



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

SFCJPA.ORG

Notice of Regular Meeting of the
BOARD OF DIRECTORS
November 19, 2020 at 3:30 p.m.

Due to the risk of COVID-19 transmission, this meeting will be held remotely. If you require an accommodation pursuant to the Americans with Disability Act, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda by 10:00 am on the day of the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85426377255?pwd=VytPVWxJZUVLZy94aDNLRGdkOTg4dz09>

Meeting ID: 854 2637 7255

Passcode: 014072

Or by Phone: (669) 900 - 6833,,85426377255#,,,,,0#,,014072#

Members of the Public may speak on any agenda item for up to three minutes

Agenda

1. ROLL CALL
2. APPROVAL OF AGENDA: Changes or additions to the agenda.
3. APPROVAL OF MEETING MINUTES: October 22, 2020 Regular Meeting
4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*

REGULAR BUSINESS – INFORMATION ITEMS

5. Presentation on Winter Preparedness: Updates by member agency representatives, panel discussion and Q&A.
6. Presentation on SFCJPA's Flood Early Warning System
7. Executive Director's Report

REGULAR BUSINESS - ACTION ITEMS – The follow items are for the board's consideration and possible action

8. Consider approval of Comprehensive Plan

9. Consider Resolution accepting property from William E. Reller and authorizing the Executive Director to sign certificates of acceptance
10. Consider Resolution approving amendment to consulting contract for HortSciences/Bartlett
11. BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS - NON-AGENDIZED. NO ACTION MAY BE TAKEN.
12. PUBLIC COMMENT ON CLOSED SESSION: Individuals may speak up to three minutes.
13. CLOSED SESSIONS:
 - a) Conference with Legal Counsel — Existing Litigation
Government Code Section 54956.9(d)(1)
Name of case: Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al. San Mateo County Superior Court Case No: 19-CIV-06305
 - b) Public Employee Performance Evaluation
Title: Executive Director
14. REPORT FROM CLOSED SESSION
15. ADJOURNMENT

PLEASE NOTE: Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on November 13, 2020 at sfcjpa.org -- click on the "Meetings" tab near the top.

NEXT MEETING: Regular Board meeting, December 19, 2020 at 3:30 PM-via online video streaming and teleconference

650 - 457- 0943 * jpa@sfcjpa.org * 2100 Geng Road,Suite 210* Palo Alto, CA 94303
SFCJPA.ORG

San Francisquito Creek Joint Powers Authority
November 19, 2020 Regular Meeting of the Board
Agenda Item 3
October 22, 2020 Board Meeting Minutes

Director Kremen called the meeting to order at 3:30 p.m. via streaming video and teleconference call.

DRAFT

1) ROLL CALL

Members Present: Director Gary Kremen, Santa Clara Valley Water District (Valley Water)
Director Ruben Abrica, City of East Palo Alto
Director Drew Combs, City of Menlo Park
Director Alison Cormack, City of Palo Alto
Director Dave Pine, San Mateo County Flood & Sea Level Rise Resiliency District (Not present at roll call)

JPA Staff Present: Margaret Bruce, Executive Director
Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Trisha Ortiz
Ginetta Giovinco
Regina Danner

2) APPROVAL OF AGENDA

ACTION: Motion and second (Cormack/Abrica) to approve the agenda, passed 4-0. Director Pine not present at time of vote.

Roll call vote
Director Abrica Aye
Director Combs Aye
Director Cormack Aye
Director Kremen Aye
Director Pine not present

3) APPROVAL OF SEPTEMBER 22, 2020 REGULAR BOARD MEETING MINUTES

Director Pine arrived at 3:35 pm

ACTION: Motion and second (Cormack/Abrica) to approve the September 24, 2020 Regular Board meeting minutes, passed unanimously.

Roll call vote
Director Abrica Aye
Director Combs Aye
Director Cormack Aye
Director Kremen Aye
Director Pine Aye

4) PUBLIC COMMENT

None.

5) REGULAR BUSINESS: EXECUTIVE DIRECTOR'S REPORT

Ms. Bruce reported on upstream project updates, one-year flood protection/detention basins, funding roadmap update, SAFER Bay project update and organization/administration updates.

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6) SFCJPA FINANCIAL POLICY UPDATE

ACTION: Motion and second (Cormack/Pine), to adopt RESOLUTION NUMBER 20-10-22 A which adopts the amended Financial Management and Accounting Policies, previously approved on October 28, 2010, and updated on September 22, 2016, passed unanimously.

Roll call vote

Director Abrica Aye

Director Combs Aye

Director Cormack Aye

Director Kremen Aye

Director Pine Aye

7) EMAIL POLICY

ACTION: Motion and second (Abrica/Kremen), to adopt RESOLUTION NUMBER 20-10-22-B which adopts the Email Policy, dated October 22, 2020, passed unanimously.

Roll call vote

Director Abrica Aye

Director Combs Aye

Director Cormack Aye

Director Kremen Aye

Director Pine Aye

8) MEETING MINUTES POLICY

ACTION: Motion and second (Kremen/Cormack), to adopt RESOLUTION NUMBER 20-10-22 C which adopts the Meeting Minutes Policy as edited; keeping minutes all recordings (video and audio), Board packet materials and presentation materials accessible to the public online for a minimum of five years; dated October 22, 2020, passed unanimously.

Roll call vote

Director Abrica Aye

Director Combs Aye

Director Cormack Aye

Director Kremen Aye

Director Pine Aye

Ms. Trish Mulvey provided comments by email supporting the policy and suggesting the policy include keeping minutes and all Board documents and recordings for five years.

Mr. Jerry Hearn provided comments supporting the policy with the addition of keeping all Board attachments, recordings, and presentation materials longer than one year.

9) APPROVE FY 2020 - 20201 UPDATED SALARY SCHEDULE

ACTION: Motion and second (Pine/Combs), to adopt RESOLUTION NUMBER 20-10-22 D which adopts the amended FY 2020-2021 salary schedule. Approval of the salary schedule certifies promotion of Project Manager Tess Byler to Senior Project Manager. Due to budget constraints the salary increase will be split with half awarded in FY 2020-2021 budget effective October 1, 2020 and half awarded in FY 2021-2022 retroactive to October 1, 2020, passed unanimously.

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Roll call vote
Director Abrica Aye
Director Combs Aye
Director Cormack Aye
Director Kremen Aye
Director Pine Aye

Mr. Jerry Hearn provided comments in support of the promotion for Ms. Byler.

10) STANFORD ACCESS AGREEMENT

ACTION: Motion and second (Kremen/Cormack), to adopt RESOLUTION NUMBER 20-10-22-E which approves the Stanford Access Agreement, stating the understandings and obligations of both parties, enabling the further evaluation of flood detention facilities, passed unanimously.

Roll call vote
Director Abrica Aye
Director Combs Aye
Director Cormack Aye
Director Kremen Aye
Director Pine Aye

Mr. Jerry Hearn gave congratulations to staff and asked if there was participation from Jasper Ridge representatives and if Stanford representatives were forthcoming with their information and knowledge. Ms. Bruce shared that the representatives from Stanford who were present made clear the ecological concerns of Jasper Ridge. There were no personnel from Jasper Ridge present at the meetings.

11) ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) CONTRACT AMENDMENT

ACTION: Motion and second (Cormack/Abrica), to adopt RESOLUTION NUMBER 20-10-22 F which authorizes the Executive Director to approve Amendment 1 to the ESA consultant agreement on the condition that it does not exceed \$60,000 in additional costs to the SFCJPA, and that the Executive Director will seek Board approval for any additional costs, passed unanimously.

Roll call vote
Director Abrica Aye
Director Combs Aye
Director Cormack Aye
Director Kremen Aye
Director Pine Aye

Director Pine left at 4:43 PM

12) COMPREHENSIVE PLAN

Agendized to next meeting of the Board for acceptance. Staff directed to include comments from the City of Palo Alto.

13) BOARD MEMBER COMMENTS

Director Abrica asked that a winter preparedness discussion be agendized for the next meeting of the Board.

14) PUBLIC COMMENT ON CLOSED SESSION

None.

**San Francisquito Creek Joint Powers Authority
November 19, 2020 Regular Meeting of the Board
Agenda Item 3
October 22, 2020 Board Meeting Minutes**

Director Abrica left at 4:51 pm.

15) CLOSED SESSION

Adjourned to closed session at 4:52 pm

16) REPORT OUT FROM CLOSED SESSION

Re-adjourned to open session at 5:42 pm.

Ms. Trisha Ortiz, SFCJPA Legal representation reported that there were no reportable actions from the closed session.

17) ADJOURNMENT

Regular meeting session adjourned at 5:43 pm.

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

Executive Director's Report, November 19, 2020

Project Updates

Channel Maintenance

Since 2001, the SFCJPA has organized an annual maintenance walk within the Creek channel, during which staff from the SFCJPA, member agencies, and Stanford identify downed trees and other large debris that could obstruct flows and thus pose a threat to public safety during large winter storm events. Items that need attention are tagged and assigned to the appropriate agency for removal or modification. Due to local and State guidelines for gatherings we decided to conduct the Annual Maintenance Walk on San Francisquito Creek differently this year. On September 16 and 23, SFCJCPA staff conducted the walks as usual, and prepared a spreadsheet of items that should be addressed. This spreadsheet was sent to each member agency, assigning work items and instructions to each. As of October 15, all assigned work has been completed, with the exception of a new fallen tree that was reported by a resident after the walks took place. SFCJPA staff will conduct a site visit and assign appropriate action if needed. Kevin Murray led this effort.

Comprehensive Plan

All comments received to date have been integrated into the 2020 Plan.

The [2020 Comprehensive Plan](#) document is now posted on the SFCJPA's website.

At this meeting, we are requesting Board acceptance of the 2020 Plan. The plan will be updated in 2021.

Upstream Project

- Pope-Chaucer Bridge Planning Application. ([Project description, the Draft Arborist report, and preliminary design of Pope Chaucer Bridge.](#)):
 - Palo Alto's Architectural Review Board hearing scheduled for December 17 as a study session. A final hearing will be scheduled for January or February 2021.
 - A presentation to East Palo Alto City Council is scheduled for December 1, 2020.
 - A presentation to Menlo Park is not yet scheduled but is expected January 2021.

- Reller Parcel Donation –Thanks to the generous donation by Mr. William Reller, a parcel of land will be donated to the SFCJPA. This land is intended to remain undeveloped and we plan to improve riparian habitat as part of the Upstream Project. Acceptance of Mr. Reller's donation is on the agenda for action as Agenda Item 9.

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Agenda Item 7.0
Executive Director's Report

- Arborist Evaluation - We are requesting Board approval for an amendment to the HortSciences/Bartlett contract to respond to City comments on the preliminary arborist evaluation. Consideration of this contract amendment is on the agenda for action as Agenda Item 10
- ESA Scope of Work to accommodate necessary 'Greening' of in-channel project elements – status update.

At the October meeting the SFCJPA Board approved an amendment to our consultant agreement with ESA to provide permitting support and services for bridge replacement and channel widening upstream of Highway 101. This action included the approval of up to \$60,000 of budget increase to complete the work described in the amendment. Staff has completed negotiations with ESA and agreed to a budget increase not to exceed \$52,000. ESA and staff will proceed with completion of the work items and submit permit applications early in 2021. This is an information item only; no action is needed.

- Discussion of funding needs, funding sources, and timing of funding needs among member agency staff and leadership is in progress.

Upstream detention evaluation

A Request for Proposals was released on October 14. Proposals were received on November 11 and are being reviewed. A review panel with representation from member agencies is assisting staff in the review and selection process. Kevin Murray is leading this effort.

The Stanford Access Agreement has been fully executed. Next steps will be a project kick-off meeting in early 2021 where we begin the inquiry into off-stream detention.

SAFER Bay

FEMA/CalOES BRIC Grant Application. This grant application is proceeding, with multiple public and private collaborators, enabling a local match sufficient to maximize the \$50M grant opportunity. We are on track for a December 3rd grant application submittal. A two-page summary of this application is attached to this report. (see Attachment 1)

The California Department of Water Resources (DWR) approved our invoice for work on the SAFER Bay Phase 1, and we are expecting payment in the next few weeks. We are submitting an amendment request to DWR to update scope and schedule for this grant.

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 Executive Director’s Report

Work will continue to advance design and permitting of the Phase 1 Area in East Palo Alto. Tess Byler is leading SAFER Bay project.

Organization/Administration Updates

- We have initiated a service agreement with an IT professional to evaluate the security and performance of our systems, provide recommendations, and implement any necessary corrective actions.
- We continue to refine and update the website.
- Work continues to complete the FY 2018/2019 Audit.
- Staff has evaluated various banking options, comparing costs, services, ease-of-use, and customer service. We will be meeting with bank representatives on November 20 to plan this transition, including timing and necessary steps.
- Communication and outreach continue with community members, business leaders, agency staff and leadership, city and county staff and leaders, etc.
 - We are re-establishing a regular check-in and coordination meeting with Stanford University.
- We keep the health and well-being of each other and our community top-of-mind. All staff remain cognizant of the need to maintain social distance, practice good hygiene, and wear facemasks.

Forward View of Board Agendas

Please review and provide your input on items that you would like to see on future agendas. This forward view will be updated each month.

Board Committee Meetings	Purpose	Date
Finance Committee	Funding map discussion	TBD
Finance Committee	Audit review	TBD
<i>Ad hoc Personnel Committee</i>	<i>Executive Director six-month Review - Discussion of Process</i>	<i>November 11</i>
Finance Committee	Budget Review	February date tbd (prior to 2/18)

San Francisquito Creek Joint Powers Authority
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 Agenda Item 7.0
 Executive Director's Report

Regular Board meeting	Envisioned Agenda Items
December 17	Organization and Project Updates Board Handbook Year-in-Review Budget review Audit Board Schedule for 2021* Executive Director Review
January*	Organization and Project Updates Board Roles
February*	Organization and Project Updates Employee Handbook/Policies Budget
March*	Organization and Project Updates Draft Budget
April*	Organization and Project Updates Budget Approval
May*	
June*	
July*	Comprehensive Plan review
August*	Comprehensive Plan 2021 edition acceptance/ratification
September*	
October*	
November*	
December*	Review updated board handbook
January*	

MENLO PARK SAFER BAY PROJECT

Partners



FACEBOOK

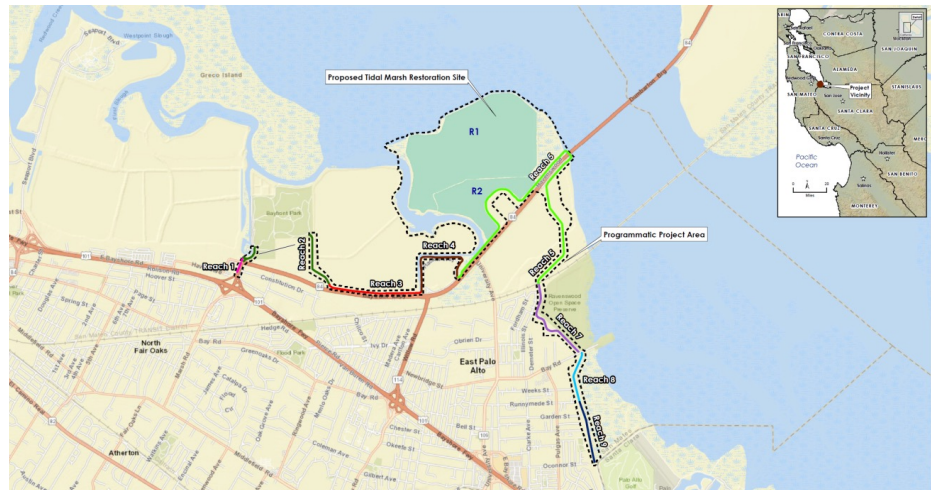


The project team includes a cross-section of local partners, including federal, state and local government agencies, non-profits and the private sector.

The team has come together to apply for a competitive, pre-disaster mitigation grant from FEMA to cover up to 75% of the project costs.

Working together to protect critical infrastructure

The Menlo Park SAFER (Strategy to Advance Flood protection, Ecosystems, and Recreation) Bay Project is applying for a FEMA grant to protect critical infrastructure amid growing threats of climate change. This project represents wide-ranging local, state, and federal interests and will benefit from letters of public support. If funded, the project will protect infrastructure and communities along more than nine miles of shoreline from projected coastal flooding and sea-level rise. Using nature-based solutions, the levee will allow for habitat restoration of over 550 acres of former salt ponds, and it will increase public recreational access. Construction of the project will also create jobs and engage local communities at every step.



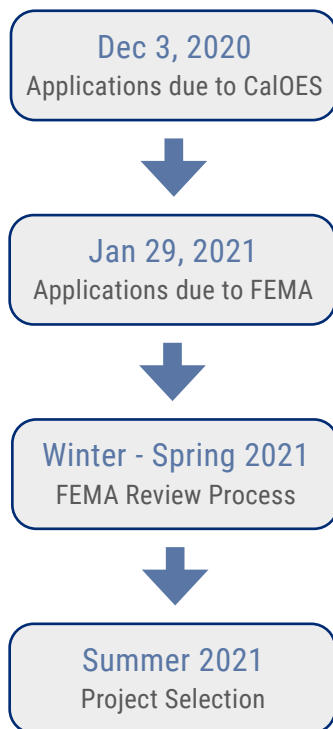
This map shows the project area of the Menlo Park SAFER Bay proposal. The project will design and construct sea level rise protection for reaches 2, 3, 4, and parts of 5.

To ensure Menlo Park's resilience against sea level rise, this project will:

- Support Menlo Park's climate action plans and local electricity grid by protecting PG&E's Ravenswood Substation.
- Seek to protect a section of the Dumbarton Bridge western approach and State Route 84, a vital local and regional transportation link for over 80,000 vehicles per day, from flooding.
- Engage local, disadvantaged communities in building climate-smart infrastructure.
- Generate local jobs and economic opportunities as the state prepares for climate adaptation.
- Create needed transition-zone habitat in the SF Estuary, and facilitate salt pond restoration goals.
- Protect local commercial infrastructure including Facebook's Classic Campus.
- Enhance public access and create recreational opportunities in East Menlo Park.

MENLO PARK SAFER BAY PROJECT

Application Timeline



Support the project

Strong outreach and partnership are key qualitative criteria used to assess applications. If you are interested in demonstrating your support for the project or have further questions, please email Eric Hinkley at EMHinkley@menlopark.org

About FEMA's grant program

"Building Resilient Infrastructure and Communities" (BRIC) is a new pre-disaster mitigation program administered by FEMA. The BRIC program provides competitive grants to states, local communities, tribes, and territories, to undertake hazard mitigation projects that will increase resilience and disaster preparedness in the context of climate resilience and adaptation. Learn more at [fema.gov/bric](https://www.fema.gov/bric).

BRIC seeks to support programs that:

- are cost-effective
- increase resilience and public safety
- reduce injuries and loss of life
- reduce damage and destruction to property, critical services, facilities, and infrastructure.

Key Criteria for Successful Application

The Menlo Park SAFER Bay Project meets many of the criteria FEMA seeks, including:

Criterion	Project
Infrastructure Project	Ecotone and traditional levees
Uses nature-based solutions	Ecotone Levee mimics a natural transition zone that protects habitats and promotes restoration
Increased non-federal cost share	PG&E and Facebook providing up to 25% of costs
Mitigates risk to one or more lifelines	Protects Dumbarton Bridge (transportation) and PG&E substation (power)
Provides community-wide benefits	In addition to protecting infrastructure, provides habitat and recreational benefits
Leverages partners	Nine partners representing cross-section of local, state, and federal interests

Agenda Item 8: SFCJPA Comprehensive Plan

Background

The SFCJPA [2020 Comprehensive Plan](#) is a means to communicate our purpose and projects to diverse audiences. Based on Board review and input, a draft plan was developed and discussed last month.

This plan incorporates comments from the City of Palo Alto, the City of Menlo Park, the Regional Water Quality Control Board, and several community members.

Additional information

By and large, comments have been incorporated into the current document. These comments were helpful in creating a readable, clear and consistent document and are sincerely appreciated. These comments can be summarized as follows:

- Overall, the document is well-written and provides a good overview of the context and purpose of the SFCJPA.
- Add a short explanation of vision, action plan and over-arching goal to help track progress; specify SFCJPA mission statement. Make sure summary is consistent with detailed sections.
- For 100-year flood protection with FEMA freeboard, the project should evaluate a suite of floodproofing strategies that can be activated during infrequent flow events that are greater than the 70-year event that the Upstream project protects against.
- Add or update information on stakeholder demographics and provide specific outreach to diverse stakeholders.
- Add more of the regulatory requirements that govern creek actions.
- Add a 70-year flood map
- Concern with ACOE partnership, as the ACOE requires a single purpose flood protection versus the multi-benefit project that the SFCJPA has proposed.

We have updated the document in response to stakeholder comments, with the following exceptions:

- We did not add a 70-year flood map (but will for Upstream permit applications). We did add language that the footprint of the 70-year flood is similar to the 100-year flood, but inundation depths are shallower.
- Rearrange sections as one commenter proposed (if time allows). This may be considered in future editions if section re-organization will more effectively convey the information and intent of the document.
- Where questions of fact were resolved, indicating current content was correct.

This document will be reviewed and updated May-August 2021, tracking progress on projects, and updating relevant changes to organizational or other watershed information. Future updates may include additional maps and graphics, and document organization changes.

ACTION:

Recommend approval of the 2020 SFCJPA Comprehensive Plan

RESOLUTION NUMBER 20-11-19-A

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY
COMPREHENSIVE PLAN**

BE IT RESOLVED by the Board of Directors of the San Francisquito Creek Joint Powers Authority that the Board of Directors hereby accepts the 2020 edition of the SFCJPA's Comprehensive Plan document.

Approved and adopted on November 19, 2020, the undersigned hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the San Francisquito Creek Joint Powers Authority.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Vice Chairperson Date: 11/19/2020

Chairperson Date: 11/19/2020

APPROVED AS TO FORM:

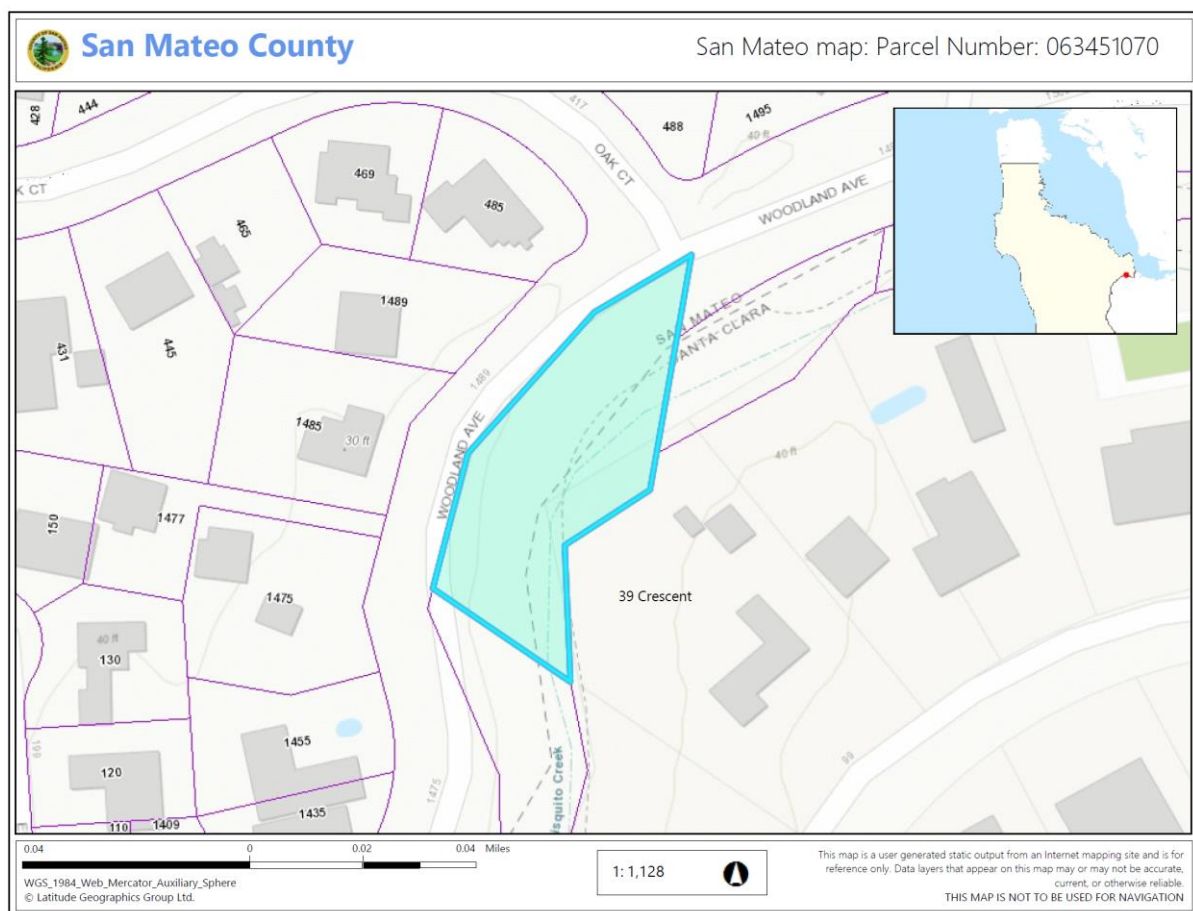
Legal Counsel Date: 11/19/2020

Agenda Item 9: Reller Parcel Donation

Background

Mr. William T. Reller, resident of Palo Alto, generously offered to donate a portion of his property that is within San Francisquito Creek. To that end, in the SFCJPA completed a Phase 1 Environmental Site Assessment of the property as part of our due diligence in January 2020. No “Recognized Environmental Conditions” were identified in the Phase 1 Report. Therefore, the SFCJPA moved forward with an American Land Title Association (ALTA) and the American Congress on Surveying and Mapping ALTA survey of the Property to determine property boundary, and a Chain-of-Title search.

This undeveloped parcel is approximately 0.47 acres and is intended to remain undeveloped. The SFCJPA has plans to remove invasive species within this parcel and to improve riparian habitat.



Additional information

We met with Mr. Reller last month and informed him of the results of the ALTA survey and chain of title results. Mr. Reller wanted to move forward with the property donation.

ACTION:

Recommend approval of the donation of the Reller parcel to SFCJPA.

RESOLUTION NO. 20-11-19-B

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY ACCEPTING PROPERTY FROM WILLIAM E. RELLER, AS TRUSTEE OF THE RELLER SURVIVOR'S TRUST, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO SIGN CERTIFICATES OF ACCEPTANCE IN CONNECTION THEREWITH

WHEREAS, William E. Reller, as trustee of the Reller Survivor's Trust (the "Donor") has graciously agreed to donate and grant to the San Francisquito Creek Joint Powers Authority ("Authority") that certain real property described in Exhibit A (the "Site") attached to this Resolution.

WHEREAS, in order to accept the Site, the Board of Directors desires to authorize the Executive Director to take all actions necessary to effectuate the conveyance to the Authority of interests in the Site.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are accurate and are hereby incorporated and made part of this Resolution by reference.

Section 2. The Authority hereby accepts the conveyance of the Site from the Donor.

Section 3. The Board of Directors hereby authorizes the Executive Director to execute any and all deeds or other instruments conveying the Site to the Authority (the "Deeds"), to execute the accompanying certificates of acceptance (the "Certificates of Acceptance"), and to execute and any other documents necessary in connection therewith. The Executive Director or her designee is further authorized and directed, to do any and all things which the Executive Director may deem necessary or advisable to effectuate this Resolution and any such actions previously taken in connection with this conveyance are hereby ratified and confirmed.

Section 4. The Board of Directors hereby consents to the recordation of the Deeds and Certificates of Acceptance.

Section 5.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2020, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Chairperson

ATTEST:

Secretary

EXHIBIT A

Agreement with Mr. William Reller

November 16, 2020

Mr. William Reller
664 Gilman Street
Palo Alto, CA 94301

Regarding: LETTER AGREEMENT - SAN MATEO COUNTY
ASSESSOR'S PARCEL NUMBER 063-451-070

Dear Mr. Reller,

This letter agreement (the "Letter") has been sent to you to confirm certain understandings between William E. Reller, as Trustee of the Reller Survivor's Trust (the "Donor") and the San Francisquito Creek Joint Powers Authority (the "Authority") with respect to the proposed donation by the Donor to the City of that certain property described in Exhibit "A" attached hereto (the "Property").

The Donor and the Authority agree that:

Section 1. Prior to the conveyance of the Property to the Authority, the Authority shall engage an appraiser mutually acceptable to the Authority and the Donor to determine the fair market value of the Property. The Authority shall be responsible for the payment of the fees charged by the appraiser. The Authority will provide a copy of the final appraisal report to the Donor. Subject to the following, the donation shall be effected within sixty (60) days following the date of the Donor's execution of this Letter. Subject to a written amendment hereof by the undersigned to the contrary, this Letter shall automatically terminate if the donation is not effected within such sixty (60) day period. The Authority shall not in any manner be responsible for the accuracy of the appraisal. The Authority shall not be responsible for the payment of the fees of any other appraiser with respect to the appraisal described in this Section 1. Notwithstanding anything to the contrary contained herein, the Donor shall have the right to terminate this Letter upon ten (10) days written notice to the Authority if the appraised value of the Property is not acceptable to Donor.

Section 2. The Property shall be conveyed to the Authority pursuant to the Grant Deed in substantially the form attached hereto as Exhibit "B", and/or a quitclaim deed in a form satisfactory to the Donor and the Authority. The Authority shall not, by this Letter, be obligated to accept the donation unless and until it has received a binding commitment by First American Title Insurance Company to issue an owner's title insurance policy satisfactory in form and substance to the Authority.

Section 3. The Donor and the Authority agree that the Authority has not and will not provide any advice or make any representation to Donor with respect to the tax impacts upon the Donor resulting from their donation of the Property to the Authority. In addition, the Donor shall indemnify and hold the Authority harmless from any costs, expenses, or liability that the Authority may incur and that arise directly or indirectly from any tax impacts upon the Donor as a result of the donation. This indemnity shall survive the donation.

Sincerely,



Margaret Bruce
Executive Director
San Francisquito Creek Joint Powers Authority

AGREED AS TO MATTERS DESCRIBED HEREIN:
William E. Reller, as Trustee of the Reller Survivor's Trust

By: _____
William E. Reller, Trustee

Date: November __, 2020

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY
(Three Parcels)

TOTAL SITE

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND BEING ALL OF EXHIBIT 2 DESCRIBED IN THAT CERTAIN TRUSTEE'S GRANT DEED RECORDED ON OCTOBER 23, 2013 AS DOCUMENT NO. 2013-148887, OFFICIAL RECORDS OF SAN MATEO COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE OLD CENTER LINE OF SAN FRANCISCO CREEK, WHICH POINT IS DISTANT SOUTH 10°19'00" WEST, 157.45 FEET ALONG A SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 60, FROM THE POINT OF INTERSECTION OF THE EASTERLY LINE OF SAID LOT AND THE NORTHERLY LINE OF WOODLAND AVENUE AS SAID LOT AND AVENUE ARE SHOWN UPON THAT CERTAIN MAP ENTITLED "THE CHARLES POULTRY COLONY-FOURTH ADDITION TO RUNNYMEDE, SAN MATEO COUNTY, STATE OF CALIFORNIA, FILED FOR RECORD ON FEBRUARY 13, 1920 IN BOOK 10 OF MAPS AT PAGE 28; THENCE SOUTH 10°19'00" WEST, 12.23 FEET ALONG THE SOUTHERLY PROLONGATION OF SAID EASTERLY LINE OF LOT 60 TO A POINT ON THE CENTERLINE OF SAN FRANCISQUITO CREEK AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF CRESCENT PARK" WHICH MAP WAS FILED FOR RECORD ON JULY 17, 1923 IN BOOK R OF MAPS AT PAGES 36 AND 37, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID CENTERLINE SOUTH 59°38'35" WEST, 77.45 FEET AND SOUTH 10°21'25" EAST 141.49 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PARCEL TWO AS DESCRIBED IN THAT CERTAIN AFFIDAVIT OF DEATH OF TRUSTEE RECORDED ON JUNE 7, 2019 AS DOCUMENT NO. 2019-043520, OFFICIAL RECORDS OF SAN MATEO COUNTY;

THENCE LEAVING SAID CREEK CENTERLINE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL TWO NORTH 55°37'00" WEST, 133.29 FEET TO A POINT WHICH IS DISTANT 40.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF WOODLAND AVENUE AS SHOWN ON SAID MAP OF "THE WEEKS POULTRY COLONY-FOURTH ADDITION TO RUNNYMEDE";

THENCE LEAVING SAID NORTHEASTERLY LINE ALONG THE 40.00 FOOT OFFSET LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 14°49'00" EAST, 91.26 FEET;
2. NORTH 42°12'00" EAST, 124.06 FEET;

3. NORTH 59°49'00" EAST, 76.02 FEET TO A POINT ON SAID SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 60;

THENCE ALONG SAID SOUTHERLY PROLONGATION SOUTH 10°19'00" WEST, 157.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.347± OR 0.4671± ACRES

Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

Date

Jimmy R. Vigil, P.L.S. 6256

EXHIBIT "B"

LEGAL DESCRIPTION

FOR: AREA "B"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND BEING ALL OF THE LAND LYING BETWEEN EXHIBIT 1 AND EXHIBIT 2 AS DESCRIBED IN THAT CERTAIN TRUSTEE'S GRANT DEED RECORDED ON OCTOBER 23, 2013 AS DOCUMENT NO. 2013-148887, OFFICIAL RECORDS OF SAN MATEO COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE OLD CENTER LINE OF SAN FRANCISCO CREEK, WHICH POINT IS DISTANT SOUTH 10°19'00" WEST, 157.45 FEET ALONG A SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 60, FROM THE POINT OF INTERSECTION OF THE EASTERLY LINE OF SAID LOT AND THE NORTHERLY LINE OF WOODLAND AVENUE AS SAID LOT AND AVENUE ARE SHOWN UPON THAT CERTAIN MAP ENTITLED "THE CHARLES POULTRY COLONY-FOURTH ADDITION TO RUNNYMEDE", SAN MATEO COUNTY, STATE OF CALIFORNIA, FILED FOR RECORD ON FEBRUARY 13, 1920 IN BOOK 10 OF MAPS AT PAGE 28;

THENCE SOUTH 10°19'00" WEST, 12.33 FEET ALONG SAID SOUTHERLY PROLONGATION OF SAID EASTERLY LINE OF LOT 60 TO A POINT ON THE CENTERLINE OF SAN FRANCISQUITO CREEK AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF CRESCENT PARK" WHICH MAP WAS FILED FOR RECORD ON JULY 17, 1923 IN BOOK R OF MAPS AT PAGES 36 AND 37, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID CENTERLINE SOUTH 59°38'35" WEST, 77.45 FEET AND SOUTH 10°21'25" EAST, 25.72 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID LINE SOUTH 10°21'25" EAST, 115.77 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF EXHIBIT 2 AS DESCRIBED IN SAID TRUSTEE'S GRANT DEED;

THENCE LEAVING SAID CENTERLINE NORTH 55°37'00" WEST, 21.03 FEET ALONG SAID SOUTHWESTERLY LINE;

THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 13°46'00" WEST, 54.57 FEET AND NORTH 11°00'00" EAST, 49.93 FEET THE POINT OF BEGINNING.

CONTAINING 1,435± SQUARE FEET OR 0.0329 ± ACRES.

AS SHOWN ON EXHIBIT "B-1" ATTACHED HERETO AND MADE A PART HEREOF.

Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

10/8/20
Date

Jimmy R. Vigil, P.L.S. 6256

EXHIBIT "C"

LEGAL DESCRIPTION

FOR: AREA "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MENLO PARK, COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND BEING ALL OF THAT LAND LYING BETWEEN EXHIBIT 1 AND EXHIBIT 2 AS DESCRIBED IN THAT CERTAIN TRUSTEE'S GRANT DEED RECORDED ON OCTOBER 23, 2013 AS DOCUMENT NO. 2013-148887, OFFICIAL RECORDS OF SAN MATEO COUNTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE OLD CENTER LINE OF SAN FRANCISCO CREEK, WHICH POINT IS DISTANT SOUTH 10°19'00" WEST, 157.45 FEET ALONG A SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF LOT 60, FROM THE POINT OF INTERSECTION OF THE EASTERLY LINE OF SAID LOT AND THE NORTHERLY LINE OF WOODLAND AVENUE AS SAID LOT AND AVENUE ARE SHOWN UPON THAT CERTAIN MAP ENTITLED "THE CHARLES POULTRY COLONY-FOURTH ADDITION TO RUNNYMEDE", SAN MATEO COUNTY, STATE OF CALIFORNIA, FILED FOR RECORD ON FEBRUARY 13, 1920 IN BOOK 10 OF MAPS AT PAGE 28;

THENCE SOUTH 10°19'00" WEST, 12.33 FEET ALONG SAID SOUTHERLY PROLONGATION OF SAID EASTERLY LINE OF LOT 60 TO A POINT ON THE CENTERLINE OF SAN FRANCISQUITO CREEK AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF CRESCENT PARK" WHICH MAP WAS FILED FOR RECORD ON JULY 17, 1923 IN BOOK R OF MAPS AT PAGES 36 AND 37, SANTA CLARA COUNTY RECORDS;

THENCE ALONG SAID CENTERLINE SOUTH 59°38'35" WEST, 64.98 FEET;

THENCE LEAVING SAID CENTERLINE ALONG THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1. NORTH 11°00'00" EAST, 8.88 FEET;
2. NORTH 57°21'00" EAST, 67.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 520± SQUARE FEET OR 0.0119 ± ACRES.

AS SHOWN ON EXHIBIT "A-1" ATTACHED HERETO AND MADE A PART HEREOF.

Legal Description prepared by Kier & Wright Civil Engineers and Surveyors, Inc.

10/8/20

Date

Jimmy R. Vigil, P.L.S. 6256

Agenda Item 10: Hortscience/Bartlett Contract Amendment

Background

The SFCJPA has a goal to reduce the Upstream project footprint to preserve as many trees as possible based on tree condition. The SFCJPA hired HortScience | Bartlett Consulting in March 2020 to identify and evaluate the condition of trees that may be affected by the Upstream Project using the project footprint from our Environmental Impact Report.

The arborist team evaluated and mapped a total of 535 trees that may possibly be affected by construction of the Upstream Project. The draft Arborist report was submitted to our member cities for review on August 31.

The SFCJPA requested a proposal for an amendment to the contract to respond to member cities comments on the draft report and prioritize and reduce the number of trees that may be affected by the project.

Additional information

The original contract is for \$31,500, and this amendment requests an additional \$10,000.

This amendment will identify trees that will be removed and preserved and provide guidelines for tree preservation during the design, construction and maintenance phases. This information will be compiled specific to each city.

ACTION:

Recommend approving the amendment for \$10,000 to address comments on the draft Arborist Report for the Upstream project.

RESOLUTION NUMBER 20-11-19-C

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY
AMENDMENT ARBORIST CONTRACT**

BE IT RESOLVED by the Board of Directors of the San Francisquito Creek Joint Powers Authority that the Board of Directors hereby accepts Amendment #1 to the March 2020 contract between the SFCJPA and HortScience/Bartlett to respond comments on the preliminary arborist evaluation submitted to the Cities August 31, 2020.

Approved and adopted on November 19, 2020, the undersigned hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the San Francisquito Creek Joint Powers Authority.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Vice Chairperson

Date: 11/19/2020

Chairperson

Date: 11/19/2020

APPROVED AS TO FORM:

Legal Counsel

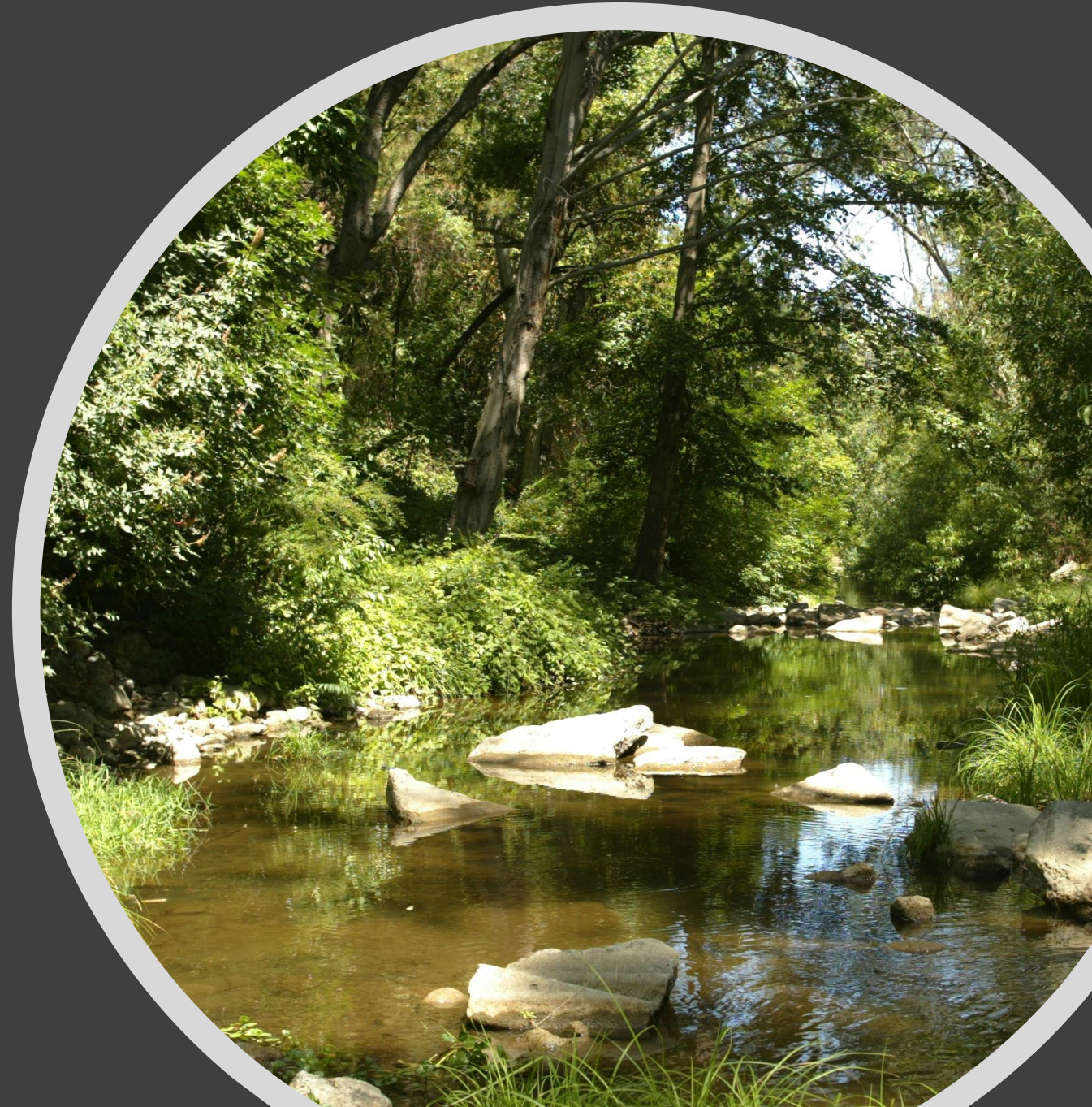
Date: 11/19/2020



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

November 19, 2020

SFCJPA Board Meeting





Agenda

Members of the Public may speak on any agenda item for up to three minutes

1. ROLL CALL

2. APPROVAL OF AGENDA: Changes or additions to the agenda.

3. APPROVAL OF MEETING MINUTES: October 22, 2020 Regular Meeting

4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*

Agenda Item 5.

Winter Preparedness Presentations

Alexander Gordon, CEM, Assistant Officer,
Valley Water

Jeff Norris, Emergency Services Coordinator,
San Mateo County

Ryan Zollicoffer, Disaster Response
Manager, Office of Emergency Management,
Menlo Park Fire and City of Menlo Park

Ken Deuker, Director of Emergency Services,
City of Palo Alto



Agenda Item 6.

The SFCJPA's Flood Early Warning System

Presentation by Kevin Murray, Sr. Project Manager





REGULAR BUSINESS – Agenda Item 7.

Executive Director's Report Project Updates

Channel Maintenance

* Action Items Complete

Comprehensive Plan

* All comments received to date have been considered and incorporated as appropriate. (Item 8 on the agenda)

Upstream Project

* Work on permits continues

* Reller parcel donation complete (Item 9 on the agenda)

* Funding map: updates & discussion in progress



REGULAR BUSINESS –

Agenda Item 7.

Executive Director's Report, Continued

100-Year Flood Protection, evaluating detention basins

* RFP responses being evaluated

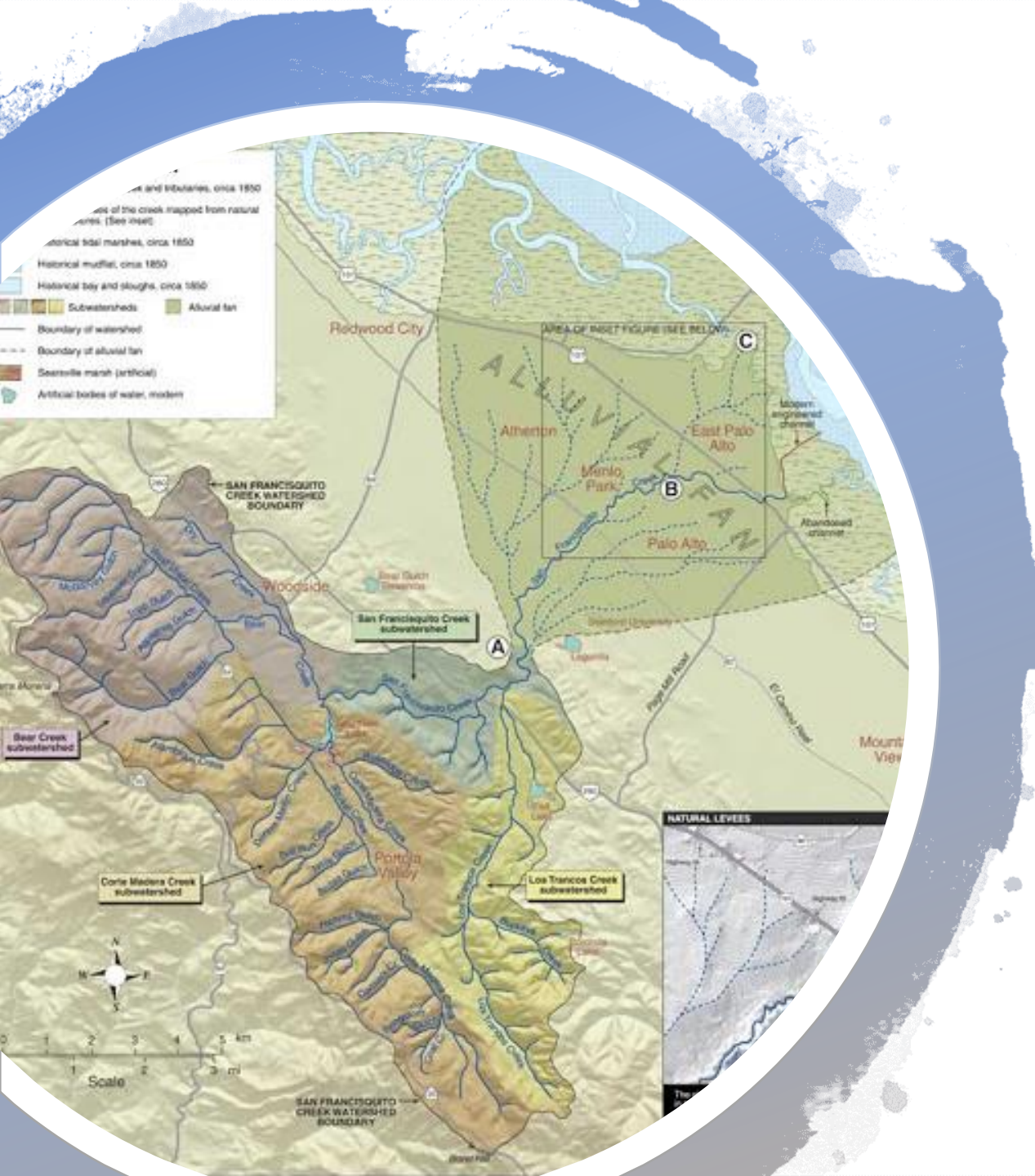
SAFER Bay

* FEMA/CalOES BRIC grant application underway and on track for December 3 submittal.

Administration/Operations

* IT systems evaluation in progress

* Evaluation of banking options. Will be transitioning the JPA's accounts to a new bank.



Agenda Item 8

COMPREHENSIVE PLAN (Action Item)

We present to the Board and community the 2020 edition of the SFCJPA's Comprehensive Plan.

This living document will be reviewed and updated each year.

Thank you for your time, effort, and thoughtful input. This document will continue to evolve.

Recommendation: Approve 2020 Plan



Agenda Item 9.

Reller Parcel Donation Agreement (Action Item)

Mr. Reller, a property-owner on Crescent Drive in Palo Alto, has donated an undeveloped/undevelopable portion of his property which lies within the creek.

This property will remain undeveloped and as part of the Upstream Project – the riparian habitat will be improved

Recommendation: Approve donation



Agenda Item 10.

Hort Sciences/Bartlett Contract Amendment (Action Item)

An amendment for \$10,000 is requested to respond to city comments on the preliminary report and develop guidelines for tree preservation during the design, construction and maintenance phases.

Recommendation: Approve Amendment



Agenda Item 11

BOARD MEMBER COMMENTS and ANNOUNCEMENTS

Board members may share news, updates, and announcements and may request items for future agendas.



Agenda Item 12

PUBLIC COMMENT ON CLOSED SESSION

Members of the public may speak on the topics of the closed session items, prior to the board adjourning to closed session.



Agenda Item 13

CLOSED SESSION

The board will adjourn to closed session to discuss two items:

1) Conference with Legal Counsel — Existing Litigation

Government Code Section 54956.9(d)(1)

Name of case: Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al. San Mateo County Superior Court Case No: 19-CIV-06305

2) Public Employee Performance Evaluation, Executive Director



Agenda Items 14 and 15

14. REPORT OUT FROM CLOSED SESSION

15. ADJOURNMENT



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY