



SAN FRANCISQUITO CREEK

Joint Powers Authority

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

**Notice of Annual Meeting of the
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY BOARD**

City of Palo Alto Council Chambers

250 Hamilton Street, Palo Alto, California

Thursday, January 27, 2011 at 4:00 p.m.

AGENDA

- 1) ROLL CALL
- 2) PUBLIC COMMENT – *Limited time for public comment on the Closed Session item*
- 3) CLOSED SESSION – Conference with Labor Negotiators: Authority Designated Representatives: Pat Burt and Ruben Abrica, Unrepresented Employee: Executive Director
- 4) REPORT OUT FROM CLOSED SESSION
- 5) APPROVAL OF MEETING MINUTES – December 16, 2010 Board Meeting
- 6) APPROVAL OF AGENDA
- 7) PUBLIC COMMENT – *Limited time for public comment on items not on the agenda.*
- 8) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT
 - a) Board organization: appointments to Board Committees
 - b) Federal Fiscal Year 2012 funding requests
 - c) S.F. Bay to Highway 101 capital project update
- 9) BOARD MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board members, no action may be taken.*
- 10) ADJOURNMENT

PLEASE NOTE: To view the Agenda packet for this Board meeting, go to www.sfcjpa.org, and click on the "Meetings" tab near the top, after 4:00 p.m. on January 24, 2011.

NEXT MEETING: February 24, 2011, 4:00 p.m. at the East Palo Alto City Council Chambers.

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Director Kwok, acting as Chairperson for the meeting, called the meeting to order at 4:12 p.m. at the City of Menlo Park Council Chambers, Menlo Park, CA.

DRAFT

1) ROLL CALL

Members Present: Director Abrica, City of East Palo Alto
Director Burt, City of Palo Alto
Director Keith, City of Menlo Park
Director Kwok, Santa Clara Valley Water District

Members Absent: Director Groom, San Mateo County Flood Control District

Alternates Present: Director Romero, City of East Palo Alto (In audience)

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

Legal Counsel Present: None

Others Present: Brian Schmidt, Director, Santa Clara Valley Water District, Art Kraemer, Palo Alto resident; Trish Mulvey, Palo Alto resident; Chris Elias, Santa Clara Valley Water District; Joe Teresi, City of Palo Alto Public Works; Ann Stillman, San Mateo County Flood Control District; Mary & John Schafer, Palo Alto residents; Dennis Parker, East Palo Alto resident; Jerry Hearn, Portola Valley resident; Tom Zigterman, Stanford; Phil Boebel, City of Palo Alto.

US Army Corps of Engineers:
Lieutenant Colonel Torrey DiCiro, San Francisco District Engineer
Arijs Rakstins, Chief, Programs and Project Management Division
Andrew Constanteras, Regional Business Director, South Pacific Division
Yvonne LeTellier, Senior Project Manager
Judy Sheen, Water Resources Plan Formulation Specialist

Chairperson Kwok welcomed new Board members Keith and Schmidt.

2) PUBLIC COMMENT

Dennis Parker, Resident of East Palo Alto spoke to the Board about the severe weather conditions expected for the upcoming weekend. Mr. Parker stated that members of the community will be monitoring their areas around the Creek and will report their findings back to their City representatives. Mr. Parker continued saying that he will also be exploring a service called Geo Tech in which text messages are sent through cell phones with information found from monitoring the creek and he inquired if the SFCJPA was interested in the service and if the SFCJPA had any specific plans to monitor the weekend's activities.

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Chairperson Kwok thanked Mr. Parker for his comments and for the time and effort that Mr. Parker and his fellow community members are putting forth. Chairperson Kwok stated that we have to make sure all of the creek monitors are ready to record the upcoming rain events and that we are able to tie all of the information together to provide the best information to our residents. Chairperson Kwok continued to say that we also need to make sure each jurisdiction is communicating with each other in regards to responding to an event if one should occur.

Director Abrica said that the City of East Palo Alto is preparing for the upcoming weather conditions and the City is tied into San Mateo County's EOS monitoring system. Director Abrica said that he had a meeting today with the City staff to discuss the preparations for the weekend. Director Abrica reminded the Board that the JPA does not monitor emergency situations as it is not our responsibility.

Mr. Materman stated that the program Mr. Parker was speaking about sounds like the creek watch program created by IBM. Mr. Materman stated that JPA staff will investigate adding the program information to the JPA website so that people with cell phones that are compatible can participate in the program.

Director Burt asked for clarification on whether the JPA member agencies are linking their websites together. Mr. Materman responded saying that we are sending people to the Palo Alto Creek monitoring site until the JPA site is up and running.

Director Schmidt introduced himself and stated that he is looking forward to working with the JPA and he believes his background as an Environmental lawyer and his work at Committee for Green Foothills will help him in his role of as a newly elected member of the SCVWD Board.

3) APPROVAL OF MEETING MINUTES: November 18, 2010 Regular Meeting of the Board Minutes

Minutes approved 3-0. Director Keith abstained.

4) APPROVAL OF AGENDA

Agenda approved 4-0.

5) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT

Discussion with U.S. Army Corps of Engineers San Francisco District Commander DiCiro

Mr. Materman provided a brief overview of the history of the JPA/Corps study and then introduced Commander DiCiro who gave a presentation on the past, current and future status of the JPA/Corps study.

Chairperson Kwok thanked Commander DiCiro for his time and commented on the meeting that the SCVWD had with Commander DiCiro and members of his staff saying that it was an excellent meeting and that he really values the long-term relations and work of the Corps. Chairperson Kwok said that it is a partnership the JPA, that we all have to work to together.

Director Burt inquired about the environmental impact of sea level rise, mitigations that will occur from increasing marshland and sea level, and asked that the Corps share with us more info on what has changed. Arijs Rakstins of the Corps responded saying that a greater

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assessment of the community is being done before benefit costing is complete as previous studies did it backwards, benefit cost was looked at before a bigger assessment of the community was done. Director Burt stated that when he and Mr. Materman were in (Washington) DC a few months ago, Congresswoman Eshoo and Senator Feinstein requested that we get a written explanation of what we are able to achieve by September 2011. Commander DiCiro responded saying that he will make sure it gets done.

Director Abrica thanked Commander DiCiro and his staff for their time making this visit. Director Abrica stated that he had a very pointed question regarding tidal issues. Director Abrica said that he and staff of the City of East Palo Alto continue to be very concerned about tidal flooding. Director Abrica continued saying that he knows that this issue has been a gap ever since the Shoreline project made it known that their tidal study would stop at the county line. Director Abrica said the he looks to the Federal Government for help on this issue as it continues to be a technical debate. Director Abrica expressed his nervousness at never hearing any commitment that the tidal flooding will be properly studied, properly addressed or that any project will address the tidal risks. Director Abrica said he would like the Corp to work on the issue. Director Abrica said the he understands that we are trying to get the water out, but without a solution to the tidal issue East Palo Alto will be left to sink and is a blind spot.

Commander DiCiro responded saying that the project is studying fluvial and tidal risks and that part of the Shoreline study includes three sea-level rise scenarios that examine where it could go, and the worst it could get where it is now.

Yvonne LeTellier stated that she was the Corps' Project Manager for the Shoreline Study. She explained that the San Francisquito Study is concerned about the Creek but that the Corps is required to study costal impacts to East Palo Alto and Menlo Park in the North. Ms. LeTellier said that there should be a preliminary analysis completed by April to see if we need to go further. Director Abrica asked if the analysis will help our 104 process. Ms. LeTellier responded yes.

Director Keith asked if the civil design included all three phases. Ms. LeTellier responded saying that the civil design will be a simple design that will lead to preliminary design analysis. Commander DiCiro clarified that these are not the official project designs; this is just to show us a without project analysis. Director Keith asked for clarification that the \$942,000 did not provide a completed project design. Commander DiCiro replied saying that Director Keith was correct. Mr. Materman said that most of these activities are being handled by the Corps, though some are handled by the JPA and the SCVWD. Mr. Materman stated that with all of this there is design work that is being done separately and is incorporated into the bigger picture. Director Keith asked for an expected cost to complete the study. Commander DiCiro stated that the last estimate was \$8 million. Director Keith asked if it is possible to get more detail. Mr. Materman responded saying that the most efficient process would be for staff to send Director Keith a document that summarizes the study, then schedule a meeting between Mr. Materman and Director Keith to discuss details of the study. Director Keith thanked Mr. Materman for taking the time to meet with her before the Board meeting to give her some background on the JPA's current projects. Director Keith stated that she has a lot of interest in the Creek as she lives next to it. Director Keith asked if the civil design was going to be based off of a 100-year event or something else. Commander DiCiro replied saying that the the Corp will look at a range of alternatives to figure out the optimal national economic development design.

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Director Keith asked when Commander DiCiro when he thought the whole project would be completed. Commander DiCiro responded saying that it depends on Congress setting aside the funding to complete the project, however the Corps works for the President and the money comes from him. Mr. Rakstins said that if optimal funding is provided construction could be finished 10 years from today. Director Keith stated that the presentation provided an estimated completion date of 2027. Mr. Materman responded saying that the 2027 date was part of his presentation and that the question to ask would be what is the Corps reaction to that projected date. Commander DiCiro said that without optimal funding the whole project may not be done until 2027.

Chairperson Kwok stated that in order to get out of the FEMA floodplain we have to stick with the 100- year event. Chairperson Kwok asked why other agencies are looking at 50-year events. Commander DiCiro responded saying that the Corp is not a part of FEMA and that the Corps authorization is to tell Congress where the benefit maxes out. Chairperson Kwok asked if the President's budget, Congress and the Senate's budget have the same requirements for funding that is based off of the national benefit. Commander DiCiro responded saying that the President's budget has over four hundred active projects with seventy going on in America. Commander DiCiro continued saying that about a tenth of those (39 out of 400) got into the President's budget. Commander DiCiro said that the other eighty-five percent were congressional adds and that about ninety-five percent are funded one way or the other.

Director Burt said that Mr. Materman may have shared with the Corps that the JPA is looking at going to the voters to form a potential special district, and we are really looking forward to the upcoming report as it will help our efforts.

Director Keith asked the other members of the Corps staff in attendance if they would like to speak about the project and/or the Corps team. Ms. LeTellier stated that the Corps team that is working on this project is a great team of people with excellent experience. Andrew Constanteras, Regional Business Director, South Pacific Division, said that it was wonderful to have the opportunity to meet members of the JPA and staff from the member agencies. Mr. Constanteras said that it was great to be able to look at that the site and he jokingly said that the Commander failed to mention that if the SF District Commander does not meet the schedule, then the JPA should call him (Division).

Trish Mulvey, Palo Alto Resident, stated that she was not clear on the answer Director Abrica got on the Shoreline flooding. Mrs. Mulvey said that as she understands, Santa Clara County will get clarity on the sea level change through the shoreline project, and on the San Mateo County side we end up with flood control projects, but we need to know how the Cities of Menlo Park and East Palo Alto get protected (from tidal sources). Ms. LeTellier responded saying that the analysis will tell us what the risks will be and that with that knowledge we will address the questions of what to build and whether or not the sponsors (JPA) are capable of helping with the cost share a costal solution/project. Ms. LeTellier said that the areas to be studied are from the Dumbarton Bridge down to the mouth of the Creek.

Mr. Murray said the geographical range is included in study, but it is listed as a design option.

Director Abrica said that presumably April is when we can expect to know more about tidal issues and he asked if it turns out that we are subject to tidal flooding, how do we find out if

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there is someone in the Federal Government that has the power to tell us we have no option but to fix it. Director Abrica stated that there were more people evacuated from the Woodland area than anywhere along the Creek.

Mr. Materman stated that it will be useful to have a mid-year meeting to check in with the Corps on this issue.

Recognizing Assembly Member (and former SFCJPA Board Member) Rich Gordon

Mr. Materman stated that we are honoring Assembly Member Gordon tonight for his support as the longest standing Director on the JPA Board. Mr. Materman said that it was fitting that Assembly Member Gordon had to sit through a lengthy Corps presentation as he has been with the agency since the beginning. Mr. Materman said that we are presenting Resolution No. 10-12-16 in honor of Assembly Member Rich Gordon.

Chairperson Kwok read Resolution 10-12-16 and thanked Assembly Member Gordon for all of his accomplishments and all the work he has done. Chairperson Kwok said that the JPA project would not be as far as it is today without the leadership and support of Assembly Member Gordon. Chairperson Kwok expressed his sincere appreciation for the passion Assembly Member Gordon has had for this project and the insight that he provided over the years. Chairperson Kwok asked for a motion to approve Resolution No. 10-12-16. Director Keith motioned to approve Resolution No. 10-12-16. Director Abrica seconded. Resolution No. 10-12-16 unanimously approved 5-0. Chairperson Kwok presented the resolution and an SFCJPA umbrella to Assembly Member Gordon.

Director Abrica said that he appreciated how Assembly Member Gordon always had very sharp questions that made really big points and that one of the things he heard Assembly Member Gordon speak about throughout the years is the need to have more collaboration between governmental jurisdictions. Director Abrica stated that he knows that Assembly Member Gordon means it because he practices it everyday. Director Abrica said that we have a friend in the State now and wished Assembly Member Gordon the best of luck.

Director Burt thanked Assembly Member Gordon for his service and he expressed his appreciation that the JPA has someone in Sacramento who has been truly committed to the JPA for such a long period of time. Director Burt said that it is fitting that someone who has been advocating cross-county collaboration is now representing a district that is fifty/fifty in two counties, and that we look forward to working with him in the years ahead.

Director Keith congratulated Assembly Member Gordon on his endeavors. Director Keith stated that though she did not get to work with Assembly Member Gordon on this Board she has worked with him on other commissions within the county and she really appreciates all he has done for the communities within the County. Director Keith said that she knows that Assembly Member Gordon will do great in Sacramento and she wished him luck.

Lennie Roberts, resident of the Ladera community and Legislative Advocate for CFGF personally thanked Assembly Member Gordon for his devotion to creek issues and the many other issues regarding flooding. Ms. Roberts stated that Assembly Member Gordon has ninety-eight percent of the flooding issues in his district and that we all will be very well served with him in Sacramento. Ms. Roberts stated that we are not really losing him we are gaining a greater

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scope of what he can do. Ms. Roberts thanked Assembly Member Gordon and said that it has been a pleasure having him as her representative on the San Mateo County Board of Supervisors.

Mr. Materman thanked Assembly Member Gordon on behalf of the JPA staff for his leadership, and for consistently showing a strong interest in the people that do the work. Mr. Materman presented and read a letter from Congresswoman Eshoo thanking Assembly Member Gordon for his dedicated service. Mr. Materman stated that Assembly Member Gordon's service was noticed and appreciated by many.

Chairperson Kwok stated that he is looking forward to Assembly Member Gordon's leadership with Caltrans.

Assembly Member Gordon stated that he was just appointed Chair of a recently reorganized subcommittee on resources, that is now a subcommittee on resources and transportation and that the interplay of the Creek and the highway come right to the that committee.

Assembly Member Gordon said he will promise to pay attention and he thanked everyone for the kind words and gifts. Assembly Member Gordon stated that he has enjoyed his work and that we all have to stay vigil as we do not know that we can count on the federal government after listening to what the Corps just presented. Assembly Member Gordon said that we may have to do this on our own and that he promises and pledges that if that day comes the JPA and the community can count on him as a supporter because too much is at stake in our communities if we don't do the work that needs to be done. Assembly Member Gordon said we have to be concerned about the entire watershed and that we cannot look at it any other way. Assembly Member Gordon said that we have an incredible opportunity to do some repair and restoration while we also provide the appropriate protection for our people and he commends the work that the JPA is doing. Assembly Member Gordon said that when Joe Simitian was on the Santa Clara County Board of Supervisors at the same time he was on the San Mateo County Board of Supervisors, I reminded him that he needed to get a Border pass to come into San Mateo County, as they joked about the Creek being the dividing line between our counties. Assembly Member Gordon stated that the reality is that the Creek is what unites us and bring us together. Assembly Member Gordon thanked the Board and said that he is looking forward to continuing working with everyone and that he will still be around in the area.

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

None

- 7) **ADJOURNMENT:**

Chairperson Kwok adjourned the meeting at 5:40 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) Board organization: appointments to Board Committees

The Annual meeting of the SFCJPA Board is a time for Board members to fill any open officer positions and positions on Board committees. The positions to be decided upon by a vote of the Board at this time include Chair, Vice Chair/Secretary, and members of the Finance Committee. In 2010, former Director Heyward Robinson served as Chair, Director Patrick Kwok served as Vice Chair, and both of them served on the Finance Committee. The role of the Finance Committee, which meets 2-3 times per year, is to hear, comment on, and present to the full Board the annual budget and audit. The only other Board Committee is the Personnel Committee, which currently includes Directors Ruben Abrica and Pat Burt.

b) Federal Fiscal Year 2012 funding requests

The deadline to submit a Fiscal Year 2012 federal appropriations request to Senator Barbara Boxer is February 18. Enclosed with this Executive Director's Report is a draft letter from SFCJPA Board members to Senator Boxer requesting a \$1 million appropriation to the Corps of Engineers, which represents the federal 50% share of the Corps' annual capability on our project. Given the current uncertainty around the earmark process, Senator Feinstein has not yet indicated if she will invite such requests, and Congresswoman Eshoo is not able to invite such requests.

Proposed Board Action: Provide comment on the enclosed draft letter to Senator Boxer, and – allowing for slight modifications to the letter prior to it being sent next month – support the inclusion of each Board member's name on it.

c) S.F. Bay to Highway 101 capital project update

Due to a more aggressive design standard (100-year creek flow coinciding with a 100-year tide and Sea Level Rise with FEMA's required 3 feet of freeboard), and the incompleteness of the Corps' hydraulic model, the costs to design this project have increased. Currently, senior staff from the agencies party to the agreement funding the design work – the SFCJPA, Santa Clara Valley Water District, and San Mateo County Flood Control District – are negotiating with our design consultant (HDR, Inc.) an amendment to the SFCJPA-HDR contract to accommodate the additional work. Also, within the past month, PG&E presented us their required advance engineering costs to relocate/modify utilities within the project footprint. Finally, in order to reduce costs and mitigate impacts to the Palo Alto Golf Course resulting from the planned encroachment of the new levee onto Golf Course lands, the SFCJPA is working with the City of Palo Alto to release a Request for Proposals to engage a golf course architect to design the reconfiguration of several golf holes.

Within the next two months, I anticipate seeking Board approval on the following items:

- 1) An amendment to the contract with HDR to perform the additional work,
- 2) An amendment to the funding agreement between the SFCJPA, SCVWD, and SMCFCFCD, and
- 3) A draft Request for Proposals for design services of a golf course architect.

Submitted by:



Len Materman
Executive Director



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

February 17, 2011

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Boxer:

As members of the San Francisquito Creek Joint Powers Authority (SFCJPA) Board of Directors, which includes elected officials from the cities of East Palo Alto, Menlo Park, and Palo Alto, and the counties of San Mateo and Santa Clara, we unanimously write to thank you for your efforts to protect local residents in the thirteen years since a flood damaged approximately 1,700 properties in our watershed. In particular, thank you for working to secure an FY 2011 appropriation for San Francisquito Creek project in the Corps of Engineers General Investigations account within the Energy and Water Development Appropriations Bill.

We write at this time to request another appropriation of the Corps annual capability – \$1 million – in the FY 2012 Energy and Water bill. When matched by local funds, this amount would allow us to make very substantial progress towards finishing the Feasibility Study, which was authorized seven years ago but is only about one-third complete.

Federal support for this project serves to match what the SFCJPA is advancing to the Corps for the long-term Study, and, through federal credit, what the SFCJPA is spending to design capital projects that will address the flood prevention, environmental, and recreational needs of local residents before the Study is completed and implemented in several years.

As a demonstration of the urgency of, and regional support for this project, two other agencies, the City of Palo Alto and the Santa Clara Valley Water District, are also requesting an FY 2012 appropriation to the Corps for this project, and letters of support from elected leaders of the other SFCJPA agencies are included with our request.

Thank you for your consideration of this request. If you have any questions, please contact SFCJPA Executive Director Len Materman at 650-561-4580 or len@sfcjpa.org.

Sincerely,

Ruben Abrica
Councilmember, East Palo Alto

Patrick Burt
Councilmember, Palo Alto

Kirsten Keith
Vice Mayor, Menlo Park

Carole Groom
President, San Mateo County Board of Supervisors

Patrick Kwok
Director, Santa Clara Valley Water District