m.

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

Public comment closed at 9:00 p.m.

Motion: Director Kersteen-Tucker moved, and Director Siemens seconded the motion to approve the proposed project brief with any additional Board-directed revisions to guide the planning and design of public-facing interpretive elements for the future Administrative Office located at 5050 El Camino Real in Los Altos.

ROLL CALL VOTE: 7-0-0

INFORMATIONAL MEMORANDA

- Summary of Visitor Counter Data and the COVID Pandemic
- Review of Use of Contingency Funds – FY20

INFORMATIONAL REPORTS

A. Committee Reports

Director Kishimoto reported the Planning and Natural Resources Committee met on January 26, 2021 to discuss the Rancho San Antonio multimodal access study and to receive an update on the programmatic environmental permitting process.

Director Kersteen-Tucker reported the Board Self-Evaluation ad hoc committee met on January 26, 2021 to finalize the agenda for the February 8, 2021 Board retreat.

B. Staff Reports

Public Affairs Manager Kori Skinner provided an update on the District’s 50th anniversary plans.

C. Director Reports

Director Cyr reported he attended a meeting of the Santa Clara Valley Water District’s Water Commission today. Also, he and Director Kishimoto will be presenting to the Sunnyvale City Council on February 2, 2021.

ADJOURNMENT

President Riffle adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 9:13 p.m.

Jennifer Woodworth, MMC
District Clerk