



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
SFCJPA.ORG

**Notice of Regular Meeting of the
BOARD OF DIRECTORS**
City of East Palo Alto Council Chambers
2415 University Avenue, East Palo Alto, California
August 23, 2018 at 3:30 p.m.

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: May 24, 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: update on construction activities
 - b. Upstream of Highway 101 project: update on the Draft EIR, including recreational opportunities, and on the Corps of Engineers Feasibility Study
 - c. Liability insurance for members of the Board of Directors: brief discussion item
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 August 20, 2018 at sfcjpa.org – click on the “Meetings” tab near the top.

NEXT MEETING: Regular Board meeting, September 27, 2018 at 3:30 PM, City of Palo Alto Council Chambers

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Director Abrica called the meeting to order at 3:38 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 Abrica, City of East Palo Alto
Director Kremen, Santa Clara Valley Water District (SCVWD)
Director Scharff, City of 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; Kamal Fallaha, City of East Palo Alto;
Anne Stillman, SMCFCD; Russell Chen, SCVWD

2) APPROVAL OF AGENDA

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

3) APPROVAL OF BOARD MEETING MINUTES: MARCH 22, 2018 REGULAR BOARD MEETING

Director Scharff made a motion to approve the March 22, 2018 Regular Board meeting minutes. Director Keith seconded. March 22, 2018 Regular Board meeting minutes approved 3-0. Director Pine and Director Kremen not present at time of approval.

4) PUBLIC COMMENT

None.

5) CONSENT CALENDAR

Accept the Fiscal Year 2015-16 Management Letter and Audited Financial Statements from Grant & Smith, LLP;

Resolution 18.5.24A of the Board of Directors to continue Worker's Compensation coverage for Board members and extend that coverage to volunteers; and

Resolution 18.5.24B of the Board of Directors to adopt a records retention schedule.

Director Keith provided a brief statement on the Finance Committee's review of the Fiscal Year 2015-16 audit; highlighting that the audit was clean and that the committee, auditor and staff are looking forward to completing the next two audits within the upcoming fiscal year. Director Scharff made a motion to approve the consent calendar items. Director Keith seconded. Consent calendar items approved unanimously 3-0. Director Pine and Director Kremen not present at time of approval.

6) REGULAR BUSINESS

Approve the Fiscal Year 2018-19 Salary Schedule

Mr. Materman presented the Fiscal Year 2018-19 Salary Schedule to the Board for approval. Director Keith made a motion to approve the Fiscal Year 2018-19 Salary Schedule. Director Abrica seconded. Fiscal Year 2018-19 Salary Schedule approved 3-0. Director Pine and Director Kremen not present at time of approval.

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S.F. Bay-Highway 101 project: discuss construction activities and planning

During the course of this agenda item, Director Pine arrived at 3:45 p.m. and Director Kremen arrived at 3:56 p.m.

Mr. Materman provided the Board with an update of S.F. Bay-Highway 101 project construction.

Director Keith asked for the expected date of completion for project. Mr. Materman explained that all the flood control measures will be completed this year and that only finishing work, such as signage or trail enhancements are not expected to be completed this year.

Mr. Materman reported that we are confident in our ability to complete construction of the flood protection features this year because earlier in May the U.S. Fish and Wildlife Service granted our request for a variance to the Ridgway's Rail nesting buffer zone excluding construction between February 1 and August 31.

Mr. Materman stated that SCVWD staff, as well as staff from the SFCJPA and cities of Palo Alto and East Palo Alto, have worked diligently to reduce the cost of exporting soil, and progress on this has been made and more detail would be provided in upcoming Board meetings.

Director Keith asked staff to include recreational opportunities as an agenda item for a future Board meeting. Director Kremen concurred and suggested inviting others interested in the topic.

Director Keith asked staff to add an item to an upcoming Board meeting agenda to discuss how funding of the Bay-101 project relates to funding of proposed improvements upstream of Highway 101.

Mr. Materman shared with the Board that at a ceremony in Sacramento earlier that day, the SFCJPA received Technology Innovation award for our flood early warning system at a summit organized by Government Technology magazine and AT&T.

7) BOARD MEMBER COMMENTS

Director Kremen mentioned that he had heard about a potential water quality concern on San Francisquito Creek and he asked that, at a future Board meeting, we discuss an informational item regarding whether water quality testing should be an activity/responsibility of the SFCJPA.

8) ADJOURNMENT

Director Kremen adjourned the meeting at 4:06 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: update on construction activities

Our project to improve public safety and recreation and increase marsh habitat along San Francisquito Creek from the Bay to Highway 101 is positioned to complete construction of the flood protection features by the end of 2018, and complete installation of habitat restoration features, trails, and interpretive signage in early 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 in late May:

- In June, the Army Corps of Engineers completed an amendment to the project's federal permit that included an amended U.S. Fish & Wildlife Service Biological Opinion. This allowed Teichert to install a coffer dam to block incoming tides downstream of Friendship Bridge and a water diversion system to keep the channel dry during construction. These actions within the restricted buffer zone during the Ridgway's Rail breeding season have enabled additional critical construction actions this summer inside and outside the buffer zone, and have resulted in additional mitigation requirements.
- In mid-June, Teichert Construction resumed in-channel operations, and it plans to complete in-channel activities by October 15 as required by our environmental permits. The old levees are now being degraded, and soil that meets the criteria for levee stability and environmental factors is being reused or imported and the new levees are now being constructed.
- A sub-contractor to Teichert is installing piers for the new boardwalk from the Palo Alto footing of Friendship Bridge, which I refer to as Friendship Island, to the new setback levee along the golf course.
- SFCJPA's marsh restoration contractor, Hanford ARC, halted construction activities January 31 to comply with the Ridgway's Rail breeding season restriction. Currently, Hanford is maintaining its work by watering and weeding the restoration site. This maintenance work is funded by our Proposition 84 grant; beginning in July 2019 it will be funded through a project-wide Maintenance and Operations Agreement that will require new funding and will be presented to the SFCJPA Board in early 2019. In September, Hanford will resume construction activities, installing native plants, predator deterrents, and interpretive signage describing our project and the natural and built environments it is enhancing.
- 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 filter on the O'Connor Pump Station outfall to comply with the City's storm water discharge requirements.
- Westland Contractors, a construction contractor to the SFCJPA, installed a new fire hydrant and extended a water main on East Bayshore Road to replace a fire hydrant on the Public Storage property in East Palo Alto. Testing and certification of the new water line is complete, and Teichert has removed the old hydrant.
- PG&E has completed an inspection and certification of the abandoned gas pipelines, and Teichert has removed those pipelines from underneath the footprint of the widened creek and levees.
- As discussed at previous Board meetings, costs associated with claims and change orders from Teichert Construction have the potential to significantly increase construction costs beyond the amount established in the 2016 six-party Construction Funding Agreement, even including new grant funds awarded in 2017 as a result of the SCVWD shifting Proposition 84 grant funds to this project. To reduce costs, SFCJPA and SCVWD staff are working with Palo Alto, East Palo Alto, and San Mateo County staff to permanently place dirt on the outboard sides of both new levees. Cooperation by all agencies is necessary to reduce the financial impacts of the project's excess soil.

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- SFCJPA staff continue to manage two CA Department of Water Resources (DWR) grants for this project. A Completion Report for our \$8 million Proposition 1E grant and \$8.7 million local match has been submitted, DWR has verified its completeness, and the SFCJPA is awaiting the final 10% retention payment. We are also currently amending our Proposition 84 grant agreement.
- Representatives from the California Department of Finance were at the SFCJPA offices and project site May 7-10 and June 11-14 to audit invoices and expenditures for the Proposition 1E grant. The Department of Finance expects to release its audit report in Fall 2018.
- The Friendship Bridge was closed in July and is expected to remain closed until late 2018. The City of East Palo Alto has improved Pulgas Avenue and East Bayshore Road for bicycle use, and the City of Palo Alto installed "sharrows" in June, along with road signs to alert motorists that bicyclists may use the normal traffic lanes on both sides of East Bayshore Road. This was completed to assist bicyclists who would normally commute via Friendship Bridge, and will remain after the project is complete. Additionally, improvements are ongoing to the opened trail behind the floodwall from Verbena Road to East Bayshore Road to reduce reliance on the temporary trail bypass around the construction area. We ask for patience during construction and look forward to the time in a few months when the project's new or improved trails and trail access points will be opened permanently.

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

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 looked at 16 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 meaningful level of flood protection and other benefits, and the construction of which is achievable in the near term. At a previous meeting, Board members requested that we discuss the recreation enhancements contemplated for the project, which we will discuss at this Board meeting. We will also provide an update on the Corps of Engineers Feasibility Study and our work with Stanford University to consider the watershed-wide context of our projects and a potential project by Stanford at Searsville Dam.

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

The SFCJPA carries several types of insurance, including through the Special District Risk Management Authority, workers compensation and employer's liability coverage; liability protection against personal injury, property damage, employee practices and benefits; public officials and employees errors and omissions; and personal liability for Board members.

Recently, Board chair Gary Kremen inquired about the level of liability coverage for Board members, which has not been increased since the SFCJPA transitioned from an agency coordinating the work of others to an agency that takes the lead on major construction projects (though it has not pursued owning the facilities it builds or the land these are built upon). Over the past two weeks, SFCJPA staff have looked at the level of liability coverage provided to governing board members and employees at other agencies and have discussed this issue with our general counsel, who represents other JPAs. This agenda item is to seek Board direction regarding whether staff should come back to the Board at an upcoming meeting with recommendations that may change the level of liability insurance provided to Board members and staff.

Submitted by:



Len Materman
Executive Director