



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

SFCJPA.ORG

**Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of Palo Alto Council Chambers
250 Hamilton Avenue, Palo Alto, California
September 27, 2018 at 2:00 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: August 23, 2018 Regular Board meeting
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. S.F. Bay-Highway 101 project: discuss construction activities and estimated costs
 - b. Upstream of Highway 101 project update
 - c. SAFER Bay project update
6. BOARD MEMBER COMMENTS – *Non-agendized requests or announcements; no action may be taken.*
7. ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on September 24, 2018 at sfcjpa.org -- click on the “Meetings” tab near the top.

NEXT MEETING: Regular Board meeting, October 25, 2018 at 3:30 PM, City of Menlo Park Council Chambers

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Director Kremen called the meeting to order at 3:30 p.m. at the City of East Palo Council Chambers, East Palo Alto, California.

DRAFT

1) ROLL CALL

Members Present: Director Pine, San Mateo County Flood Control District (SMCFCD)
Director Keith, City of Menlo Park
Director Kremen, Santa Clara Valley Water District (SCVWD)
Director Scharff, City of Palo Alto

Members Absent: Director Abrica, City of East Palo Alto

Alternates Present: Director Gauthier, City of East Palo Alto

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

Others Present: Dennis Parker, East Palo Alto resident; David Tsu-Wang; East Palo Alto resident; Trish Mulvey, Palo Alto Resident; Jerry Hearn, Portola Valley Resident; Norman Beamer, Palo Alto Resident; Tom Rindfleisch, Palo Alto resident; Azalea Mitch, City of Menlo Park; Michel Jeremias, City of Palo Alto; Russell Chen, SCVWD; Ann Stillman, SMCFCD; Carlos Romero, East Palo City Council Member; Joe Teresi, former City of Palo Alto staff; Holly Materman; Ben Materman

2) APPROVAL OF AGENDA

Director Scharff made a motion to approve the agenda. Director Gauthier seconded. Agenda approved 3-0. Director Pine and Director Keith not present at time of approval.

3) APPROVAL OF BOARD MEETING MINUTES: MAY 24, 2018 REGULAR BOARD MEETING

Director Gauthier made a motion to approve the May 24, 2018 Regular Board meeting minutes. Director Scharff seconded. May 24, 2018 Regular Board meeting minutes approved 3-0. Director Pine and Director Keith not present at time of approval.

4) PUBLIC COMMENT

Trish Mulvey, Palo Alto resident, spoke to the Board about an email she sent to Mr. Materman regarding the delay of the updated SCVWD's draft Emergency Action Plan for San Francisquito Creek. Mrs. Mulvey expressed her concerns on the delay and commented that she hopes there can be a MAC agreement in place soon that sets a trigger for notice of evacuations during a flooding event. Mr. Materman stated that he received the email just before leaving for the Board meeting today and that he would look into it and respond back to Mrs. Mulvey.

Jerry Hearn, Portola Valley resident, told the Board that Grassroots Ecology has received its 501(c)3 status and is now completely independent of Acterra. Mr. Hearn asked SFCJPA staff to update the SFCJPA website with the correct link to Grassroots Ecology.

David Tsu-Wang, East Palo Alto resident, expressed his concerns about multiple issues happening within our communities, particularly East Palo Alto.

Director Pine arrived at 3:39 pm.

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5) REGULAR BUSINESS

S.F. Bay-Highway 101 project: update on construction activities

Mr. Materman provided the Board with an update on the Bay-101 construction activities. Director Gauthier questioned what happens to the contaminated soil when it leaves the project site. Ms. Byler explained that a contractor to the SCVWD hauled the contaminated soil to Newby Island. Russell Chen, SCVWD, stated that all of the contaminated soil had been off-hauled as of today.

Director Kremen asked for an update on the cost to date. Mr. Chen stated that contractor costs are still being worked on as some of the numbers are still in flux but that the final cost would probably exceed the allotted contingency.

Director Scharff asked if there had been any change orders. Mr. Chen responded that there have been change orders, and that some of the change orders fall within contingency and some of the change orders still have to be agreed to or approved by the SCVWD.

Director Gauthier asked if we would still have the issue of animals burrowing into the new levees as they did in the old levees. Mr. Murray explained that the old levees were not built to current engineering standards, and that the new levees are made of stronger material which should prevent or at least minimize the issue.

Director Pine asked if we are expecting the contractor to change position on the change orders. Mr. Materman responded that at the next Board meeting staff will have an updated report with a breakdown on the current numbers. Director Kremen asked for a range of the amount we think we might be over contingency. Mr. Murray replied that it is difficult to give a number until the negotiations are completed, but work is being done both to reduce costs and find additional revenue sources to cover expenses.

Director Kremen asked if we are on schedule for project completion. Mr. Materman responded that we are on schedule to complete the flood protection features in 2018, and we anticipate completing the restoration and trail improvement features in early 2019.

Ms. Mulvey expressed her interest in finding out the maintenance and operations permitting process before the end of the construction phase. Ms. Mulvey asked who is going to do the regular checking and will Caltrans be a part of the maintenance agreement. Mr. Murray stated that we are working to complete an Operation and Maintenance Manual which will direct inspections consistent with our permits, and that Caltrans will be involved in sediment removal under its roadways if that is required. He continued saying that future sediment removal, if needed, is covered under the SCVWD SMP, and that if additional permitting is required it will be secured at the time of planning for the work.

Director Kremen asked who pays for maintenance. Mr. Materman responded that the maintenance responsibilities will be subject to a Operations and Maintenance Agreement between the City of Palo, the City of East Palo Alto, SCVWD, and potentially the SMCFC and City of Menlo Park, and that the cost of maintenance will be worked out during the development of that agreement.

Upstream of Highway 101 project: update on the Draft EIR, including recreational opportunities, and on the Corps of Engineers Feasibility Study

Mr. Materman provided the Board with an update on the development of the Draft EIR for the Upstream Project, the Corps Study, and on opportunities for recreation. Mr. Materman stated that this fall we plan to release the Draft EIR to the public for comment.

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Director Gauthier asked for a description of what the two potential creekside parks would look like, and if there would be any barriers around the parks. Mr. Materman confirmed that there would be small barriers to protect people as needed. Mr. Materman explained the chosen sites were the only ones that have sufficient room to create small areas of open space.

Director Scharff asked if the parks would be similar to the parks between the Creek and Palo Alto Avenue. Mr. Materman responded that the parks would be similar to those larger parks.

Director Scharff asked for more information on the SFCPA trail on Palo Alto Avenue. Mr. Materman explained that the idea is to designate a bike and pedestrian pathway along the Creek either on the road or in dirt areas between the road and top of bank. Director Scharff suggested checking with the City of Palo Alto on funding for these parks as the City has funds available.

Norm Beamer, Palo Alto resident, asked for an update on the Newell Road bridge EIR and how it is being coordinated with the SFCJPA's EIR.

Michel Jeremias, City of Palo Alto, said that the public Draft EIR for Newell Road bridge is planned for release this fall. Mr. Materman asked what the anticipated permit process for construction is expected to be. Ms. Jeremias responded saying that the City expects permits to enable construction to be done by 2020. Mr. Materman stated the proximity of the City's Newell Bridge project and the SFCJPA's Creek improvements requires us to closely coordinate our efforts.

Liability insurance for members of the Board of Directors: brief discussion item

Mr. Materman provided a brief summary on the agency's liability coverage and noted that SFCJPA legal counsel has suggested that the Board look at increasing the limits. The Board gave direction to staff to come back with a recommendation regarding liability coverage.

Director Keith Arrived at 4:45pm

6) BOARD MEMBER COMMENTS

Director Kremen on behalf of the Board and staff presented Mr. Materman with plaque honoring his ten years of service as Executive Director of the San Francisquito Creek Joint Powers Authority. Members of the Board and several members of the public gave thanks and sincere appreciation to Mr. Materman for his work and all that he and the SFCJPA have accomplished over the past ten years.

7) ADJOURNMENT

Director Kremen adjourned the meeting at 5:03 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, Tess Byler, and Miyko Harris-Parker, I am pleased to submit the following:

a. S.F. Bay-Highway 101 project: discuss construction activities and estimated costs

Our project to improve public safety and recreation and increase marsh habitat along San Francisquito Creek from the Bay to Highway 101 is on schedule to complete construction of the flood protection features by late 2018; and the habitat restoration features, trails, and signage by the spring of 2019.

The SFCJPA, Santa Clara Valley Water District (SCVWD), and cities of Palo Alto and East Palo Alto continue to coordinate with the levee and floodwall contractor (Teichert Construction) on construction and permit compliance. The following summarizes activities since the last Board meeting one month ago:

- The creek has been successfully dewatered and we have been submitting the associated reports to environmental resource agencies as required by our permits and by the June 2018 amended U.S. Fish & Wildlife Service Biological Opinion.
- Floodwall installation is complete, and the contractor is installing the remaining concrete cap.
- Levees are being constructed, with about 35,000 cubic yards of soil left to be placed. Soil that meets our geotechnical and environmental criteria is being provided from a site at Stanford and a site in Mountain View, and additional testing of onsite stockpiles has determined that 10,000–15,000 cubic yards of soil meets the project's criteria for reuse.
- The grading of the new marsh outside the low flow channel is to be completed by early October.
- A sub-contractor to Teichert is now installing the substructure for the new boardwalk from the Palo Alto footing of Friendship Bridge, which will become what is currently being referred to as Friendship Island, to the new setback levee along the golf course.
- SFCJPA's marsh restoration contractor, Hanford ARC, halted construction on February 1st to comply with the Ridgway's Rail breeding season restriction through August 31st; we are currently maintaining that work by watering and weeding the site. Beginning in September, Hanford will install an additional 6,000 native plants, construct predator deterrents, and install interpretive signage describing our project and the natural and built environments it is enhancing. In the spring of 2019, an additional 20,000 plants will be installed in the widened creek channel marsh.
- SFCJPA staff has been working with staff at the CA Department of Water Resources on an amendment to our Proposition 84 Grant Agreement and Local Sponsor Agreement, which we expect will be executed over the next month.
- Over the next two months, and in coordination with the SFCJPA's Creek project, the City of East Palo Alto will install a new trash capture device on the O'Connor Pump Station outfall to comply with the City's storm water discharge requirements.
- This month, PG&E staff oversaw Teichert's installation of a floodwall over the active gas pipeline.
- As discussed at previous Board meetings, costs associated with claims and change orders from Teichert Construction have the potential to increase construction costs beyond the amount established in the 2016 six-party Construction Funding Agreement. The status of cost reduction activities and the estimate of projected cost impacts will be discussed at this Board meeting.

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b. Upstream of Highway 101 project update

While much of our attention this summer has been focused on completing construction of the Bay to Highway 101 project, staff at the SFCJPA, our consultants, and member agency partners have also been working to complete the Draft Environmental Impact Report for a project upstream of Highway 101. With this Draft EIR, which will include 17 alternatives proposed either by the SFCJPA or by members of the public and regulatory agencies, we seek to move forward with a project that provides a meaningful level of flood protection and other benefits, and the construction of which is achievable in the near term.

The team recently visited the project site to discuss strategies to address the potential impacts on trees and of Creek bank erosion. Additionally, a traffic count and report for the Pope-Chaucer Bridge and surrounding intersections was recently completed; the SFCJPA and SCVWD will soon discuss with staff at the cities of Menlo Park, Palo Alto, and East Palo Alto the construction scenarios that may impact the duration, cost, and traffic associated with replacing that bridge.

We have continued our coordination with the Corps of Engineers on their parallel Feasibility Study and federal Environmental Impact Statement, and on September 11 we gave a tour of potential project sites along the Creek between University Avenue and the Pope-Chaucer Bridge to the Commander of the Corps' South Pacific Division.

c. SAFER Bay project update

The SFCJPA's Strategy to Advance Flood protection, Ecosystems and Recreation along the Bay, known as the SAFER Bay project, is intended to protect the cities of Menlo Park, East Palo Alto and Palo Alto from tidal flooding and sea level rise along the Bay shoreline. It will tie into our soon-to-be completed Bay—Highway 101 Creek project on both side of the channel, and it has the additional objectives of enhancing and sustaining the marshes, and improving recreational opportunities, along the shoreline. Because SAFER Bay is a very large project in terms of geographic scale and complexity, we are advancing segments of the overall program as resources and willing partners become available.

Over the past couple of months, the SFCJPA has been working with the City of East Palo Alto to seek funding to complete design, environmental documents, permitting and construction of two sections of this project. On September 18, the East Palo Alto City Council approved a resolution to apply for grant funding and contribute matching funds to remove East Palo Alto properties in the Bay floodplain between San Francisquito Creek and the northern end of Tara Street. Furthermore, as a mitigation for this work and work in other areas of the SAFER project, this grant would fund the construction of a horizontal ecotone levee along a portion of the north side of Highway 84 to enable the restoration of former Salt Ponds known as R1 and R2 (in collaboration with the South Bay Salt Pond Restoration Project, Don Edwards National Wildlife Refuge, and many others).

This summer we received comments from staff at the City of Palo Alto on the draft SAFER Bay Feasibility Report for the Palo Alto shoreline and we intend to release the Public Draft of that Report within the next few months.

Submitted by:



Len Materman
Executive Director