



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY  
sfcjpa.org

East Palo Alto, Menlo Park, Palo Alto, San Mateo County Flood Control District, and the Santa Clara Valley Water District

**Notice of Regular Meeting of the  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD  
City of Menlo Park Council Chambers  
701 Laurel Street, Menlo Park, California  
Thursday, July 26, 2012 at 4:00 p.m.**

AGENDA

- 1) ROLL CALL
- 2) APPROVAL OF MEETING MINUTES – May 24, 2012 Board Meeting
- 3) APPROVAL OF AGENDA
- 4) PUBLIC COMMENT – *Members of the public may speak for up to three minutes on items not on the Agenda. They may address the Board on any Agenda item when that item is considered by the Board.*
- 5) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
  - a) Update: development of inter-agency agreements for the S.F. Bay-Highway 101 project  
Proposed Board action: provide direction on cost-share negotiations with the East Palo Alto Sanitary District
  - b) Proposed Board action: approve PG&E request for additional funds to complete preliminary engineering of steel tower and wood pole electrical transmission lines
  - c) Update: Proposal to the CA Department of Water Resources regarding SF Bay levees north of the Creek
  - d) Update: Santa Clara Valley Water District *Safe, Clean Water and Natural Flood Protection* ballot measure
  - e) Update: SF Bay-Highway 101 project Draft Environmental Impact Report
- 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 July 23, 2012 at [www.sfcjpa.org](http://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 July 24, 2012.

NEXT SCHEDULED MEETING: **August 23, 2012** at 4:00 p.m. at the East Palo Alto City Council Chambers.

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Chairperson Keith called the meeting to order at 4:09 p.m. at the City of East Palo Alto Council Chambers, East Palo Alto, CA.

**DRAFT**

**1) ROLL CALL**

Members Present: Director Keith, City of Menlo Park  
Director Abrica, City of East Palo Alto  
Director Schmidt, Santa Clara Valley Water District (not present at roll call, arrived at 4:11 pm)  
Director Pine, San Mateo County Flood Control District

Members Absent: Director Burt, City of Palo Alto

Alternates Present: None

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

Legal Counsel Present: None

Others Present: Art Kraemer, Palo Alto resident; Trish Mulvey, Palo Alto resident; Dennis Parker, City of East Palo Alto resident; David Tschang, City of East Palo Alto resident; Joe Teresi, City of Palo Alto Public Works; Arnie Thompson, Acterra; Ann Stillman, San Mateo County Flood Control District; Philippe S. Cohen, Jasper Ridge Bio Preserve; Chris Elias, Santa Clara Valley Water District; Kevin Sibley, Santa Clara Valley District; Saied Hosseini, Santa Clara Valley Water District

**2) APPROVAL OF MEETING MINUTES – April 19, 2012 Board Meeting**

Director Pine moved approval of the April 19, 2012 Board meeting minutes. Director Abrica seconded. April 19, 2012 Board meeting Minutes approved 3-0.

**3) APPROVAL OF AGENDA**

Approved 3 -0.

**4) CONSENT CALENDAR-Association of California Water Agencies Joint Powers Insurance Authority**

Director Pine moved approval of the Consent Calendar item. Director Abrica seconded. Consent Calendar item approved 3-0. Director Pine noted that per the ACWA website ACWA has received all of the necessary votes to pass the motion.

**5) PUBLIC COMMENT**

David Tschang, resident of East Palo Alto, expressed his displeasure with his representatives, and commented on the fact there is not enough being done to help our young people stay out of prison and that the officials in East Palo Alto need to demand more from the developers in the city.

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Mr. Tschang said that he is not criticizing anyone he just appeals to the Board and to all the officials to start thinking about our young people and start representing them.

**6) REGULAR BUSINESS**

Update: Grant proposals regarding S.F. Bay-Highway 101 restoration work and Bay levee design

Mr. Materman provided the Board with an update on the grant proposals regarding the S.F. Bay-Highway 101 restoration work and Bay levee design. Mr. Materman gave a brief explanation about the National Coastal Wetlands Conservation Program saying that it is administered by the U.S. Fish and Wildlife Service and provides funds for the design and construction of projects that restore or rehabilitate coastal wetlands. Mr. Materman explained to the Board that only state agencies are able to apply for this grant and explained that after Mr. Murray provided senior staff from the California Coastal Conservancy a tour of the project site, the Coastal Conservancy has agreed to be our state sponsor. Mr. Materman also reminded the Board about the California Department of Water Resources' Local Levee Assistance Program in which the SFCJPA submitted two applications too in December 2011. Mr. Materman stated that we do not have the results yet but, according to Rich Gordon's office the announcement is eminent and as soon as we have word we will inform the Board and the public.

Chairperson Keith commented that it was great to see that there is no consultant funds required for the application of the National Coastal Wetlands Conservation Program.

Director Pine asked if, on the Department of Water Resources grant, the fact that none of our communities are disadvantaged will limit the amount of funds we will receive.

Mr. Materman responded saying that DWR recognizes that parts of both cities are considered disadvantaged but for this program East Palo Alto and the Belle Haven community of Menlo Park do not qualify as disadvantaged communities, which allows us to apply to a maximum request of 70% of total cost. Mr. Materman noted that the City of East Palo Alto committed \$300,000 for this grant opportunity and the City of Menlo Park asked us to come back once we knew the results.

Director Pine stated that we will still need to figure out our local match.

Mr. Materman responded saying yes if we get the full amount we will need to have a discussion on how we determine the local match.

Update: Inter-agency agreements for the S.F. Bay-Highway 101 project

Mr. Materman gave an update on the status of some of the inter-agency agreements needed for the S.F. Bay-Highway 101 project. Mr. Materman clarified for the Board the question by Director Schmidt at the last Board meeting regarding the timing of these agreements relative to the EIR. Mr. Materman said that at the time of the last Board meeting there was the impression that the agreements could be done independently of the EIR, but the answer to the question is that the mitigation to Palo Alto golf course should be done prior to the EIR and that all of the other agreements should be done after the EIR noting that they could be done at the same Board meeting just after the EIR. Mr. Materman further stated that the mitigation for the Palo Alto Golf Course impact is proposed to be a payment from the SFCJPA to the City of Palo Alto so that the City can execute its desires for the Golf Course and separate that project from the SFCJPA project. Mr. Materman said there have been several meetings with City of Palo Alto staff and Palo Alto staff are evaluating all the costs and benefits to the City relative to this project.

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Mr. Materman said that the second agreement is in regards to managing the construction and that at the last Board meeting this agreement was for managing the construction and maintenance but at the suggestion of the SCVWD attorneys and with the concurrence of our attorney we have separated these into two agreements. Mr. Materman noted that SFCJPA legal counsel is working on the two agreements and that he will be in touch with attorneys from the SCVWD and the cities of East Palo Alto and Palo Alto to work out any legal issues of these agreements. Mr. Materman told the Board that on a staff level, the City of East Palo Alto, City of Palo Alto, SCVWD and the SFCJPA have all signed off on them.

Mr. Materman moved on to the next agreement, which is for the reimbursement of funds for project design between the SCVWD and SFCJPA. Mr. Materman reported to the Board that there was a meeting had with the SCVWD staff in which all of the agreements had been gone over and that the SCVWD is drafting the reimbursement agreement.

Mr. Materman said that the next agreement was a Corp of Engineers funds agreement that addresses the amount of money in the bank, on the San Mateo side with the Corp of Engineers and how we move forward with the Corp process relative to the available funding from San Mateo for that and other things.

Mr. Materman explained that the next agreement is in regards to funding the SCVWD to construct the project, and that it likely will be the most complex of the agreements. Mr. Materman stated that the agreement will be between the SFCJPA, SCVWD, the City of East Palo Alto and San Mateo County Flood Control District. Mr. Materman said that right now we are trying to get a better handle on the construction cost and the other agreements before this one can be resolved.

Mr. Materman said there will be a cost share agreement to reroute the East Palo Alto Sanitary District sewer line and that there have been ongoing conversations between the SFCJPA and the East Palo Alto Sanitary District and the matter had been presented to the East Palo Alto Sanitary District Board of Directors. Mr. Materman said that there is an ongoing negotiation of the appropriate percentage of responsibility to determine the cost share percentage between the two agencies and that we hope there will be resolution on that pretty quickly. Mr. Materman said that the East Palo Alto Sanitary District Board has appointed an *ad hoc* committee to address this issue and the SFCJPA is also in conversations with the staff.

Mr. Materman said that the last agreements are the utilities and construction easements which do not necessarily involve the SFCJPA but will involve PG&E and landowners, and Highway 101–El Camino Real EIR which is being worked on by the SFCJPA and the SCVWD.

Chairperson Keith asked when SFCJPA staff will have something to report in regards to the construction agreement. Mr. Materman responded saying that we are hopeful to have something to report by the September meeting.

Director Schmidt asked in regards to the reimbursement to the SFCJPA is there an idea of how much money we are talking about. Mr. Materman responded saying that we are talking about \$500,000-\$600,000 dollars.

Director Schmidt said it seems like we know what we are thinking about in terms of alternatives so

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it seems strange that we would do a programmatic analysis. Director Schmidt stated that you do a programmatic analysis when there are some things you don't know about what you are going to do in the future then do the environmental analysis at a later time, but we know at least it seems like we know that it will be one of two alternatives so it seems as if we should be able to do it all at the same time. Mr. Materman responded saying that he thinks we are heading in the direction of doing it all at the same time.

Saied Hosseini, SCVWD, addressed the Board saying that we are still working on floodwall and bypass alternatives. Mr. Hosseini reminded the Board that the SCVWD Board in March agreed to pursue a Planning Study Report that would define a proposed project, and that by the time an EIR consultant gets on board we should be closer to knowing our preferred option.

Director Schmidt responded saying that it sounds reasonable and he asked if the option of a detention basin is still being discussed.

Mr. Materman responded saying that yes it is still being discussed but that in terms of specifics and getting to a design outside of Searsville it would require the concurrence of the University and as we know they have been hesitant to agree to that.

Director Abrica stated that about four months ago we had a sort of debate and raised the issue that we make specific request with Stanford to speak openly in the public. Director Abrica said that he is concerned about this issue that politically we and Stanford have the responsibility to consider all options and at some point it's fair to ask Stanford to have a discussion. Director Abrica said that we need to have a structured rational discussion about this and then see what happens.

Mr. Materman responded saying that he and Mr. Murray have been in touch with Tom Zigterman and Jean McCown of Stanford, and we have asked them to come to the SFCJPA July Board meeting with a presentation. Mr. Materman said that would be the best time to address these questions.

Philippe Cohen, Director Jasper Ridge Biological Reserve addressed the Board saying, we (Stanford) are getting ready right now to look at some consultants to look at what might be viable options for upstream as well downstream and that none of the options are off the table. Mr. Cohen said that consultant contracts should be signed soon.

Trish Mulvey, resident of Palo Alto, said that because the various options that have been mentioned have very different cost effects, construction and long term existence effects on each side of the creek, she as a community member on one side of the Creek feels that she has not really been aware that these options are as far a long as making a recommendation for a preferred alternative and does feel like she understands where the community gets to find out about what these choices are, and share their thoughts with you about what decisions you will be making. Mrs. Mulvey continued saying that the EIR process starting so soon, relatively soon is troubling to her and that maybe we have lost track of what it takes in regards noticing the EIR so that people can weigh in and if there is anything we know about this creek is that no surprises work best and the sooner we can check this information, particularly the impact in this case, at it will have lesser affect in some neighborhoods than in others and she wants to make sure that the Woodland part of East Palo Alto and the St. Francis Duveneck part of Palo Alto have the opportunity for input and for sharing understanding as this will be a learning experience for us the public.

Mr. Materman responded saying that the topic on the 30% design had been presented to all the councils as well as the Crescent Park Neighborhood Association and images were shown about

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what we are talking about. Mr. Materman noted that Mrs. Mulvey makes a good point, and that we are not at the end of our public outreach or our outreach to elected officials, but the 30% has been developed to support that discussion.

Art Kraemer, resident of Palo Alto, told the Board that Stanford is in the process of proposing an expansion of the shopping center including a large hotel and part of the mitigation could be to allow a retention basin upstream because they will have to have mitigation efforts and it is going to be a big deal. Mr. Kraemer said that he thinks it would be in the best interest for the SFCJPA Board to keep pressure on the City of Palo Alto and on Stanford to make an agreement.

Director Schmidt commented that it seems like we are going to need pretty detailed alternatives and maybe a letter to the City of Palo Alto and those neighborhoods to say we are moving along.

Update: U.S. Army Corps of Engineers Feasibility Study reset process

Mr. Materman told the Board that the Army Corps of Engineers at headquarters has expressed strong interest in wanting projects around the nation to be streamlined which means finding a way to make a study completeable within 3 years under \$3 million and if there is no way of doing that, than cancel the study. Mr. Materman said that he and Mr. Murray and Mr. Hosseini have been in meetings with the Corps and there is a requirement that a charrette be conducted to guide the re-scoping of the Study. Mr. Materman said that they instructed the Corps to get it started and he suspects that after the charrette, the SFCJPA will be able to decide a course of action.

Presentation: UC Berkeley graduate seminar – project designs along San Francisquito Creek

Mr. Materman introduced Linda Jewel who along with her students presented project designs along the creek. Ms. Jewel gave a brief introduction noting that there were twelve students who participated in this project and that Mr. Materman went through and picked out his five or six favorite concepts that are being presented today.

Chairperson Keith thanked Ms. Jewel and her students for the exceptional presentation.

Director Schmidt stated that the presentations looked very interesting and he asked how the SFCJPA might use them. Mr. Materman responded saying we can use these in various ways mostly working with our member agencies and encouraging the use of some of the concepts and designs towards gardening and recreation. Mr. Materman said that one of the design images also looked at Friendship Bridge and though the specifics of that proposal does not work with the space we have, it does give us very good ideas about nearby enhancements that can be made.

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

Chairperson Keith commented that she appreciated Director Schmidt's comments and suggestions regarding the outreach as she lives in the Menlo Park Willows neighborhood and most of her neighbors have no clue about this project. Chairperson Keith said that we do need to start doing some outreach that we can invite residents to participate in figuring out a game plan.

Mr. Materman responded saying that we can do that, as there is already something scheduled in Palo Alto with the Crescent Park Neighborhood Association. Mrs. Mulvey commented that the Crescent Park Neighborhood Association only invites their members. Mr. Materman said we can plan some outreach activities over the course of the summer.

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**8) ADJOURMENT:**

Chairperson adjourned the meeting at 5:23 pm. pm.

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

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**Executive Director's Report**

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

- a) Update: development of inter-agency agreements for the S.F. Bay-Highway 101 project  
**Proposed Board action:** provide direction on cost-share negotiations with the East Palo Alto Sanitary District

At the previous two Board meetings, I presented an overview and update of the agreements necessary to begin construction of the S.F. Bay-Highway 101 project. Before we begin construction, multiple agencies must agree on the management of the construction process, the maintenance of its built products, the mitigation of its major impacts, and the funding of all of these. Most of the agreements will be brought to the Board for approval immediately following Board approval of the project Environmental Impact Report this fall. At this meeting, Board action (in the form of direction to staff) is only requested on the agreement with the East Palo Alto Sanitary District, which is the last of three agreements described below.

**Develop an Environmental Impact Report for project elements upstream of Highway 101**

SFCJPA Project Manager Kevin Murray has created a draft Request for Proposals (RFP) and draft Funding Agreement to secure a professional environmental consultant to conduct an Initial Study and prepare an Environmental Impact Report (EIR) for project elements being contemplated for flood protection, ecosystem restoration, and recreation between Highway 101 and El Camino Real. This length of Creek corresponds to "Reach 2" within the Corps of Engineers' Feasibility Study and the Santa Clara Valley Water District's Planning Study Report, which are being developed in unison to insure that local planning, design, and construction by the SFCJPA or its member agencies will remain eligible for future federal funding or credit.

Within this reach, modifying bridges and removing bottlenecks constitute the baseline project. This will provide approximately 50-year flood protection when combined with the benefits of the SFCJPA's Bay-Highway 101 project and Caltrans' Highway 101 bridge replacement project. This baseline project includes modifying or rebuilding the Pope/Chaucer Streets, Middlefield Road, Newell Road, and University Avenue bridges, removing certain structures within the channel, widening the channel, and modifying two private pedestrian bridges. These project elements are a necessary first step to achieving our goal to provide 100-year protection.

The EIR RFP was drafted so that the baseline "bridges and bottlenecks" construction elements that achieve 50-year protection shall be analyzed on a "Project" level so that this EIR will suffice as the document needed to begin construction of these elements (the Newell Road bridge project, led by the City of Palo Alto with support from the SFCJPA and City of East Palo Alto, will have a separate environmental document). The RFP also defines the additional project elements intended to get us 100-year flood protection, namely floodwalls, bypass culvert or upstream detention, which will be analyzed on a "Programmatic" level. This would provide us with sufficient data about costs and impacts to perform a detailed alternatives analysis on these project options so that we may pursue final design and environmental documentation on a preferred option.

The RFP's Scope of Work was drafted by SCVWD staff, who are now reviewing the entire RFP. To fund this work, SFCJPA and SCVWD staff are also working on a draft agreement that would provide funding to the SFCJPA from the SCVWD's November 2000 Clean, Safe Creeks ballot measure. Under the California Environmental Quality Act, the SFCJPA would be the Lead Agency with our member agencies acting as Responsible Agencies. SCVWD staff will be part of a Project Team of SFCJPA member agency staff that will provide technical input into the development of the document. We anticipate that the RFP and Funding Agreement can be presented for SFCJPA Board approval at the September 2012 Board meeting.

**Manage S.F. Bay-Highway 101 construction**

SFCJPA staff have also drafted a Construction Management Agreement, which has thus far been reviewed by member agency staff and SFCJPA General Counsel Greg Stepanicich. This agreement assigns responsibility for the contractor bidding process and construction management to the Santa Clara Valley Water District. At the staff level, representatives from all member agencies have agreed that the SCVWD is the SFCJPA member agency best equipped to manage the construction. Mr. Stepanicich is now coordinating legal review by attorneys at the SCVWD and cities of East Palo Alto and Palo Alto, which are all parties to the agreement with the SFCJPA.



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**Agreements between the SFCJPA and City of Palo Alto to complete design of modifications to the Palo Alto Golf Course and to mitigate the impact of these modifications**

Golf Course architect Forrest Richardson is currently under contract to the SFCJPA to provide a modified design for the Palo Alto Golf Course that would mitigate impacts to the Golf Course created by the relocation of the creek levee on to lands currently used for golf. The City of Palo Alto also has a separate contract with Forrest Richardson to conduct long-term planning for the golf course lands.

On July 23, 2012, the Palo Alto City Council voted to:

- Pursue a specific plan (known as Alternative G) prepared by Mr. Richardson to modify the Palo Alto Golf Course to not only accommodate our Bay-101 project, but to also improve the infrastructure, environment, playability, and profitability of the course and create new athletic fields; and
- Negotiate with Mr. Richardson an increase to his contract with the City of Palo Alto in order to complete the design and environmental review of Alternative G. The result of this is that the SFCJPA will likely soon assign to the City of Palo Alto its contract with Mr. Richardson.

Meanwhile, in order to separate the schedules of the SFCJPA project and City's plans in the golf course area, SFCJPA is including in its Draft EIR a mitigation measure that is a cash payment from the SFCJPA to the City. The amount will be equivalent to the cost of mitigating for impacts – a baseline project that replaces four golf holes within the levee footprint and relocates other holes necessary to maintain a regulation 18-hole golf course. This payment would reduce the permanent impacts to a less-than-significant level, however, since the implementation of this mitigation measure is outside the SFCJPA's jurisdiction, it represents a significant and unavoidable impact to the Golf Course. This arrangement would allow Palo Alto to determine the future use of this recreational area, and give it the option to make improvements beyond the baseline mitigation project. It would also absolve the SFCJPA of responsibility to design and construct the golf course reconfiguration within the SF Bay- Highway 101 project. The text of this mitigation measure, which will be included within the Draft EIR, will reference a side agreement between the SFCJPA and City regarding the payment terms.

**East Palo Alto Sanitary District**

In addition to modifications to PG&E utilities in the Bay-Highway 101 project area, the East Palo Alto Sanitary District (EPASD) will need to modify an existing sewer line and gravity siphon under the creek near the Friendship Bridge. After several meetings with EPASD staff, Kevin Murray attended the May 3, 2012 EPASD Board of Directors meeting, and presented an offer of a 60-40% cost share for the costs to modify the EPASD sewer line and siphon, with the SFCJPA paying for 60% of the construction costs and EPASD paying for 40%.

EPASD staff, recognizing the unique opportunity to improve the efficiency, safety, and long-term maintenance of the pipeline in coordination with our project, as well as the financial advantage of having the SFCJPA provide necessary geotechnical information for the work and having it covered by the SFCJPA's EIR and regulatory permits, recommended that the EPASD Board take action to approve the 60-40% offer.

The EPASD Board decided to form an *ad hoc* committee to negotiate for a more favorable cost-share arrangement. In late June, they proposed a cost-share arrangement whereby the SFCJPA pays 70% of the construction, construction contingency, and EPASD "soft costs" of design and construction management.

For the negotiations with EPASD, I seek Board direction that would establish the SFCJPA's negotiation ceiling for modifications and improvements to the EPASD utility. My recommendation is that we "split the difference" and the SFCJPA offer to cover no more than (65%) of verifiable construction and construction contingency costs of the EPASD utility modification. Soft costs (engineering and design) would be the sole responsibility of the EPASD, just as the costs of geotechnical investigation, environmental documentation and permitting for the EPASD utility relocation are the sole responsibility of the SFCJPA as part of our Bay-Highway 101 project.

**Proposed Board Action:** Provide direction on cost-share negotiations with the East Palo Alto Sanitary District.

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- b) Proposed Board action: approve PG&E request for additional funds to complete preliminary engineering of electrical transmission steel tower and wood pole lines

On June 18, 2012 PG&E sent a letter to the SFCJPA requesting that additional funds be provided to complete advance engineering services to design and solidify cost estimates for modifications to the electrical tower line and electrical wood pole line that cross the Creek within the Bay to Highway 101 project reach in order to accommodate the Project design. This request pertains only to the two electric utilities, and does not consider the natural gas transmission line that will also be relocated to accommodate the Project. In October 2011, the SFCJPA provided to PG&E \$175,000 for engineering and cost estimation for both the electric and gas transmission work, and this cost was included within the SFCJPA-SCVWD-San Mateo County Flood Control District Project Funding Agreement. Determination of the total costs of the modification to the electrical lines is needed before the SFCJPA and member agencies can develop a construction funding agreement to implement the project.

Following PG&E's June 18 request, I asked the company to document how the funds provided by the SFCJPA have been spent to date, how additional funds would be spent, and to confirm that their request for additional funding is the final such request that we would receive prior to the start of construction. They have agreed to provide this information as soon as possible, and assured us that there would be only one request for additional funding. I also asked PG&E staff to attend our Board meeting to answer questions from Board members during this agenda item.

The expenditure of these funds would come from the Bay-Highway 101 project contingency. Board action on this item, which is required because it likely exceeds \$10,000, is subject to me receiving additional information from PG&E prior to the meeting.

- c) Update: Proposal to the CA Department of Water Resources regarding SF Bay levees north of the Creek

In December 2011, the SFCJPA submitted two applications to the California Department of Water Resources' (DWR) Local Levee Assistance Program for 1) investigations and planning of S.F. Bay levees from San Francisquito Creek to the Menlo Park-Redwood City border, and 2) design and environmental review of those levees. Our application has significant environmental and recreational components and thus had the support of other agencies dedicated to these issues. At the same time, utilizing information from an SFCJPA consultant, the Santa Clara Valley Water District submitted applications for similar activities in Palo Alto and other communities in Santa Clara County. In early July, DWR recommended that both the SFCJPA and SCVWD proposals be funded.

During the application review process, DWR reduced their cost share from the proposed amount of 90% to 70%, which is still 20% above the normal state cost share due to the ecological and recreational benefits of the project and the fact that it will protect a State facility (Highway 84). Of course, this change increased the required local match. In the final recommended award, SFCJPA received \$1.32 million, or 70% of the anticipated \$1.89 million cost of the effort. Thus, the local match required to get us to a constructible project totals \$565,875, of which we have a commitment thus far of \$300,000 from the City of East Palo Alto and \$20,000 from the U.S. Fish and Wildlife Service. This leaves us with a shortfall of \$245,875, which must be committed within the next couple of months, but need not be secured until early in the 2013-14 fiscal year. The City of Menlo Park's approved Capital Improvement Program for 2012-17 lists this project and states that the City "would consider providing a portion of the matching funding along with East Palo Alto" with an estimated cost of \$200,000.

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d) Update: Santa Clara Valley Water District *Safe, Clean Water and Natural Flood Protection* ballot measure

At the December 2011 and March 2012 SFCJPA Board meetings, we discussed plans by the Santa Clara Valley Water District to place a “Safe, Clean Water and Natural Flood Protection” measure on the November 2012 countywide ballot. At their July 24, 2012 meeting, the Water District Board placed this measure on the ballot. If approved by voters this fall, it will provide funding beyond the previous measure, which was passed countywide in November 2000. Below are descriptions of the measure’s contribution to the San Francisquito Creek project from materials developed by the Water District. At this SFCJPA Board meeting, we will discuss how the measure fits in with our efforts and Water District staff will be available to answer questions.

<b>PROJECT E5</b>	<b>San Francisquito Creek Flood Protection – San Francisco Bay to Middlefield Road, Palo Alto</b>
GOAL	To protect more than 3,000 homes and businesses, and city infrastructure, while enhancing long-term water quality, wildlife habitat and recreational opportunities.
DESCRIPTION	Complete construction of projects that provide 100-year flood protection and ecosystem benefits from San Francisco Bay to Hwy-101, and construction of projects that provide approximately 50-year flood protection, ecosystem and recreational benefits, between Hwy-101 and Middlefield Road. The work will include modifying bridges at University Avenue, Newell Road, Middlefield Road and Pope/Chaucer Street, addressing additional channel constrictions upstream of Hwy-101, and setback levees and floodwalls downstream of Hwy-101. The project is sponsored by the San Francisquito Creek Joint Powers Authority, of which the District is a member agency, in partnership with the Army Corps of Engineers. Additional benefits may be realized if federal funding from the Army Corps is available. The project builds on the planning and design tasks initiated as part of the Clean, Safe Creeks program and are on track to be completed.
BENEFITS	<ul style="list-style-type: none"> <li>• Provide flood protection to more than 3,000 parcels in Palo Alto</li> <li>• Reduce bank erosion and sedimentation-related impacts along San Francisquito Creek</li> <li>• Provide new or improved habitats for endangered species and enhanced recreational opportunities for the community</li> <li>• Improve water quality</li> </ul>
GEOGRAPHIC AREA OF BENEFIT	Palo Alto
ESTIMATED FUNDING FROM SAFE, CLEAN WATER PLAN	\$35.5 million

	Project Description	Key Performance Indicators
E5 San Francisquito Creek	Provide 100 year flood protection from SF Bay to HWY 101, and 50-year protection upstream of HWY 101 to Middlefield Road with support and funding by regional partners. This project is sponsored by the San Francisquito Creek Joint Powers Authority, of which the District is a member agency, in partnership with the U.S. Army Corps of Engineers.	<ol style="list-style-type: none"> <li>1. <u>With federal and local funding</u>, protect more than 3,000 parcels by providing 1 percent flood protection.</li> <li>2. <u>With local funding only</u>, protect approximately 3,000 parcels from flooding (100-year protection downstream of HWY 101, 50-year protection upstream of HWY 101).</li> </ol>

**San Francisquito Creek Joint Powers Authority**  
**July 26, 2012 Board Meeting**  
**Agenda Item 6**  
**Executive Director's Report**

e) Update: S.F. Bay-Highway 101 project Draft Environmental Impact Report

The Draft Environmental Impact Report (DEIR) for the SF Bay-Highway 101 flood protection, ecosystem and recreation project is scheduled to be released on July 30, 2012. Following two rounds of staff and member agency review, the Bay-101 DEIR will be published with a 45-day public comment period from July 30 to September 13. The DEIR will be available online at our website, [sfcjpa.org](http://sfcjpa.org), and in hard copy at the SFCJPA offices, as well as East Palo Alto and Palo Alto City Halls.

The JPA will conduct two public hearings at which members of the public may provide oral comments on the DEIR. These hearings are scheduled for 6:00 p.m. on August 15 and August 29, 2012 at East Palo Alto City Hall. Following the public comment period, and assuming no major changes to the document will be required, staff will bring the Final EIR to the Board for formal adoption in October. After the approval of the Final EIR, the SFCJPA may want to sponsor a public event that highlights the project with our communities.

Submitted by:



Len Materman  
Executive Director