



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
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**Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of East Palo Alto Council Chambers
2415 University Avenue, East Palo Alto, California
February 28, 2019 at 3:30 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: January 24, 2019 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. Board organization: confirm officer positions and membership on committees
 - b. February 2019 storms: brief discussion
 - c. S.F. Bay-Highway 101 project: discuss project completion
 - d. Upstream of Highway 101 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 February 25, 2019 at sfcjpa.org -- click on the "Meetings" tab near the top.

NEXT MEETING: Regular Board meeting, March 28, 2019 at 3:30 PM, City of Palo Alto Council Chambers

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Director Kremen called the meeting to order at 3:33 p.m. at the City of Menlo Park Council Chambers, Menlo Park, California.

DRAFT

1) ROLL CALL

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

Members Absent: City of Palo Alto Representative (Not assigned at time of meeting)

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

Others Present: Cecilia Taylor, Menlo Park City Councilmember; Trish Mulvey, Palo Alto resident; Jerry Hearn, Portola Valley resident; Dennis Parker, East Palo Alto resident; Justin Murphy, City of Menlo Park staff; Fariborz Heydari, City of Menlo Park staff; Michel Jeremias, City of Palo Alto staff; Bill Springer, SCVWD staff; Kamal Fallaha, City of East Palo Alto staff; Ann Stillman, SMCFCD staff; Starla Robinson, Menlo Park City Manager; Chris Lamm, City of Menlo Park staff; Mike Sartor, City of Menlo Park staff; Ryan Zollicoffer, Menlo Park Fire Protection District staff

2) APPROVAL OF AGENDA

Director Abrica made a motion to approve the agenda. Director Pine seconded. Agenda approved 4-0.

3) APPROVAL OF BOARD MEETING MINUTES: NOVEMBER 14, 2018 REGULAR BOARD MEETING

Director Abrica made a motion to approve the November 14, 2018 Regular Board meeting minutes. Director Pine seconded. November 14, 2018 Regular Board meeting minutes approved 4-0.

4) PUBLIC COMMENT

Trish Mulvey, Palo Alto resident, shared with the Board that recently the San Mateo County Board of Supervisors passed a resolution for the County Office of Emergency Services to expand its current emergency alert notification system to a greater number of residents in connection to recent state legislation. Mrs. Mulvey asked if we could invite County officials to discuss their system at a meeting of the SFCJPA Emergency Preparedness Committee or full Board.

Director Pine concurred with Mrs. Mulvey's suggestion of having a presentation, and stated the County is working through the expansion process. Director Kremen directed staff to report back to the Board regarding the timeline of the County's alert system expansion.

Mr. Materman noted the SFCJPA's alert system requires people to sign up and provide their contact information, which is different from the County's expanding system that can access mobile networks.

Jerry Hearn, Portola Valley resident; spoke about the Martin Luther King Jr. Day planting in East Palo Alto, stating that it was great to see so many people from the community engaged. Mr. Hearn also spoke about San Mateo County's efforts on sea level rise, explaining that there is a proposal being presented to the San Mateo County Board of Supervisors next week. Mr. Hearn requested that a presentation on the proposed agency be given to the SFCJPA Board.

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Director Pine concurred with Mr. Hearn's suggestion that information be provided to the SFCJPA Board on the new agency, which is being temporarily led by Larry Patterson. Director Abrica reflected on a meeting that took place about a year ago with all the cities in San Mateo County, where he was supportive of the County taking on the issue of sea level rise but was surprised that many who attended did not seem to favor that. Director Pine agreed and stated that a lot of progress has been made in the year since that meeting, and that he expects the new agency to be launched soon.

5) REGULAR BUSINESS

Board organization: confirm officer positions and membership on committees

Chair Kremen officially welcomed newly elected Menlo Park City Council Member and new SFCJPA Board member Drew Combs. Mr. Materman welcomed newly elected Menlo Park City Council Member and SFCJPA Board Alternate Cecilia Taylor, who was in the audience.

Mr. Materman provided a brief summary of the Board officer positions and committees. Director Pine suggested postponing the Board organization decision to the next Board meeting when the full Board, including a representative from the City of Palo Alto, will be in attendance. Directors Kremen, Abrica and Combs concurred. Board organization postponed to the next Board meeting.

The storm of January 16 and 17, 2019: brief discussion

Mr. Materman and Mr. Murray provided a summary of the January storms. Mr. Materman described the data used by the SFCJPA during storms to establish when to work with SCVWD hydrologists and city staff, and he describe some recent issues with the City of Palo Alto's sensor at the Pope-Chaucer Bridge caused by a fallen tree. Director Kremen asked how far in advance of a flood concern at that bridge does the SFCJPA send out an alert. Mr. Materman explained that, based on flows in the channel upstream (west) of Highway 280, we would send a watch alert at least two hours before the flow would reach 60% of capacity at Pope-Chaucer and then a warning two hours ahead of expected flooding. Director Kremen asked what the alert message says. Mr. Materman said that staff will bring this information back to the Board.

Director Abrica questioned the process of assessing which trees can and cannot be taken out before, during or after an event, as he and staff from East Palo Alto have received messages from people concerned about trees. Mr. Murray replied saying that the process of determining which trees need to be taken occurs during the annual maintenance walk, but that it can be difficult to predict when a tree will become unstable. Director Abrica asked if there was a post-event assessment scheduled. Mr. Murray stated that there was not a collective post-event survey scheduled but he would speak to each member agency about that idea.

John Hospitalier, Assistant Public Works Director for the City of Palo Alto, stated that staff from the various agencies inspect the areas of the creek they are responsible for and clean up after an event as quickly as possible. Mr. Hospitalier explained that an environmental assessment must be done on a tree before it can be removed even if the tree has fallen into the channel. Director Pine asked for clarification of that, and Mr. Murray replied that if it is determined that a tree poses a flood threat during an event, agencies can remove it quickly.

S.F. Bay-Highway 101 project: discuss project completion

Mr. Materman shared a short video highlighting the completed S.F Bay-Highway 101 project. Director Kremen asked him to send the video to all Board members. Mr. Materman also shared a brief summary of the December 14 Celebration of Safety which he stated was well attended. Mr. Materman stated that on April 13 of this year, the City of Palo Alto will host an Earth Day event, where we will celebrate the project's new trails. Mr. Materman noted that Friendship bridge and the trails were currently opened but that the trails could close as final items from the post-construction walk through are implemented. Mr. Materman also mentioned an item that Mr. Hearn commented on earlier, the planting at trails entrances on MLK Day, January 21,

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Mr. Materman told the Board that staff is working on an amendment to the Proposition 84 grant and that at the February 28 Board meeting, he plans to report on any outstanding funding issues with the project.

Upstream of Highway 101 project update

Mr. Materman provided an update on the project upstream of Highway 101, including that the Administrative Draft Environmental Impact Report had been sent to member agencies for review, with comments expected by the end of January so that the Draft EIR can be released to the public in March. Mr. Materman also shared that there will be public hearings held and that SFCJPA staff and SCVWD staff have collaborated on two grant proposals totaling \$8 million. Mr. Materman continued that we are very hopeful we will receive this funding, and, if so, we estimate a funding shortfall of about \$12 million for this project.

Mrs. Mulvey asked for an update on an August 2017 amendment to the SFCJPA's contract for the project environmental documents that enabled our consultant, ICF, to work on the Least Environmentally Damaging Practicable Alternative (LEDPA). Director Kremen asked how long it would be before the Corps and the SFCJPA draft environmental documents are complete. Mr. Materman replied saying that the Corps, as recently as November, were on the same schedule as the SFCJPA but that since then the Corps notified us that they need more time due to the need for additional analysis.

Director Abrica asked for an update on where things stand with Stanford. Mr. Materman stated that there have been several meetings with Stanford staff and their consultants, and that Stanford's consultants incorporated into their analysis of a Stanford project at Searsville Dam information about the SFCJPA's preferred project downstream of the Dam. Mr. Materman stated that the SFCJPA's Draft EIR will have a robust discussion of upstream detention of floodwaters. Mr. Materman noted that the SFCJPA and its member agencies have commented on stormwater runoff issues associated with Stanford's 2018 General Use Permit application to Santa Clara County for future development, which the County intends to act on this year.

6) ADJOURNMENT

Director Kremen adjourned the meeting at 4:50 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. Board organization: confirm officer positions and membership on committees

Early in each calendar year, the Board appoints individual Board members to fill officer positions and positions on Board committees. The positions of Chair and Vice Chair have historically been two-year terms. In January 2018, Gary Kremen took over as Chair and Ruben Abrica began serving as Vice Chair-Secretary, positions they customarily would hold until early 2020.

Board service on committees has been a one-year renewable term, and thus committee assignments should now be updated. In 2018, committee memberships, including Board members Kirsten Keith and Greg Scharff who are no longer on the SFCJPA Board, were as follows:

2018 Board committees and membership

Finance: Dave Pine and Kirsten Keith

Personnel: Ruben Abrica and Greg Scharff

Emergency Preparedness: Gary Kremen and Ruben Abrica

Purposes, Roles and Responsibilities: Full Board

ACWA/JPIA Board: Ruben Abrica, and alternate Miyko Harris-Parker

The role of the Finance Committee is to discuss and then present to the full Board the annual operating budget and audit. The Personnel Committee initiates, and acts as the SFCJPA representatives for the annual performance evaluation of the Executive Director – the last review occurred in late 2017 and thus the next one should occur as soon as possible. The role of the Emergency Preparedness Committee is to provide direction on this issue and bring related items to the full Board. The Purposes, Roles and Responsibilities Committee recommends changes to the agency's founding Joint Powers Agreement. The Association of California Water Agencies Joint Powers Insurance Authority, which provides benefits to SFCJPA employees, requires that our Board appoint a representative to the ACWA/JPIA Board. In 2018, Ruben Abrica served as the SFCJPA representative, and our alternate was SFCJPA Finance and Administration Manager Miyko Harris-Parker.

Proposed Board action: Appoint a Chair, Vice Chair, membership on Board committees, and a representative to the ACWA/JPIA.

b. February 2019 storms: brief discussion

At the last Board meeting on January 24, 2019, we discussed our emergency preparedness activities for this Winter, Flood Early Warning System (sfcjpa.org/floodwarning), and the storm of January 16-17. Since that Board meeting, there have been several storms to hit the Bay Area, including one between February 25-27, 2019 which led the National Weather Service to issue a Flash Flood Watch for large portions of the Bay Area. At the February 28 Board meeting, we will discuss what we observed during these storms.

c. S.F. Bay-Highway 101 project: discuss project completion

As described last month, we have completed construction of the flood protection features of our project along San Francisquito Creek from S.F. Bay to Highway 101, which include a new marsh within a much wider channel, and new levees and floodwalls. The City of East Palo Alto has completed its installation of a trash capture device at the O'Connor Pump Station outfall, and creekside trails are now open (though, over the next month, they may briefly close to complete finishing work).

Previously, SFCJPA, SCVWD, East Palo Alto, and Palo Alto staff prepared a list of actions to be included within a "punch list" to be completed by the levee and floodwall contractor, Teichert Construction, under its contract with the SCVWD. Work on these items has been delayed due to recent wet weather but should be completed in March. Also, Palo Alto plans to install a new gate to prevent vehicle access to the project area from Geng Road prior to its April 13 Earth Day event, which will highlight the project's new trails.

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The installation of restoration and predator deterrent features in and around the Faber Tract marsh was completed by Hanford ARC, a contractor to the SFCJPA, on January 31 prior to the onset of the Ridgway's Rail nesting season. In March we intend to install the signage required by our regulatory permits. Next month, SCVWD will open bids for the installation of marsh plantings within the creek channel in April. This summer, we intend to install interpretive panels, a commemorative sign, and benches.

The SFCJPA has received the final disbursement of Proposition 1E grant funds for project construction from the CA Department of Water Resources (DWR), and the grant agreement is closed. The SFCJPA must submit annual post-construction reports to DWR; the first of these is being submitted this week.

SFCJPA staff continue to work with the Association of Bay Area Governments (now part of the Metropolitan Transportation Commission) on our Proposition 84 grant agreement so that we demonstrate our required match of \$12,747,949 and secure at one time the entire amount from this grant going towards construction and mitigation: \$3,982,351.

As discussed at previous Board meetings, total project costs are now being finalized and construction costs in excess of the amount established in the 2016 six-party Construction Funding Agreement have been reduced to a level that leads us to believe we will not need to amend that Agreement. As we have also discussed, a new agreement will be needed to deal with costs associated with the project's long-term monitoring, reporting, operations, and maintenance. We will bring the details of this agreement to the SFCJPA Board at the April 25, 2019 meeting at the latest.

d. Upstream of Highway 101 project update

As reported at last month's Board meeting, on January 3 our environmental consultant on this project, ICF, delivered the Administrative Draft Environmental Impact Report (ADEIR) following months of work by ICF and staff at the SFCJPA and SCVWD. The ADEIR is for internal review by the Lead Agency under CEQA – in this case, the SFCJPA. On that date, I forwarded the ADEIR to staff at each member agency, SFCJPA legal counsel, and the U.S. Army Corps of Engineers (Corps) for their comment. We have received and incorporated comments from the cities of Menlo Park and East Palo Alto, the SCVWD, Corps, and SFCJPA legal counsel, and this week we will send the document to ICF to create the final version. By the end of March, we plan to release the Draft Environmental Impact Report to the public for a 60-day comment period. We are working as quickly as possible to complete the EIR to preserve the possibility of beginning construction in 2020. At this Board meeting, we will discuss the current schedule for this project.

The Draft EIR begins with an analysis of 17 alternatives proposed either by the SFCJPA, members of the public, or 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. At this Board meeting, we will discuss the screening process within the Draft EIR, and our preferred project.

To receive public comments on our Draft EIR, in April and/or May we plan to host a public meeting in each of our three cities. At one of these meetings, we may include Corps staff, who will complete environmental documentation to enable federal permitting and funding of the project. During this period, I am available to make a presentation on the project to the city council or governing board of any SFCJPA member agency.

We have continued to work on potential construction funding sources, including FEMA's Hazard Mitigation Grant Program, to which the SFCJPA and SCVWD recently worked together to prepare applications requesting a total of \$8 million. To supplement this potential federal funding, SFCJPA staff is also reviewing opportunities for State grant funding. Securing all required funding for this project, as well as securing the necessary permits and land rights, will be a primary focus of SFCJPA activities through the rest of this year.

Submitted by:



Len Materman
Executive Director