



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

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**Notice of Regular Meeting of the  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD  
City of East Palo Alto Council Chambers  
2415 University Avenue, East Palo Alto, California  
February 27, 2014 at 4:00 p.m.**

AGENDA

- 1) ROLL CALL
- 2) APPROVAL OF MEETING MINUTES – January 23, 2014 Board meeting
- 3) APPROVAL OF AGENDA
- 4) PUBLIC COMMENT – *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*
- 5) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
  - a. Discuss the planning, design, and Environmental Impact Report of projects upstream of Highway 101
  - b. Discuss S.F. Bay-Highway 101 project construction planning
- 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 February 24, 2014 at [sfcjpa.org](http://sfcjpa.org) -- click on the "Meetings" tab near the top. Supporting documents related to the Agenda items listed above will be available at the same online location by 5:00 p.m. on February 25, 2014.

NEXT MEETING: Regular Board meeting, March 27, 2014 at 4:00 p.m., Palo Alto City Council Chambers.

**San Francisquito Creek Joint Powers Authority**

**February 27, 2014 Regular Board Meeting**

**Agenda Item 2**

**January 23, 2014 Board Meeting Minutes**

Chairperson Burt called the meeting to order at 4:10 p.m. at the City of Menlo Park Council Chambers, Menlo Park, 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 (SCVWD)  
Director Abrica, City of East Palo Alto  
Director Pine, San Mateo County Flood Control District

JPA Staff Present:

Len Materman, Executive Director  
Kevin Murray, Staff  
Miyko Harris-Parker, Staff

Legal Counsel Present:

Greg Stepanicich

Others Present:

Trish Mulvey, Palo Alto resident; Jim Wiley, Menlo Park resident Steve Schmidt, Menlo Park resident; Brielle Johnck, Menlo Park resident; Curtis Snyder, Menlo Park resident; Joe Teresi, City of Palo Alto; Eileen McLaughlin, Citizens Committee to Complete the Refuge; Fernando Bravo, City of Menlo Park;; Ann Stillman, SMCFCFCD; Sharon Jones, City of East Palo Alto; Melanie Richardson, SCVWD; Shani Kleinhaus Santa Clara Valley Audubon Society

**2) APPROVAL OF MEETING MINUTES – January 23, 2014**

Director Schmidt made a motion to approve the January 23, 2014 meeting minutes. Director Burt seconded. January 23, 2014 meeting minutes approved 5-0.

**3) APPROVAL OF AGENDA**

Director Pine made a motion to approve the agenda. Director Keith seconded. Meeting agenda approved 5-0.

**4) PUBLIC COMMENT**

Jim Wiley, Menlo Park resident, provided a presentation and requested that the graphics distributed by the SCVWD be corrected to not misrepresent the size and scope of floodwalls. Mr. Wiley asked the Board to save oaks by using an underground diversion channel, perhaps under Hamilton Avenue.

Steve Schmidt, Menlo Park resident, commented on the number of oak trees that will be impacted by the project plans. Mr. Schmidt noted that he estimates about 40 trees on the Menlo Park side alone are heritage oaks according to the Menlo Park standard of 8 inch diameter and that Palo Alto would probably have a comparable number of trees at risk. He he hopes that Board members, the public, and staff will consider this a serious impact. Mr. Schmidt also noted that both Palo Alto and Menlo Park profess to be tree cities and the 1% solution will have a drastic effect on the these neighborhoods.

Shani Kleinhaus, Santa Clara Valley Audubon Society, stated that they have received a lot of comments regarding the Pope-Chaucer Bridge project and she asked that the Board to ask residents on both sides if they would be comfortable with the no bridge alternative.

Brielle Johnck, Menlo Park resident, expressed disappointment that the Pope-Chaucer Bridge is not on the agenda and she commented that the Board might want to put this on the agenda as a regular item so that there can be a dialogue between decision makers and those of that will have to live with the impacts of this project. Ms. Johnck asked why there is discussion two of the options before the draft EIR which

**San Francisquito Creek Joint Powers Authority**

**February 27, 2014 Regular Board Meeting**

**Agenda Item 2**

**January 23, 2014 Board Meeting Minutes**

will discuss all of the options; whereas right now people are thinking that the only things to be decided are two bridge options and there are other options such as conduits on Woodland Ave. and Willow Road.

Curtis Snyder, Menlo Park resident, commented on the inaccuracy of the flyers distributed for the January 15 meeting asked that the flyers of the future are accurate. Mr. Snyder also commented on the lack of public notification regarding the meeting on January 29 and he expressed concern over any alternatives that show wide spread destruction of habitat and visual impacts to neighborhoods and he hopes the Board will seriously look at other alternatives.

Mr. Materman noted that the scoping meeting for the project was back in 2013 and he explained that the EIR looks at project elements including replacement of bridges and channel widening in specific locations upstream and downstream. Mr. Materman explained that the analysis regarding floodwalls or an underground culvert at either Woodland or other locations or the detention of water in the upper watershed is part of something called a program level analysis and it is not intended to thereafter result in permit applications and construction. Mr. Materman noted that the alternatives for the Pope-Chaucer Bridge are separate from the floodwall project; that floodwalls, a detention or underground culvert is a potential future project that would have to go to the vote of the people.

Trish Mulvey, Palo Alto resident, commented on Mr. Snyder's comment about not being aware/not receiving the notice of the January 29 meeting saying that she received an email the previous night noting that she had signed up at the January 15 meeting to receive such communication. Mrs. Mulvey asked if Director Schmidt was able to find out if there was a way for the SCVWD to send out another notice for the January 29 meeting to ensure that people like Mr. Snyder receive it.

Mr. Murray explained that notices for the meeting went to a certain segment of the community that lives within certain boundaries of the bridge and that the last meeting generated interest from a far greater segment of the community than just properties around the bridge because of misrepresentation of the relationship between the bridge and the floodwalls. Mr. Murray said that he would speak to SCVWD staff about what their turn-around for additional noticing would be.

**5) REGULAR BUSINESS**

Board Organization: Select Chair, Vice Chair, and membership on Board Committees

Director Schmidt nominated Director Keith for Chair of the Board. Director Pine seconded. Nomination of Director Keith to Chair of the Board passed unanimously 5-0.

Director Keith took over Chair position at 4:28 pm.

Director Abrica nominated Director Schmidt for Vice-Chair of the Board. Director Pine seconded. Nomination of Director Schmidt as Vice-Chair of the Board passed unanimously 5-0.

No changes with Board Committees.

Discuss S.F. Bay-Highway 101 project construction planning

Mr. Materman spoke to the Board about the S.F. Bay-Highway 101 project construction planning.

Chairperson Keith asked who would be responsible for maintenance. Mr. Materman replied saying his understanding is that on the Santa Clara County side of the levee, SCVWD will be responsible for maintaining the levees while on the other side of the channel we have begun to put forward an agreement related to maintenance, but there has not been any decision between East Palo Alto, San Mateo County or SCVWD on the long-term maintenance responsibility.

Director Pine asked what the cost would be if we went forward with the design changes. Mr. Murray responded explaining that the change in cost is unknown but that it would likely be lower as there would be less large rock imported.

**San Francisquito Creek Joint Powers Authority**

**February 27, 2014 Regular Board Meeting**

**Agenda Item 2**

**January 23, 2014 Board Meeting Minutes**

Mr. Materman provided a brief update on the permits status saying that there was a meeting with U.S. Fish and Wildlife in mid-December and those conversations are proceeding. Mr. Materman noted that there was a meeting with the Regional Water Quality Control Board scheduled for February 3 to talk about water quality issues related to our project and to areas outside of our project.

Chairperson Keith asked if the Regional Water Board was questioning the use of the golf course. Mr. Materman responded explaining that Water Board staff has expressed an interest in taking more golf course land and using airport land for the creek channel.

Director Pine commented on the letter that was sent by the Water Board, questioning if we have threats to our schedule given the tone of the letter. Mr. Materman replied saying that when he spoke with staff from the Water Board this morning referencing the letter, they responded saying that their concerns are related to the nexus between the project and the use of the golf course and the airport, to water going into the Faber Tract, and to low impact development and storm water treatment by the jurisdictions that make up the SFCJPA.

Director Burt commented that the RWQCB letter makes it sound like Water Board staff are going beyond looking for mitigations on a project that has net benefits to the environment. They do not express any sense of urgency for the Bay-101 project related to the homes and lives of people in East Palo Alto. Director Burt continued saying when we walk that levee and look down on rooftops and just a year ago we had a flood event that has further degraded the levees and we have real jeopardy that we could have a very serious event with potential loss of human life and the long-range forecast has predicted an El Nino for 2014-2015. Director Burt commented that as individual jurisdictions we need to put forth our profound concerns over efforts to delay the project.

Chairperson Keith concurred with Director Burt's comments and she proposed that the Board write a letter expressing the Board's sentiment. Mr. Materman proposed drafting a letter and having it ready before the February 3 meeting. Director Abrica commented that the level of discussion that the Water Board is having probably should be held in public and he proposed asking their staff to attend the February 27, 2014 Board meeting.

Joe Teresi, City of Palo Alto, expressed his frustration with RWQCB demands unrelated to this project and commented that the Water Board already has a mechanism to negotiate stormwater water quality measures through the Municipal Regional Permit.

Director Schmidt suggested waiting to find out what happens at the February 3<sup>rd</sup> meeting before sending the letter. Mr. Materman commented that he would send a draft of the letter to the Board and each Board member can reply to him with their individual comments.

Director Pine had another meeting to attend and excused himself at 5:13 pm.

Mr. Materman provided an update on the proposed construction funding alternatives.

Director Schmidt questioned if we removed the Pope-Chaucer Bridge and decided not have a bridge there at all, would we still need the same type of floodwalls along that area of the creek. Mr. Murray responded saying that the difference between alternative one which is the raised bridge and no bridge is negligible as far as flood protection standards go; you would still need floodwalls or some other means of providing protection to get to a 100-year level.

Chairperson Keith encouraged staff to focus on alternatives besides large floodwalls, and stated that she is very interested in learning more about the underground bypass culvert option.

**San Francisquito Creek Joint Powers Authority**

**February 27, 2014 Regular Board Meeting**

**Agenda Item 2**

**January 23, 2014 Board Meeting Minutes**

Eileen McLaughlin, CCCR, welcomed Chairperson Keith and Vice-Chair Schmidt and she thanked Mr. Murray for meeting with her. Ms. McLaughlin gave her appreciation for the discussion that has taken place. Ms. McLaughlin commented on the area that is going to be improved as marsh saying that in biological terms it will be improved as marsh but it will not be the same quality of marsh as in Faber. Ms. McLaughlin also commented on water quality issues having to do with water coming from upstream and her understanding from the RWQCB is that it has to do with the overflow impacts.

Shani Kleinhaus Santa Clara Valley Audubon Society thanked Chairperson Keith for her comments regarding the floodwalls and commented on the loss of Clapper Rail habitat.

Mr. Snyder commented on the retaining walls on the four corner properties saying that it is his understanding that those walls would effectively create depressed yards for the four properties. Mr. Snyder also commented on his thoughts that the difference between the floodwalls for options one and two are the length of the floodwalls. Mr. Murray responded that any of the 100- year projects that we would implement would require the replacement of the Pope-Chaucer Bridge; if we chose to do floodwalls the speaker is correct that the biggest change between options one and two would be the length of the floodwalls; there is a difference in height but the scale is much less.

Director Burt asked about the status of the flood break alternative that had been presented to the Board. Mr. Materman replied saying that the passive flood gate technology presented to the Board will be used in a limited fashion in the Bay-101 project and that the company that produces the gates does have the SCVWD drawings for Pope-Chaucer and other bridges with treatments that they suggest, but we do not yet know if that will work.

Mr. Schmidt thanked the Board and staff for all of the information that has been provided. Mr. Schmidt said that he would like to hear JPA staff say that the two options for the bridges are the first step in 100- year flood protection, that may be built and we may never have that 100 year protection, but the fact that they are there enables some future agency to go ahead with this rather disruptive idea of 100- year protection. Mr. Schmidt said that there is a huge incentive to proceed with this and he referred to the 1998 lawsuit filed by Palo Alto residents that was settled, and though he has not seen the settlement he has been told that there is no requirement in that settlement to replace the Pope-Chaucer Bridge, but the comments of the principal plaintiff in that lawsuit suggest that if there is another flood the cities are going to get sued again.

Director Burt commented that at the public meeting two weeks ago Mr. Materman addressed a number of these questions including that this is the first step in a 100-year flood protection.

Mr. Materman concluded his report with a brief outline of project funding.

Chairperson Keith commented that the shortfall needs to be discussed and she reiterated that the City of Menlo Park would like to see the full project to support funding it.

Director Abrica questioned the timing of having all the pieces in place and he proposed that a timeline be put together that shows all aspects of the project; anticipated timing and the responsibilities of everyone involved. Chairperson Keith thanked staff saying we are making great progress and she agreed with Director Abrica that a timeline would be useful. Mr. Materman commented on the fact that there will be a meeting among the City Managers and CEOs between now and the next Board meeting where this will come up, and that a timeline will be created for an upcoming Board meeting.

**San Francisquito Creek Joint Powers Authority**

**February 27, 2014 Regular Board Meeting**

**Agenda Item 2**

**January 23, 2014 Board Meeting Minutes**

Renew office lease for 2014 at 615B Menlo Avenue in Menlo Park

Director Schmidt motioned to authorize the Executive Director to renew the office lease for 2014 at 615 B Menlo Ave in Menlo Park. Director Burt seconded. Motion to approve the Executive Director to renew the office lease for 2014 at 615 B Menlo Ave in Menlo Park approved 4-0. Director Pine not present.

Approve a 2014 schedule of Regular meetings of the Board of Directors

Director Schmidt motioned to approve the 2014 Schedule of Regular meetings of the Board of Directors. Director Abrica seconded. Motion to approve the 2014 schedule of Regular meetings of the Board of Directors approved 4-0. Director Pine not present.

- 6) BOARD AND ASSOCIATE MEMBER MATTERS** - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken*  
Chairperson Keith asked that Pope-Chaucer and other projects upstream of Highway 101 be on the agenda of upcoming Board meetings. Director Schmidt's report on the Fall 2013 ACWA JPIA conference was moved to next meeting.

**7) ADJOURNMENT:**

Chairperson Keith adjourned the meeting at 6:17 p.m.

Minutes Prepared by Clerk of the Board: Miyko Harris-Parker

**San Francisquito Creek Joint Powers Authority**  
**February 27, 2014 Board Meeting**  
**Agenda Item 5**  
**Executive Director's Report**

With the help of Kevin Murray and Miyko Harris-Parker, I am pleased to submit the following:

**a. Discuss the planning, design, and Environmental Impact Report of projects upstream of Highway 101**

In early 2013, ICF International, an environmental planning consultant to the SFCJPA, began to develop an Environmental Impact Report of creek-related projects upstream (west) of Highway 101. This EIR includes two primary elements:

- 1) A detailed ("project level") analysis that will allow the SFCJPA to apply for permits and begin construction on the baseline project. The baseline project consists of constructing an inlet structure to the new Caltrans culvert under Highway 101, widening the channel in select locations, modifying or replacing the Newell, University, Pope-Chaucer, and Middlefield Road bridges and two private pedestrian bridges, and mitigating impacts associated with those project elements. Taken together, these elements would protect private property from a flood equal to the 1998 event (considered a 45-year flood), and constitute the baseline project because of the significant level of protection these actions would provide, and because any potential future projects to achieve 100-year protection would include these improvements.
- 2) A more general ("program level") analysis of potential future projects, including upstream floodwater detention, an underground bypass culvert, and/or floodwalls, that could expand upon the baseline project to provide 100-year flood protection. This analysis would provide enough detail to allow us to choose the most feasible alternative or combination of alternatives. The SFCJPA may then decide to complete design, conduct a project level EIR, and pursue additional funding to construct the chosen alternative(s).

Also during 2013, the Santa Clara Valley Water District continued to plan and develop designs for several elements of the Baseline project, as well as for potential future floodwalls in the event that the SFCJPA's EIR selects floodwalls as a preferred alternative for 100-year protection. In January 2013, the SCVWD worked with staff from the SFCJPA and cities of Menlo Park and Palo Alto, to organize two public meetings to discuss preliminary designs for two alternatives for a new Pope-Chaucer Bridge, which represents the greatest constriction upstream of Highway 101. Those two meetings were very well attended and resulted in over 150 comments at the meetings and by e-mail. The majority of comments expressed an understanding of the need for the project and concern with the impacts of potential floodwalls upstream and downstream of the Pope-Chaucer Bridge. These comments, and all comments we receive during our drafting of the EIR over the next six months, provide us with valuable input as we analyze alternatives for 100-year protection.

The results of our analysis of the baseline project and our analysis of potential future 100-year protection projects will be presented to the public in the Draft EIR, which I anticipate will be released by October 2014. Following our release of the Draft EIR, there will be a public comment period and public meetings to gather comments on the document from stakeholders and the public. Following the public comment period, we will draft a Final EIR, which I anticipate releasing and then certifying in the first half of 2015. Design on the project elements analyzed within the EIR will be advanced as needed to complete the EIR's analysis, and design of the preferred project will be completed following certification of the Final EIR.

During this agenda item, we will discuss the project elements being evaluated by the EIR, the EIR schedule, and the public comments received thus far. There is no action to be taken by the Board.

**b. Discuss S.F. Bay-Highway 101 project construction planning**

For the past year of Board meetings, we have discussed our efforts to prepare for construction and relocate utilities related to this project. Since the last Board update, SFCJPA and member agency staff have worked on issues related to project financing and permit and land easement acquisition, and our consultants have worked on the project design and permits. Our objective is to complete work on these items very soon in order to take full advantage of the 2014 June-October window to work in the creek, and preserve flexibility regarding work outside the creek. Each week, there are new developments on these, and the information below summarizes many of the activities since the January 23, 2014 Board meeting. Additionally, we will discuss any new developments that have occurred as of the day of the Board meeting.

**San Francisquito Creek Joint Powers Authority**  
**February 27, 2014 Board Meeting**  
**Agenda Item 5**  
**Executive Director's Report**

Project Permits

We are still working to acquire needed regulatory permits following our applications to federal and state agencies in March and April 2013. With the recent project design changes discussed at the January 2014 Board meeting, we are not aware of remaining regulatory agency concerns with our project and all agencies other than the Regional Water Quality Control Board (RWQCB) appeared ready to proceed with the permitting process. Following the SFCJPA Board's invitation to the Bruce Wolfe, Executive Officer of the RWQCB, to speak at our February 27 Board meeting, Mr. Wolfe indicated that he is unable to attend and that a letter regarding our permit application would be sent to the SFCJPA for our consideration at our Board meeting.

Land/Easement Acquisition

On the Palo Alto side of the creek, the SCVWD continues its effort to secure the necessary land easements. On the East Palo Alto side, San Mateo County staff have received the completed appraisals and have issued initial offers to two of the three property owners from whom easements will be needed. We have learned that the third property is currently in probate, and are discussing the appropriate type of acquisition to obtain.

Construction Funding

At recent Board meetings, we discussed construction funding for this project and for bridge and channel widening projects upstream of Highway 101. (The construction of additional projects to protect people from floods exceeding the 1998 event, as well as creek side trails and SAFER Bay, could be funded by other mechanisms including a new finance district if the SFCJPA decides to pursue that option.) Since the January 23, 2014 Board meeting, meetings involving staff leadership from the SFCJPA, cities, San Mateo County and SCVWD have discussed three options of projects to fund:

- 1) S.F. Bay-Highway 101 project only;
- 2) S.F. Bay-Highway 101, plus the entire baseline project described at the beginning of the previous page; and
- 3) S.F. Bay-Highway 101, plus the Caltrans inlet, channel widening, and Newell, Pope-Chaucer and pedestrian bridges (basically, the baseline project except for the University Avenue and Middlefield Road bridges).

At this Board meeting, we will discuss these funding options.

Construction Schedule

With permits and agreements for easements and construction funding not yet in place, the SFCJPA has been focused what can be done now to save time, funds, and minimize construction site conflicts, including:

- In mid-August, the City of Palo Alto began importing soil for new Creek levees, and storing it on an unused areas of the Palo Alto Municipal Golf Course;
- PG&E has realigned electrical poles and modified two electrical towers, and we are working take advantage of opportunities related to the final electrical tower and the gas transmission line; and
- The East Palo Alto Sanitary District plans to relocate their sewer line beginning this spring so that the new levees can be constructed as soon as possible.

Submitted by:

  
Len Materman  
Executive Director