Notice of Special Meeting of the  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD  
City of Menlo Park Council Chambers  
701 Laurel Street, Menlo Park, California  
Thursday, April 19, 2012 at 4:00 p.m.

AGENDA

1) ROLL CALL

2) APPROVAL OF MEETING MINUTES – March 22, 2012 Board Meeting

3) APPROVAL OF AGENDA

4) PUBLIC COMMENT – Limited time for public comment on items not on the Agenda. Members of the public may address the Board on any Agenda item when that item is considered by the Board.

5) REGULAR BUSINESS – EXECUTIVE DIRECTOR’S REPORT

   a) SF Bay-Highway 101 project: Administrative Draft Environmental Impact Report

   b) Discussion of the inter-agency agreements necessary to construct the SF Bay-Highway 101 project

   c) Presentation: UC Berkeley graduate seminar analysis of SFCJPA projects and opportunities

   d) New regional initiative to protect against flooding from SF Bay

6) BOARD MEMBER MATTERS - Non-agendized comments, requests, or announcements by Board members; no action may be taken.

7) ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda can be viewed online by 4:00 p.m. on April 16, 2012 at www.sfcjpa.org -- click on the “Meetings” tab near the top. Reports for the Agenda items listed above will be available at the same online location by 4:00 p.m. on April 17, 2012.

NEXT SCHEDULED MEETING: May 24, 2012 at 4:00 p.m. at the East Palo Alto City Council Chambers.
Chairperson Burt called the meeting to order at 4:04 p.m. at the City of Palo Alto Council Chambers, Palo Alto, CA.

DRAFT

1) ROLL CALL
   Members Present: Director Burt, City of Palo Alto
                    Director Keith, City of Menlo Park
                    Director Schmidt, Santa Clara Valley Water District
   Members Absent: Director Pine San Mateo County Flood Control District
                   Director Abrica, City of East Palo Alto
   Alternates Present: Director Romero (in audience)
   JPA Staff Present: Len Materman, Executive Director
                      Kevin Murray, Staff
                      Miyko Harris-Parker, Staff
   Legal Counsel: Not present
   Others Present: Art Kraemer, Palo Alto resident; Trish Mulvey, Palo Alto resident; Jerry Hearn; Portola Valley resident; Dennis Parker, East Palo Alto resident; Joe Teresi, City of Palo Alto; Ann Stillman, San Mateo County Flood Control District; Kevin Sibley, Santa Clara County Flood Control District; Chip Taylor, City of Menlo Park; Chris Elias, Santa Clara Valley Water District; Liang Lee, Santa Clara Valley Water District; Tom Zigterman, Stanford

2) APPROVAL OF MEETING MINUTES – February 9, 2012 Meeting
   Director Keith motioned approval of the February 9, 2012 Board meeting minutes. Director Schmidt seconded. February 9, 2012 Board meeting minutes approved 3-0.

3) APPROVAL OF AGENDA
   Agenda approved 3-0

4) CONSENT CALENDAR
   Director Schmidt moved approval of the consent calendar. Director Keith seconded. Consent calendar approved 3-0.

5) PUBLIC COMMENT
   NONE.

6) REGULAR BUSINESS- EXECUTIVE DIRECTOR’S REPORT
   Update: SF Bay-Highway 101 Project
   Mr. Materman provided the Board with an update on the SF Bay-Highway 101 project. Mr. Materman presented the anticipated project schedule for the rest of the year. Director Keith asked Mr. Materman to give an update on whether PG&E will pay to replace the line.
Mr. Materman responded saying that PG&E has said that the line in question is not an immediate priority. Mr. Materman continued saying that the line was installed in 1959 and that it was last tested 23 years ago and it tested well. Mr. Materman said that PG&E’s position is that if a line does not need to be removed and a project happens that requires the movement of the line, then whoever is doing the project is responsible for the cost of moving the line. Mr. Materman said that there will be further conversation on this issue with PG&E at the upcoming meeting he will be having with PG&E representatives.

Director Keith asked that an e-mail update be sent to the Board after the meeting with PG&E.

Chairperson Burt said that we also need to know the life expectancy of the line as well as the usefulness of the line. Director Burt asked if it would be beneficial to have two Board members attend the meeting. Mr. Materman responded saying that he would prefer to see what PG&E has to say at the meeting before Board members become involved.

Chairperson Burt asked if the Board should give Mr. Materman direction, in case PG&E’s response is not what we want, to invite PG&E to our next Board meeting to have a discussion on the subject. Director Keith said if PG&E is not interested then we should go to the CPUC. Chairperson Burt commented on the fact the City of Palo Alto had a large public meeting regarding the Palo Alto lines, and as a result the City got positive feedback from PG&E. Director Keith said that Mr. Materman should go ahead and invite PG&E to attend one of our future Board meetings.

Joe Teresi, Palo Alto Public Works, said that he thought he heard that a section of the line near East Bayshore Road is in planning stage to be replaced and he asked Mr. Materman if he could confirm with PG&E on if this is true.

Director Keith asked when the public copy of the EIR will be available. Mr. Materman responded saying that the public copy is expected to be available in mid-June of this year.

Director Schmidt asked if there is a drop dead date if we do not get the contract settled. Mr. Materman said that there is a drop dead date for the end of construction. Mr. Murray responded saying that 2017 is the end date for construction.

Director Schmidt gave a brief report out on his recent trip to DC. Director Schmidt said that there was a discussion regarding new project starts for Corp projects. Director Schmidt continued saying that the position is that there should be no new project starts and that the administration considers new phases as new starts and he was wondering how this would affect us. Director Schmidt said that maybe it would be useful for Mr. Materman to sit with SCVWD staff to figure out what our next steps are.

Mr. Materman responded saying Director Schmidt is referring to Section 221 which is a new guidance. Mr. Materman explained that the SFCJPA applied for credit in August 2009 and the section we applied for was discontinued. Mr. Materman continued saying that the Corp just came out with this new guidance and they have no idea how to implement it which leaves us with a quandary; if we wait for the Corp and wait for an MOU we could be waiting a long time, if we don’t wait we could miss out on receiving federal credit for our work on the SF Bay-Highway 101 project.
Mr. Murray clarified that Section 221 is not a new section, it is the guidance regarding the section that are new.

Director Keith said that as we are facing these challenges it is becoming more apparent that we may have to do a 50-year project; it is making more and more sense to go that way.

Santa Clara Valley Water District Proposed November 2012 ballot measure
Mr. Materman presented text from the Safe Clean Water ballot measure sought by the SCVWD.

Chairperson Burt stated that this language looks along the lines of what we were hoping to see. Director Schmidt stated that the language was recently edited to include the City of Palo Alto’s comments. Chairperson Burt thanked Director Schmidt and the SCVWD for incorporating the comments of the City.

Chairperson Burt asked about other work of the SCVWD on our project. Mr. Materman responded saying that the SCVWD staff is beginning the scope of work for a new design of the Pope-Chaucer Bridge and that the idea is to get a design consultant on board by the early fall.

Chairperson Burt asked Director Schmidt if he could remind us where the SCVWD is in regards to getting Safe Clean Water measure on the November ballot. Director Schmidt said the SCVWD Board will discuss the measure at next week’s SCVWD Board meeting. Director Schmidt said that they need to get something close to a final version if they want to get this passed. Director Schmidt stressed that there will be opportunity for people to comment on what they would like to see in the measure.

Mr. Teresi stated that the measure also includes under their list of projects the issue of tidal flooding. Mr. Teresi said that it was originally at $5 million and has been increased to $20 million.

Director Schmidt stated that he made the suggestion to increase the tidal funds to the SCVWD Board and he was glad they took the suggestion. Director Schmidt clarified that the money was for multiple areas. Chairperson Burt said that the hope and anticipation is that the funds will be leveraged toward the grants. Director Schmidt agreed with Chairperson Burt and said hopefully it can leverage other local funding as well.

Director Keith asked Director Schmidt if he could talk about how the SCVWD will decide if there is sufficient support for a measure like this. Director Schmidt stated that the SCVWD has done three polls with one more to be done in June.

Liang Lee, deputy operating officer of the SCVWD, stated that the last poll will be to ask voters if they will support the measure if it is on the November ballot. Director Keith asked what the previous pole had asked of the voters. Mr. Lee responded saying that the previous pole asked if we should continue the program as is, reduce the tax rate or discontinue the existing special tax rate with most voters polling to continue the program not reducing the rate. Director Keith asked what the percentage was. Mr. Lee said that 68% or so voted strongly to agree to continue the program. Director Keith asked what percentage was needed for this measure to be passed. Mr. Lee responded saying two-thirds.
Mr. Lee said that at this point it is pretty hard to say that the measure will be successful and that the SCVWD staff will be going to City Council meetings in July to describe the program and seek support for the measure.

Trish Mulvey, Palo Alto resident, addressed the Board saying she would like to speak on a different aspect of the measure; as you heard the measure is called Safe Clean Water instead of Clean Safe Creek and Flood Protection. Mrs. Mulvey said that for the first time in between the current measure and the proposed measure the SCVWD is also at the moment adding in some water supply, infrastructure and seismic funding measures and as you know the SCVWD is the county wide flooding agency it’s not exactly the county wide water agency, there are a number of communities including Palo Alto and Mtn. View who are serviced by Hetch Hetchy and we are already paying substantial amounts for the Hetch Hetchy upgrade.

Mrs. Mulvey continued saying knowing how slippery thin the last vote was on Measure B whether the Hetch Hetchy users in all of Santa Clara County are going to also pay for SCVWD water supply and dam measures rather than expecting SCVWD rate payers only to pay for this measure, she is apprehensive that that little margin of approval from last time will be able to be continued. Mrs. Mulvey stated that she did write to the SCVWD Board at the end of last year asking if they would consider polling the Hetch Hetchy part of their water based about that subject and she was told that her inquiry had been referred to staff and she has not heard since. Mrs. Mulvey said that she has spoken with Director Schmidt about her concerns and she just wanted to share them with the SFCJPA Board as Chairperson Burt in particularly in context of having the SCVWD coming to the City of Palo Alto City Council to have that conversation; she would appreciate it if he would raise the inquiry. Mrs. Mulvey commented on the issue of the SCVWD measure going or not going on the ballot saying that the current measure does not expire until 2016 and knowing that the Presidential election year is a struggle with the floating number of people what would be their next target if it does not go or if it goes and does not pass. That then affects the proposal we are seeing tonight and the timing of doing anything. Mrs. Mulvey said that this is just another amount of complexity with no easy answers and she thanked the Board for their attention.

Chairperson Burt reminded the Board that there was a discussion just before the original proposal of the Clean Safe Water was to allocate $26 million towards the San Francisquito Creek project and in response to the request of Palo Alto it’s been raised to $35.3 million which is a significant amount of money and a significant change from the proposal and that was very much appreciated as well.

**Update: Grant applications**

Mr. Materman and Mr. Murray provided a brief report out on the current grant applications that the SFCJPA is working on. Chairperson Burt asked if the City of Palo Alto could qualify for the National Coastal Wetlands Conservation (NCWC) grant with current results of the golf course redesign. Mr. Murray said that he could speak with City staff in regards to the NCWC grant.

Director Keith noted that today is World Water Day and it is great to have this discussion. Director Keith said that today there was an award ceremony that she and Director Schmidt both attended and that there were discussion speaking about projects like you just mentioned. Director Keith stated that the SCVWD received an award today for Water Conservation on their projects.
Chairperson Burt wanted to make sure that it was known that the City of Palo Alto is working with Environmental Volunteers and asked if we should exploring if a collaboration with them would be helpful with this grant. Mr. Murray responded saying that with the project we have engaged several NGO’s but have had no direct contact with Environmental Volunteers. Chairperson Burt said that he encourages us to engage them as this is their area of expertise.

7) **BOARD AND ASSOCIATE MEMBER MATTERS** - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken*

Director Schmidt stated that there was a discussion of Shoreline issues in DC and that two weeks ago he attended a California Water Conference that was mostly water supply but they are starting to look at flood control.

Chairperson Burt followed up on an SFCJPA retreat issue regarding non-voting members of the SFCJPA within our bylaws, namely Stanford and the San Francisquito Watershed Council. He asked that we put this on the agenda of a future Board meeting for discussion.

8) **ADJOURMENT:**
Chairperson Burt adjourned the meeting at 5:09 pm

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker
With the help of Kevin Murray and Miyko Harris-Parker, I am pleased to submit the following:

a) **SF Bay-Highway 101 project: Administrative Draft Environmental Impact Report**

On April 19, SFCJPA environmental consultant ICF will deliver the Administrative Draft Environmental Impact Report (ADEIR) for the SF Bay-Highway 101 project. The purpose of the ADEIR is to provide SFCJPA and member agency staff an opportunity to better understand major project impacts that will require mitigation, and possible obstacles to securing the necessary permits.

The ADEIR is an internal document and will not be available for public review and comment. Agency staff, including legal counsels, will have almost three weeks to review the document. Taking into account outstanding issues and anticipated public feedback, we will seek to improve the report and project design before details are published in a public Draft EIR.

This Board Agenda item, which represents a significant milestone in the development of the project, is for the general information of Board members and we won’t discuss the details of the ADEIR. The Board and public should be aware that the SF Bay-Highway 101 project is a large and complex capital project that will create temporary impacts related to: air quality, greenhouse gas emissions, biology, recreation, traffic, noise, and/or other issues, which will require mitigation and public outreach.

SFCJPA project manager Kevin Murray will combine the comments received from our Member Agency reviewers, and forward them to ICF by May 11th. Based on this feedback, ICF will prepare a final version of the Draft EIR for SFCJPA review by the end of May. Then the Draft EIR will be released for public and outside agency review and comment during the second half of June. Following the release of the public Draft EIR, there will be a 45-day public review and comment period, during which time there will be a broadly advertised public meeting to solicit input. While this schedule could change, we anticipate approving the final EIR at the end of September.

b) **Discussion of the inter-agency agreements necessary to construct the SF Bay-Highway 101 project**

As mentioned, the SF Bay-Highway 101 project is a large, complex project in terms of its technical challenges. It is also complex in that multiple agencies must agree on the management of construction process, the maintenance of its built products, the mitigation of its major impacts to public facilities, and the funding of all of these. In order to begin project construction, we anticipate that the SFCJPA will need to sign five new agreements and one amended agreement – some of these will be with one other agency and some will be with several agencies. Additionally, member agencies may require agreements that do not involve the SFCJPA related to easements during and after construction or other issues.

At the Board meeting, I will provide an overview of each agreement, the agencies that will be party to it, and the process and anticipated schedule for ratification. The goal for completing these agreements is October 2012 at the latest. This agenda item is a discussion item, and no Board action is requested.

c) **Presentation: UC Berkeley graduate seminar analysis of SFCJPA projects and opportunities**

In October of 2010, during my first meeting with Professor Matt Kondolf, chair of the UC Berkeley Department of Landscape Architecture and Environmental Planning and well-known river expert, we discussed the idea of graduate students from his department contributing to the work of the SFCJPA.
In January 2012, several teams of graduate students from two classes called the Environmental Planning Studio and Design of Landscape Sites began conducting research on various aspects of our project planning, ranging from coastal levee trails along the SF Bay to the value of increasing the permeability of hardscapes on public and private property in the upper watershed. Over the past three months, Matt Kondolf and his colleague Professor Linda Jewell visited our watershed and floodplain with their students and with visiting scholars and practitioners from other countries.

Also during that time, Jerry Hearn, consultants from various firms, other watershed-based public agency officials, and myself judged presentations by students on their findings related to San Francisquito Creek. I saw this exercise as an opportunity for the SFCJPA to receive input on our approach and specific plans from many “fresh eyes” and I hope that this agenda item will be an engaging discussion with the Board and public.

At this month’s Board meeting, Matt Kondolf and a few of the students from the Environmental Planning Studio will present some of the highlights of their findings. At the May 24 Board meeting, Linda Jewell and a few students from the Design of Landscape Sites class will present their work.

d) New regional initiative to protect against flooding from SF Bay

On April 12th, U.S. Senator Feinstein announced a new long-term initiative to secure funding to provide flood protection and environmental restoration to the South Bay shoreline area, including Bay wetlands adjacent to Menlo Park, East Palo Alto and Palo Alto. This announcement followed conversations between her staff and the Moore Foundation, and then with the Silicon Valley Leadership Group and others over the past month. A steering committee for this initiative is being formed that includes the chair of the Santa Clara Valley Water District Board, Linda LeZotte. For the past several years, the Water District has worked with the State Coastal Conservancy and the Army Corps of Engineers on a related effort known as the Shoreline Study, which is currently focused on the Alviso area of San Jose.

On April 13th, I spoke with the Moore Foundation program officer responsible for this initiative about the SFCJPA’s Bay-Highway 101 project, our proposals and plans for an improved coastal levee system, and about their new effort with Senator Feinstein. We spoke about a representative of the initiative coming to speak at the April or May SFCJPA Board meeting about how our efforts are best complemented by their work. SFCJPA Board members attended the April 12th event at which this initiative was announced and they can contribute to the Board discussion. The SFCJPA Board may decide at this meeting that it wants to authorize a letter to Senator Feinstein and Moore Foundation president Steve McCormick expressing its support for and interest in this initiative.

Submitted by:   

Len Materman  
Executive Director