



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Notice of Regular Meeting of the Board of Directors

Thursday, April 22, 2021

3:30 P.M.

Due to the risk of COVID-19 transmission, this meeting will be held remotely. Members of the public may observe and offer comment at this meeting by using the chat function and typing your question or comment, by selecting the raise your hand function or if you are joining by phone unmuting yourself and letting Clerk of the Board or Board Chair know you wish to speak. 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/84920817736?pwd=Uk0wckMxRDVxSjBZN2cwYi80bHRVdz09>

Meeting ID: 849 2081 7736

Passcode: 352165

(669) 900-6833,, 84920817736#,,,,*352165#

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

Agenda

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA: Changes or additions to the agenda.
3. APPROVAL OF MEETING MINUTES: March 25, 2021 Regular Meeting.
4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*

REGULAR BUSINESS

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

5. INFORMATION ITEMS

A. Executive Director's Report

6. ACTION ITEMS

A. Resolution (employment package) of the Board of Directors, approving the 1st

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SFCJPA.ORG



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

Amendment to the Employment Agreement with the Executive Director and adjusting the Fiscal Year 2021-22 SFCJPA Salary Schedule as needed

- B. Approve the proposed FY 2021/2022 Budget.
 - C. Approve Resolution Honoring Kevin Murray's first twenty years of service.
 - D. Proposition 68 Grant Acceptance Resolution
 - E. Local Agency Investment Fund (LAIF) Resolution
 - F. Approve ESA Contract Amendment three
 - G. Approve updated tuition reimbursement policy.
7. BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)
8. ADJOURNMENT

PLEASE NOTE: Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. by Monday April 19, 2021 at sfcjpa.org -- click on the "Meetings" tab near the top.

San Francisquito Creek Joint Powers Authority
April 22, 2021 Regular Meeting of the Board
Agenda Item 3
March 25, 2021 Board Meeting Minutes

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

DRAFT

1) ROLL CALL

Members Present: Director Ruben Abrica, City of East Palo Alto
Director Drew Combs, City of Menlo Park
Director Pat Burt, City of Palo Alto
Director Dave Pine, San Mateo County Flood & Sea Level Rise Resiliency District
Director Gary Kremen, Santa Clara Valley Water District (Valley Water)

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

Legal Present: Trisha Ortiz

2) APPROVAL OF AGENDA

ACTION: Motion and second (Burt/Kremen) to approve the agenda passed 5-0.

Roll call vote:
Director Abrica Aye
Director Burt Aye
Director Combs Aye
Director Kremen Aye
Director Pine Aye

3) APPROVAL OF February 25, 2021 REGULAR BOARD MEETING MINUTES

ACTION: Motion and second (Burt/Abrica) to approve the February 25, 2021 Regular Board meeting minutes passed 5-0.

Roll call vote:
Director Abrica Aye
Director Burt Aye
Director Combs Aye
Director Kremen Aye
Director Pine Aye

4) PUBLIC COMMENT

None.

5) INFORMATION ITEMS

Executive Director's Report

Ms. Bruce presented the Executive Director's report highlighting updates to the current SFCJPA projects and administrative operation updates.

Jerry Hearn, Portola Valley resident, congratulated the SFCJPA staff for a job well done at the recent community meetings. Mr. Hearn acknowledged that there is still disconnect and misunderstandings with the community regarding the number of trees that will be removed.

San Francisquito Creek Joint Powers Authority
April 22, 2021 Regular Meeting of the Board
Agenda Item 3
March 25, 2021 Board Meeting Minutes

6) BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS

Director Abrica recognized and congratulated SFCJPA Senior Project Manager Tess Byler's fifth year anniversary with the SFCJPA.

Jerry Hearn, Portola Valley resident, expressed his appreciation to and for Mrs. Byler, her work and professionalism.

SFCJPA staff thanked Mrs. Byler for her hard work, companionship, and continued dedication.

7) CLOSED SESSION

Public comment on Closed Session

None.

Public Employee Performance Evaluation: Executive Director

Adjourned to closed session at 3:55 pm.

Report from Closed Session

Readjourned to open session at 4:33 pm.

Director Abrica stated that there were no reportable actions from the closed session.

8) ADJOURNMENT

Adjourned at 4:34 pm

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

Executive Director's Report, April 22, 2021

Project Updates

Reach 2 Project -

On April 12th, staff presented an overview of the Reach 2 project, including details of the Pope-Chaucer bridge replacement, to the Menlo Park Planning Commission. Menlo Park Senior Project Manager (Mike Sartor) provided a comprehensive staff report to the Commissioners. There were several questions about the planned bridge and the process of its replacement. Our arborist, Darya Barar of Hort Science Bartlett Consulting attended. The April 2021 revised preliminary arborist report was submitted as part of our [Menlo Park Heritage Tree permit application](#), and is posted on our website. Because there has been so much community interest in trees, we anticipated similar commission interest – but commissioners and the public asked very few questions about trees.

Media coverage of the meeting from The Daily Post is here:

<https://padailypost.com/2021/04/13/residents-object-to-proposed-pope-chaucer-super-bridge/>

A briefing for the City of East Palo Alto's Planning and Transportation commission on both Reach 2 and the SAFER Bay was conducted on April 21st. Humza Javed facilitated the JPA's presentation to the commission. This was the second update on the Reach 2 project for the City.

As a result of input received at our public presentations, collaboration with regulatory agencies, and discussions with property owners from whom we need to secure construction easements, we are taking a detailed look at select elements of the channel widening work. To accomplish these analyses, we have updated the Scope of Work for our consultant ESA. ESA will be performing additional hydraulic analysis and design modification analysis that we intend to use to maximize benefits, reduce costs, and minimize impacts of construction to the creek and homeowners. The updated scope of work will be memorialized in Amendment 3 to the consultant agreement, which is offered for Board consideration on this meeting's agenda. Costs for the work provided for in Amendment 3 are within the project budget and do not require additional funding to be allocated.

Upstream detention evaluation

Our consultant team has compiled its data requests from SFCJPA member agencies and Stanford based on the March 5 site visit. Technical experts from the project team met with staff from Balance Hydrologics, a consultant to Stanford working on the Searsville Dam alternatives analysis, on April 8 to discuss hydraulics and sediment transport models of the alternatives. The team is now developing updated detention basin footprints and channel dimension/diversion location concepts. If sufficient detention capacity is shown to be feasible, a draft conceptual plan will be shared with the Board this summer.

SAFER Bay

A Memorandum of Understanding (MOU) for the portion of the SAFER Bay project within Menlo Park is being drafted. The goal is to have the MOU completed by June 2021.

Our DWR grant amendment #2 was executed March 9. We have re-engaged on permitting and will re-start consultant work after DWR funding is received.

We responded to requests for information from the California Natural Resources Agency regarding our \$5.9M Prop 68 Urban Flood Grant application - they expect award notifications in May 2021. Included in your Board package is a Resolution that states that if funding is received, the Board will accept the funding.

We are planning to apply for funding from the Ocean Protection Council Round 4 grant solicitation to support public engagement and funding to complete engineering design and permitting for the SAFER Bay project. The Notice of Intent (NOI) is due 4/23, with the full application due this summer.

We continue to participate in the Ravenswood Business District meetings to better understand the business community's concerns and priorities.

Flood Early Warning System

The Flood Early Warning System's Operating System has been updated, moved to new servers, and tested. A draft MOU regarding transitioning the components of the system providing alerts to residents has been shared with our emergency response colleagues and we are awaiting their input. Once we have their input, we will confer with legal counsel and then bring the final draft agreement back to the board.

Components of the system that provide real-time data on rain and flow conditions in the upper watershed that informs response agencies will remain and continue to be managed by SFCJPA staff.

Reach 1 Project

Monitoring and maintenance of the restoration sites that mitigate construction impacts have been paid for over the past 3 years through the construction funding agreements put in place to build the project. Funding for the first of the seven remaining years of monitoring and reporting as required by our regulatory permits is included in the preliminary operational budget for fiscal year 2021/2022. Once the budget is approved, we will develop and release a Request for Proposals for a consultant/contractor team that can provide the needed maintenance, monitoring, and reporting for the project's mitigation sites through the required 10-year reporting period.

Funding Requests

Two Community Project Funding Requests (formerly referred to as 'earmarks') – one for \$1.45M for Reach 2 and one for \$5.6M for SAFER Bay - were submitted for consideration to Congressmembers Speier and Eshoo.

We are evaluating the current Ocean Protection Council grant opportunity to support public engagement for the SAFER Bay project. The NOI is due on 4/23.

We met with Michael Hagerty, the Grants Administrator for Valley Water, to discuss additional potential grant and collaboration opportunities.

We learned from CalOES that an existing HMGP grant for the Pope-Chaucer Bridge may be eligible for an expanded funding request. We will be exploring this opportunity.

Organization/Administration Updates

- There is no news regarding a preliminary judgement in the CEQA lawsuit.
- We were contacted by two journalists (Lauren Sommer of NPR and Ezra Romero of KQED) working on a three-part series on Sea Level Rise. The SAFER Bay project will be featured. The pieces will run nationally. One of them will be featured in the KQED "California Report". The radio pieces will be available online as of April 21st.
- We had more than 450 unique visitors to the SFCJPA website in the past month, but this represents a 10% decrease from the previous month.
- Our second newsletter was distributed to 389 recipients and had an open rate of over 38 percent. This issue focused on trash in the creek.

San Francisquito Creek Joint Powers Authority

April 22, 2021 Board Meeting

Agenda Item 5 A

Executive Director's Report

- We are transitioning from Wells Fargo to First Republic Bank for the SFCJPA's banking needs. This process will be completed by the end of May. The change will result in lower banking fees and better customer service (which has already been received).
- On the agenda is a resolution for LAIF updating the authorized representatives for conducting investment transactions, and our address change.
- Finishing touches to the final FY2018/2019 audit package are being completed. The FY2019/2020 audit will be started immediately upon signing the engagement letter.
- Reminder - if you have not submitted your Form 700 to the SFCJPA please submit asap.

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

Regular Board meeting	Envisioned Agenda Items
May	Three year rolling workplan review and update
June	Comprehensive Plan review
July	Comprehensive Plan 2021 edition acceptance/ratification
August	Summer Board Recess. No meeting planned.
September	
October	
November	
December	
January	Election of new board member positions; review updated board handbook

MEMORANDUM

MEETING DATE: April 16, 2021

TO: Board of Directors, San Francisquito Creek Joint Powers Authority

FROM: Trisha Ortiz, Assistant General Counsel

SUBJECT: Amendment to Executive Director Employment Agreement

Summary

An amendment to the Executive Director's employment agreement is presented for Board consideration and approval. This amendment follows the Board's recent evaluation of the Executive Director's performance. It includes a \$20,000 salary increase to an annual salary of \$155,000, for Board consideration.

Discussion

Margaret Bruce has been the Authority's Executive Director since June 15, 2020. The Board evaluates the performance of the Executive Director at least annually and may adjust the Executive Director's salary in connection with the review process. Following the evaluation completed last month, the Board indicated an interest in considering an increase to the Executive Director's annual salary.

The attached resolution approves the amendment to the Executive Director's employment agreement with a \$20,000 increase in salary, effective as of July 1, 2021.

Attachments: Resolution Approving Contract Amendment and First Amendment to Employment Agreement



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
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EXHIBIT A

First Amendment to Employment Agreement
(See attached)

FIRST AMENDMENT TO
EMPLOYMENT AGREEMENT

This FIRST AMENDMENT to the EMPLOYMENT AGREEMENT, dated June 11, 2020 (“Agreement”), between the SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY (“JPA”) and MARGARET BRUCE, an individual (“EMPLOYEE”), is dated as of July 1, 2021 (“Amendment”). JPA and EMPLOYEE are sometimes collectively referred to herein as the “PARTIES.”

RECITALS

This Amendment is entered into on the basis of the following facts, understandings and intentions of the PARTIES:

- A. JPA and EMPLOYEE entered into the Agreement on June 11, 2020.
- B. Based on the results of its performance evaluation and exercising its discretion under the Agreement, the Board desires to grant EMPLOYEE a salary increase and adopt this Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing Recitals and mutual promises and conditions in the Agreement and this First Amendment, it is agreed as follows:

Section 1. Incorporation of Recitals. The foregoing Recitals, and each of them, are incorporated herein as though set forth in full.

Section 2. Amendment. The Agreement is hereby amended to provide an annual salary of \$155,000.

Section 3. Except as expressly modified by this Amendment, all provisions of the Agreement shall remain in full force and effect.

[remainder of page intentionally left blank]

(First Amendment to Employment Agreement)

IN WITNESS WHEREOF, the PARTIES have executed this First Amendment to be effective as provided above.

Chair, Board of Directors
San Francisquito Creek Joint Powers Authority

DATE: _____

Margaret Bruce

DATE: _____



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
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RESOLUTION NUMBER

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY
APPROVING THE FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT
WITH THE EXECUTIVE DIRECTOR AND AMENDING THE SALARY SCHEDULE**

WHEREAS, the Board of Directors of the San Francisquito Creek Joint Powers Authority has conducted a review of the compensation and performance of the Executive Director and desires to implement a \$20,000 annual salary increase;

WHEREAS, the Board of Directors of the San Francisquito Creek Joint Powers Authority desires to amend the employment agreement with the Executive Director to incorporate the salary increase noted above;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Francisquito Creek Joint Powers Authority hereby approves the First Amendment to the Employment Agreement, dated as of July 1, 2021, as attached to this resolution in Exhibit A.

Approved and adopted the 22 day of April 2020.

I the undersigned, hereby certify that the foregoing Resolution Number _____ 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:

Director Date: _____

Chairperson Date: _____

Agenda Item 6B – Proposed Fiscal Year 2021/2022 Operating Budget

Background

Staff has prepared a preliminary FY 2021/2022 Operating Budget. This preliminary budget was presented to the Finance Committee on February 16 for discussion. Committee discussion and answers to committee member questions are reflected in the following discussion. The preliminary budget was presented at the February Board meeting for discussion. The preliminary budget has been shared with member agency staff. SFCJPA staff have answered questions from member agency staff.

Discussion

Revenues

For the FY 2021/2022 Operating Budget, member contributions are estimated to be \$337,240 per member. This is a 9% increase as compared to \$308,000 in the current year. This amount includes establishing the 15% reserve as directed by the SFCJPA Board in November 2020.

The SFCJPA does not anticipate receiving any direct grant revenues in the next fiscal year.

Personnel

Changes to the Director's salary will be based on the board's recommendation.

Director is seeking a transfer of the existing \$5,000 transportation allowance from that category to salary compensation.

IF the board votes to make any changes to the Director's compensation, there are additional changes to benefits and payroll taxes.

Director is seeking a cost-of-living increase for staff based on the regional Consumer Price Index. Staff saw no cost-of-living adjustment in this fiscal year. The requested 4.5% increase is based on two years of regional CPI increases (the CPI does not provide a prospective forecast, so a retrospective was used as a proxy).

Some costs associated with Personnel are increasing. Membership dues (ACWAJPIA insurance provider represents the largest increase) – an increase of 87%, and employer taxes – an increase of 10%.

Total estimated personnel costs: \$837,041. This is a 2% increase over the prior year unless the board changes the Director's compensation.

Contract Services

Contract services provide for vital elements of the SFCJPA's work – both for operations support and project work.

Legal counsel support is estimated to be slightly less costly in the coming year, pending resolution of litigation. The contract with our auditor extends for one more year, so this cost remains fixed. One-time 'Upstream expenses' requested in our current fiscal year budget will not be fully expended and will be carried over and applied to upstream work in the coming fiscal year.

Looking ahead for the Contract services category there are four new items in the coming year:

- 1) A possible addendum to our Reach 2 EIR based on the forthcoming LEDPA analysis,
- 2) Funding for the USACE to perform initial environmental and engineering work to determine suitability of the channel widening portions of the Reach 2 project for the CAP 205 program,
- 3) Funding sufficient to carry out our Operations and Maintenance obligations for the Reach 1, 'Downstream' project.
- 4) Establishing a Labor Compliance Programⁱ. The SFCJPA needs to adopt a Labor Compliance Program (LCP) prior to execution of work on the SAFER Bay Project. This is a requirement specified in our grant agreement with the California Department of Water Resources.

The estimated total for this category is \$731,500. The \$231,500 for the one-time upstream of Hwy 101 project expenses are a carryover for FY20/21. Therefore, this category has a decrease of 23% from the prior year's budget of \$651,500. (Total budgeted items outside of the carried over funds=\$500,000)

Administrative

Some items in this category have an unchanged or reduced budget amount as compared to last year, in part because of pandemic-related changes. Other items are increasing slightly – such as computers/software and IT to ensure the organization has operational resiliency and security. Some items are changing, such as utilities and office lease. Under our previous office lease, utilities and other expenses were not included. The following are included in our current office lease and are now no longer individual expenses: telephone/internet, security, janitorial, pest-control, property taxes, property insurance, utilities. On balance the current office lease is equivalent to the prior office's expenses plus the cost of the lease.

One-time moving expenses, additional computers, and software updates account for the exceedance from budget for the current fiscal year.

The estimated total for this category for the next fiscal year is \$98,400. An increase of 10% over the prior year.

General Contingency

The same \$35,000 general contingency amount is proposed for the upcoming fiscal year. This is based on the total estimated budget, excluding the \$231,500 being carried over from the current fiscal year.

Summary

In summary, with a modest 6% increase, the preliminary proposed budget accomplishes:

- Salary adjustments for staff.
- Investment in key project-related work, necessary to move SAFER Bay, Reach 2, and Reach 3 work forward.
- Prudent spending for legal, auditor, and project consulting support, including establishing a required Labor Compliance Program (LCP).
- Investment in Operations/Administration to ensure organizational resilience and reliability.
- Establishing the board-directed 15% reserve.

Recommendation

Approve the proposed Operating Budget for FY 2021/2022.

San Francisquito Creek Joint Powers Authority Operating Budget

FY 21-22 Proposed Draft Budget .

Proposed Budget reflects increase in Member Contributions.

REVENUES

Member Contributions (\$337,240 x 5) ¹	1,686,200
Grant funding: SAFER Bay project 1	-
Upstream of Highway 101 EIR legal	-
Interest	3,500
Total Revenues	1,689,700

EXPENSES

Acct.	Description	Amount
Personnel		
1	Executive Director Salary ²	135,000
2	E.D. Transportation Allowance	5,000
3	Finance & Admin. Mgr. (FAM) Salary ²	106,668
4	Senior Project Mgr. (SPM) Salary ²	123,480
5	Senior Project Manager (SPM) Salary ²	123,480
6	COLA ³	15,913
7	Employee Benefits	254,500
8	Membership Dues	15,000
9	Payroll Administration/Fees	3,000
10	Employer Taxes	55,000
	Subtotal Personnel	837,041
Contract Services		
11	Legal Counsel	130,000
12	Auditor	20,000
13	Project Consultants	70,000
	One-time Upstream of Hwy. 101 Project expenses ³	231,500
	Reach 2 EIR Addendum	50,000
	Cap 205	160,000
	O&M	70,000
	Subtotal Contract Services	731,500
Administrative		
14	Computers/Software	5,000
15	Meeting Supplies	2,500
16	Travel/Training	9,000
17	Office Supplies	1,500
18	Telecommunication	2,000
19	IT	4,000
20	Postage	100
21	Printing/Design	1,000
22	Website	1,500
23	Liability Insurance	15,000
24	Office Lease	56,000
25	Utilities	-
26	Office furniture/maintenance	800
	Subtotal Administrative	98,400
General Contingency		
27	General Contingency	35,000
Total Expenses ⁴		1,701,941

¹ Member Contributions include addition of 15% reserves approved by the Board in November 2020 to start in FY21-22.

² COLA at 4.5%:Based on CPI of 2% and 2.5% for the past two years (reference https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm)

³ This amount is carryover from FY 20-21. No new revenue has been added to the budget for this line item

⁴ Total expense line includes 231,500 carried over, however this amount was deducted from the calculation for member contributions which were based on "expected real" expenses) in the amount of 1,470,441



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

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**RESOLUTION # 22-04-2021-6C
RECOGNIZING KEVIN MURRAY'S
FIRST TWENTY YEARS OF SERVICE WITH
THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY**

WHEREAS, Kevin Murray has served the member agencies of the San Francisquito Creek Joint Powers Authority since February 1, 2001; and

WHEREAS, upon his hiring Kevin Murray was instrumental in the agency's operations including developing budgets, project management, public outreach, stakeholder coordination, and

WHEREAS Kevin had, and continues to have, a significant role in maintaining and advancing relationships with the Army Corp of Engineers, Stanford University, and regulatory bodies; and

WHEREAS Kevin is a true Watershed Steward, thanks to the breadth of his knowledge, diplomatic skill, and commitment to the San Francisquito Creek and Bay Shoreline and

WHEREAS Kevin's invaluable insights that enable him to be a strong and uniquely effective advocate for the interests of all inhabitants of the San Francisquito Creek Watershed; and

WHEREAS, thanks to Kevin's hard work, determination, and ruthlessness, the invasive scourge of *Arundo donax* has been eradicated after more than ten years in a key riparian section of San Francisquito Creek; and

WHEREAS, Kevin has shared his passion for the San Francisquito Creek and Bay Shoreline with members of the public, regulatory agency representatives and local leaders, through many eloquent and engaging tours and presentations; and

WHEREAS, Kevin has built and secured strong relationships of mutual trust and respect among regional and agency partners and regulatory agency staff, which has enabled the success of key project elements, including negotiating permit variances and coordinating with the East Palo Alto Sanitary District - critical to the successful completion of the award winning Reach 1 Downstream Project; and

WHEREAS, Kevin's comradery, extraordinarily calm, steady and, careful approach to complex and nuanced issues is respected and appreciated by his colleagues

WE, THE MEMBERS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY, DO NOW RESOLVE to thank and to recognize Kevin Murray for his past and continued service to the SFCJPA. On behalf of the Cities of Menlo Park, East Palo Alto, Palo Alto, the San Mateo County Flood and Sea Level Rise Resiliency District and the Santa Clara Valley Water District (Valley Water):

INTRODUCED AND PASSED:

AYES:

NOES: ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

Secretary/Date

Chairperson/Date

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Agenda Item 6.D. Urban Flood Grant Resolution

Background:

In June 2020, the SFCJPA applied for \$5.9M in funding from Urban Flood Grant program under Proposition 68. This funding was requested for the SAFER Bay Project in the City of East Palo Alto, and has no required match. In January 2021, we were notified by staff from the California Natural Resource Agency, grant administrator, that our application was selected to move forward to the second of three evaluation stages - a site visit, which was held virtually on February 4, 2021.

During the site visit, the California Natural Resource Agency suggested that we move forward with obtaining approval for the required resolution.

Discussion:

This is a typical grant application requirement. This resolution does not mean that the requested funding will be awarded, it merely states that we are able to, and will accept if awarded.

We are one of only about 25 projects that moved forward to a site visit. The third stage of grant evaluation is the selection process, with notifications by May 2021.

The City of East Palo Alto has already adopted a resolution on September 18, 2018 that committed to future project maintenance of the new levee within East Palo Alto.

Recommended Action: Approve Resolution.



Resolution No: 22-04-21-6D

**RESOLUTION OF SAN FRANCISQUITO CREEK JOINT
POWERS AUTHORITY APPROVING THE APPLICATION FOR
GRANT FUNDS FROM THE URBAN FLOOD PROTECTION
GRANT PROGRAM**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program and establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

NOW, THEREFORE, BE IT RESOLVED that the Board governing the San Francisquito Creek Joint Powers Authority (SFCJPA) hereby:

1. Approves the filing of an application for the SAFER Bay Project; and
2. Certifies that Applicant understands the assurances and certification in the application; and
3. Certifies that the City of East Palo Alto has agreed to and has set aside sufficient funds to operate and maintain the project consistent with the land tenure requirements or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act (CEQA)*, legal requirements for building codes, health and safety codes, and disabled access laws and that prior to commencement of construction all applicable permits will have been obtained; and
6. Certifies that the SFCJPA will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the Executive Director or the SAFER Bay Project Manager, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

Secretary/Date

Chairperson/Date

Agenda Item 6E - Local Agency Investment Funds. Resolution updating Agency authorized representatives.

Background

The SFCJPA invests funds in the LAIF investment pool, as this typically provides a higher interest rate than a standard checking or savings account. When Agency board or executive leadership changes, the agency must notify LAIF of those changes so that transactions may be conducted by authorized representatives.

Discussion

With the election of a new Board Chair and a new Executive Director, it is timely for us to update our records with LAIF.

Recommendation

Approve the resolution updating the Agency authorized representatives.

RESOLUTION No. 22-04-2021-6E

Resolution of the Board of Directors of

The San Francisquito Creek Joint Powers Authority

AUTHORIZING INVESTMENT OF MONIES

IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the San Francisquito Creek Joint Powers Authority Board of Directors hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the (City/District);

NOW THEREFORE, BE IT RESOLVED, that the San Francisquito Creek Joint Powers Authority Board of Directors hereby authorizes the deposit and withdrawal of (City/District) monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein.

BE IT FURTHER RESOLVED, as follows:

Section 1. The following San Francisquito Creek Joint Powers Authority Board of Directors officers named and holding the title(s) specified herein below **or their successors in office** are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

_____	_____	_____
Name	Name	Name
_____	_____	_____
Title	Title	Title
_____	_____	_____
Signature	Signature	Signature

Section 2. This resolution shall remain in full force and effect until rescinded by the San Francisquito Creek Joint Powers Authority Board of Directors by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

PASSED AND ADOPTED, by the Board of Directors of the San Francisquito Creek Joint Powers Authority, State of California, on April 22, 2021.

INTRODUCED AND PASSED:

AYES:

ABSENT:

NOES:

ABSTAIN:

ATTEST:

Approved:

Clerk of the Board, Miyko Harris-Parker

Ruben Abrica, Chair of the Board

APPROVED AS TO FORM: _____ General Counsel, Trisha Ortiz _____

(Date)

Agenda Item 6.G. Environmental Science Associates (ESA) Contract Amendment

Background:

In Spring of 2020 the SFCJPA advertised for a new consultant contract and hired Environmental Science Associates (ESA) to develop a Mitigation and Monitoring Plan, Landscape Designs, and modifications to the civil engineering design to respond to regulatory requests at four of the five sites of our planned channel widening improvements upstream of Highway 101. At the time of entering the consultant contract, we believed the assigned tasks met our needs for completing construction permit applications. However, as we continue to explore ways to optimize channel widening designs, the necessary project tasks have changed. Further, our partners at Valley Water have limited resources to assist at this time. ESA has the expertise necessary for us to move our evaluations, engineering, and design forward and meet our permit submittal schedule.

Discussion:

We have advanced project planning and are now engaging in discussions with homeowners adjacent to planned construction sites, from some we will need to secure construction easements. As we consider potential options at channel widening sites, our needs for technical analysis and design modifications have increased. As such, we will be asking ESA to adjust its scope of work to better serve the project. We have prepared a draft Amendment 3 to the ESA contract that would allow for this adjustment. Significant changes include:

- Adding scope to the hydraulic analysis task to determine if design modifications at select widening sites could reduce impacts to property owners.
- Adding scope to the permitting tasks to provide for additional regulatory interface for analysis of potential design changes and updating permit applications materials accordingly.
- Adding a task for Archaeological testing, report of findings, and monitoring plan as required for compliance with tribal and regulatory requirements.

Exhibits A, B, and C detail the scope, schedule, and budget resultant from Amendment 3, respectively. Amendment 3 represents an increase in the total not-to-exceed amount of the contract but is within project budget and does not require additional funds to be allocated.

Recommended Action:

Authorize the Executive Director to approve Amendment 3 to the ESA consultant agreement.

AMENDMENT NO. 3 TO AGREEMENT

**Mitigation and Monitoring Plan, Restoration Elements of Civil Design, and Landscape Design
for the San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreation
Project Upstream of Highway 101**

**BETWEEN THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY
AND ENVIRONMENTAL SCIENCE ASSOCIATES**

This Amendment No.3 (“Amendment”), effective as of the date it is fully executed by the parties, amends the terms of the Consultant Agreement (“Agreement”) between THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY (Authority) and Environmental Science Associates, a California corporation. (“Consultant”), dated April 23, 2020, and amended on October 22, 2020, through the execution of Amendment No. 1, and again amended on January 29, 2021, through the execution of Amendment No. 2. Capitalized terms not otherwise defined will have the meaning set forth in the Agreement.

WHEREAS, the parties desire to amend the Agreement to modify the Scope of Services, Schedule, and Compensation such that the final work products are responsive to the requests and requirements of Regulatory Agencies and Member Agencies of Authority.

NOW, THEREFORE, in consideration for the mutual promises and agreements contained herein and notwithstanding anything to the contrary in the Agreement, Consultant and the Authority hereby agree as follows:

1. Exhibit A, Scope of Services, shall be replaced in full by the 3rd Amended Scope of Services described in Attachment A.
2. Exhibit B, Schedule, shall be replaced in full by the 3rd Amended Schedule in Attachment B.
3. Exhibit C, Compensation, shall be replaced in full by the 3rd Amended Compensation in Attachment C.
4. All other terms and conditions stated in the original Agreement remain in full force and effect.

AUTHORITY

CONSULTANT

By: Margaret Bruce
Title: Executive Director
Date:

By: Christie Beeman
Title:
Date:

Exhibit A – Scope of Services

San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreation Capital Project

Task 1: Mitigation and Monitoring Plan

ESA will review relevant background information from prior compensatory mitigation planning efforts. This may include spreadsheets, tables, documents, GIS data, and previously drafted mitigation plans (conceptual or otherwise), including any regulatory agency correspondence related to the adopted mitigation ratios. Following the review, ESA will communicate to the client any outstanding needs for the preparation of a Mitigation and Monitoring Plan. We understand that the SFCJPA has already quantified the temporary and permanent impacts of the proposed construction, adopted mitigation ratios for those impacts, and identified locations for the implementation of those mitigation activities. Regulatory agency permits and approvals have not been secured. However, it is assumed that no further agency coordination is needed to prepare the Draft Mitigation and Monitoring Plan.

Once the background material has been acquired and assessed, ESA will then develop a Draft Compensatory Mitigation and Monitoring Plan that builds upon the work already completed to date and describes those compensatory mitigation actions, including post-construction monitoring, to be enacted as part of the proposed project. It is anticipated that the Mitigation Plan will address both terrestrial and aquatic habitat needs. The Mitigation Plan will include all the elements required to assist in regulatory compliance (impact summary, proposed actions and projected habitat acreages, planting plan, maintenance requirements, success criteria, and monitoring protocols and frequency).

ESA will revise the Draft Mitigation Plan based on one set of consolidated comments from the client. The revised Draft Plan will be submitted for review by Valley Water, who is the implementing entity for the Plan. This task does not include effort to respond to comments from Valley Water or further revisions to the Plan.

Deliverables:

- Draft Mitigation and Monitoring Plan
- Revised Draft Mitigation and Monitoring Plan (for Valley Water review)

Assumptions:

- Relevant background information will be provided by SFCJPA staff.
- Pre-application input from regulators will not materially impact the scope of the Mitigation Plan.
- Habitat impacts, mitigation ratios and locations, and conceptual approach have already been determined and will be provided to ESA.
- Any re-design of creek elements will not result in substantive changes to the mitigation acreage needs, mitigation locations selected, or overall regulatory approval approach.

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- ESA will respond to one (1) set of consolidated comments from the client on the draft document.

Task 2: Landscape Plans

ESA will develop 60% and 90% Landscape Plans for the two mitigation sites, consisting of native planting, seed, and soil amendment plans, schedules, notes, and details for revegetating approximately one (1) acre of land adjacent to the creek. We propose the 90% plans as the final submittal for this contract to provide leeway in the event that the plans require fine tuning prior to construction due to regulatory input or in response to changes in the engineering plans.

ESA's landscape architect and wetland ecologist will conduct a site visit to assess site opportunities and constraints relating to the planting sites, and they will base plant palettes off of a nearby reference site with strong riparian habitat value.

The 60% and 90% landscape plan deliverables will include a planting layout that will support improved native riparian habitat, will perform well during and after flood events, and will enhance riparian habitat and aesthetics of San Francisquito Creek. The Landscape Plans will incorporate elements pertinent for mitigation accounting and regulatory requirements such as providing a balance of understory and overstory plantings and incorporating best practices for limiting the spread of Phytophthora.

The landscape plans will be suitable for inclusion with the overall construction document plan set for this reach. We expect these plans will also be included as an attachment to the Mitigation Plan developed in Task 1.

We anticipate the following sheets to be included: Planting Plans (2), Plant and Seeding List (1), and Planting Details (1). The 60% and 90% submittals will include cost estimates and technical specifications. We will issue 90% landscape plans and specifications incorporating one round of consolidated comments from the client on the 60% Submittal.

We have budgeted for up to three (3) progress meetings. The project kickoff meeting will be tracked under Task 4.

ESA will also prepare one (1) illustrative concept rendering showing a representative eye-level perspective view of the proposed Project improvements, to be accompanied by one (1) existing eye-level photograph of the existing site taken by the Consultant on their previous May 2020 site visit, or a photo taken by the SFCJPA if the SFCJPA and Consultant do not identify a good representative existing site photograph taken by the Consultant during their previous May 2020 site visit. The rendering will be developed at a level of detail appropriate for permitting review, similar to Image 3.1-2 (of the Pope-Chaucer Bridge) from the Project's Final EIR. Rock toe, graded slope, and new plantings would be included in this rendering. Rendering of the top-of-bank parklet is out of scope. Bird's-eye view of the project is out of scope. Scope to include one (1) digital meeting with the Client to select the existing conditions site photograph and one (1) digital meeting with the Client to review Client feedback on the draft concept drawing. Consultant to incorporate one (1) round of compiled revisions from the Client's review of the draft concept drawing into the final deliverable.

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Deliverables:

- 60% Landscape Plan Set, Cost Estimate, and Technical Specifications
- 90% Landscape Plan Set, Cost Estimate, and Technical Specifications
- One (1) draft in-progress black-and-white linework concept drawing and one (1) final colored illustrative concept rendering in PDF and JPG formats, letter-sized or tabloid-sized, landscape (horizontal) orientation

Assumptions:

- A performance specification for irrigation will be sufficient and that no irrigation plans will be developed.
- Landscape areas will not change between the 60% and 90% deliverables.

Task 3: Design Support

We understand that the previous design plans developed by Valley Water require modification to meet the SFCJPA's vision and anticipated regulatory requirements for stream and habitat function. Only specific design sheets will be revised during the present effort to support the permitting process.

The changes to the existing armored channel banks (sacked concrete) presented in the Valley Water plan set include setting back and steepening the banks at discrete locations to create additional flow capacity and constructing concrete walls with riprap toe protection. We understand that the purpose of this task is to modify the Valley Water design to introduce habitat elements to the extent possible while preserving the desired channel conveyance capacity (7,650 cfs).

ESA will conduct a detailed review of the Valley Water design sheets, supporting design documentation, and available reports and hydraulic models. We recognize that maximizing flood conveyance and adding habitat elements may represent competing project goals. Our team will work with the SFCJPA to develop and document criteria for project success, such as identifying the minimum habitat enhancement that can be considered a project success.

The ESA team will conduct a site visit to evaluate site constraints and opportunities and meet with the project team and stakeholders to better understand the project objectives and how the proposed design modifications would meet project objectives.

ESA will conduct hydraulic modeling to support the development of an 'optimized' design. The 'optimized' design will become Alternative 4 in the LEDPA analysis (see Task 6). Our team will review hydraulic objectives and requirements for the project reach to guide the site-by-site design elements in the 'optimized' design. We understand that the 'optimized' design will include the bridge replacements at Pope-Chaucer and Newell Road and consist of a combination of widening, restoration, and top of bank treatments at the remaining Sites 1 through 5. The 'optimized' design will minimize impacts to trees and sensitive resources while containing the design flood conveyance capacity within 0.5-feet of top of bank. The design elements will be evaluated in the model at a spatial resolution similar to that of the current model cross section resolution. For this analysis, we will apply hydraulic roughness values for proposed vegetation types and densities

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consistent with values ESA developed for Santa Clara Valley Water District (Valley Water)'s Stream Maintenance Guidelines. ESA has included one additional site visit for up to two (2) ESA design team members to meet with the JPA and the Engineer of Record (assumed to be Valley Water) to evaluate site-specific feasibility of the Alternative 4 'optimized design.' For the LEDPA analysis, ESA will compare model results for the Alternative 4 'optimized design' with results for the existing conditions (Alternative 1 No-Project) and the Valley Water designs from the EIR (Alternative 2 and Alternative 3).

Following the completion of the LEDPA Analysis, ESA will work with the project team to select a preferred alternative. ESA will provide guidance on location of widening, restoration, and top of bank treatments to Valley Water engineers as they update the plan set. We have budgeted up to six (6) status meetings.

We anticipate issuing up to 5 typical detail sheets for inclusion in the plan set, including: Engineered Streambed Material toe scour protection, bioengineered toe scour protection, hydraulic breaks for fish passage, and willow staking in soil and within ESM. We will issue an estimate of probable construction cost for the typical detail features by unit for incorporation in to Valley Water's Opinion of Probable Construction Costs. The basis of design, including the hydraulic modeling effort will be summarized in a succinct memorandum. ESA will make recommendations for spacing, location, and layout of the biotechnical elements in the Basis of Design Memorandum.

Deliverables:

- Draft typical detail sheets
- Final typical detail sheets
- Final Basis of Design Memorandum
- Electronic copies of the hydraulic model files and Autocad files

Assumptions:

- Design flows (Q2, Q10, Q100, Bankfull) for San Francisquito Creek will be provided to the Consultant.
- A functioning hydraulic model that includes existing and proposed conditions (including new bridge geometries) for Alternatives 2 and 3 are available and that electronic files will be transmitted to Consultant.
- ESA has not included sediment transport modeling in our scope. ESA will use the hydraulic modeling results and grain size mobilization thresholds to qualitatively compare sediment transport capacity of Alternatives in the LEDPA analysis
- Electronic base files in Autocad format, including an existing conditions surface, are available and will be transmitted to Consultant.
- ESA will recommend locations of the biotechnical elements and provide as a GIS shapefile. We assume we are not drafting or editing any of Valley Water's CAD plan-view sheets.
- Technical specifications will not be included.

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- Estimate of probable construction cost is limited to proposed channel modifications. We assume that estimating costs for project elements carried forward from Valley Water's design will be conducted by others.

Task 4: Meetings and Project Management

ESA proposes to track effort for project management and client meetings under this task. The budget for this task assumes that ESA's project manager will allocate up to 4 hours per month for client communications, progress reports, and billing through August 2021, one month following the permit application target submittal date of July 2021.

This task will track the project kickoff meeting, to be attended by the Project Manager, Project Director and each of the Task Leads. In addition, we have allocated time for engineering and permitting support staff to attend one meeting with regulatory agencies, to be scheduled by the SFCJPA.

We have budgeted for bi-monthly progress meetings where relevant task leaders would be present to discuss progress to date and next steps. We have assumed that each task lead would be present at approximately half of the progress meetings. The progress meetings will occur by web-conferencing, and tracked in Tasks 1 through 3.

Task 5: Optional Agency Meeting(s)

ESA staff is available for regulatory coordination support as deemed appropriate, and specifically authorized, by the SFCJPA. This task includes support for the preparation, attendance, and follow-up for regulatory agency meetings and coordination support within the allotted task budget. Specifically, as of September 2020, the USACE and RWQCB require a pre-application meeting request at least 30-days prior to submitting permit applications. Although the agencies can decline the meeting request, this task includes support for one (1) interagency pre-application meeting. This task includes support for one (1) additional follow-up interagency meeting to discuss comments and action items from the initial meeting. We assume that graphics and materials will be taken from deliverables from other tasks and that no new graphics or materials need to be produced to support meetings.

Task 6: LEDPA Analysis

We understand that an alternatives analysis consistent with the U.S. Army Corps of Engineers' required compliance with the Clean Water Act section 404(b)1 has been drafted for the project and is available for ESA's review. ESA will expand the 404(b)1 analysis to include Waters of the State of California and other additional analyses as needed to satisfy the State Water Resource Control Board's Procedures for the Discharge of Dredged or Fill Material to Waters of the State (Procedures) which became effective on May 28, 2020, that the project represents the Least Environmentally Damaging Practicable Alternative (LEDPA). ESA will also evaluate up to two new and/or revised alternatives developed as an outcome of Task 3 and as advised by the SFCJPA. We understand that an example of what the Regional Water Quality Control Board considers an acceptable LEDPA analysis has been requested and will be provided to ESA to reference for format and completeness.

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ESA will revise the draft document based on one set of consolidated comments from the client. The revised draft document will be revised once and submitted with the permit applications in Task 7. This task does not include effort to respond to comments from regulatory agencies or further revisions to the document.

Deliverables:

- Map showing the approximate 70-year floodplain under existing conditions
- Map showing the approximate resultant 100-year floodplain post-project
- Revised maps showing alternatives analyzed
- Draft LEDPA Analysis Report
- Final LEDPA Analysis Report

Assumptions:

- 404(b)1 alternatives analysis, completed by the SFCJPA and other consultants, will be provided.
- Example LEDPA analysis submittal will be provided by RWQCB.

Task 7: Revise and Finalize Regulatory Permit Applications

We understand that permit applications to request permits and approvals from the USACE (CWA Section 404/RHA Section 10), RWQCB (CWA Section 401/WDRs), and CDFW (FGC Section 1600) based on the project designs completed by the SFCJPA and other organizations/consultants. ESA will revise and finalize the existing applications to incorporate the additional restoration features to be included in the design, new project components, and updated project information based on development of the LEDPA Analysis and MMP.

A separate project description document, including project figures, will be prepared and included as an attachment to all the application documents and associated technical reports. The draft project description will be submitted for SFCJPA review. ESA will revise the draft document based on one set of consolidated comments. The final project description will be submitted with the permit applications.

A draft Biological Assessment report covering species and habitats regulated by the U.S. Fish and Wildlife Service and National Marine Fisheries Service was prepared by other consultants, but does not reflect the current project and will need to be revised based on outcomes of other project updates described in other tasks. The draft Biological Assessment report will be updated to reflect the current project description and associated effects. Associated figures will also be updated. The revised draft report will be submitted for SFCJPA review. ESA will revise the document based on one set of consolidated comments. The final biological assessment will be submitted with the permit applications.

Deliverables:

- Revised and finalized project description
- Revised and finalized CWA Section 404 application

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- Revised and finalized CWA Section 401 Water Quality Certification application
- Revised and finalized CDFW Streambed Alteration Notification
- Revised and finalized Biological Assessment report

Assumptions:

- Draft permit applications, completed by the SFCJPA and other consultants, will be provided.
- SFCJPA will submit permit applications and application fees.
- The Aquatic Resources Delineation report prepared by other consultants includes all project elements and is adequate to submit to regulatory agencies as-is.
- Documents developed in Task 10 will be submitted to the USACE with the 404 application.
- This task does not include effort to respond to Valley Water comments or their requested revisions to documents.

Task 8: Optional Post Application Modifications

The SFCJPA and ESA anticipate that agency meetings as described in Task 5 and other agency correspondence after permit applications are submitted will likely lead to minor modifications to the work products of this contract. These modifications could be driven by requests from the U.S. Fish and Wildlife Service or National Marine Fisheries Service resultant from FESA Section 7 consultations with the U.S. Army Corps of Engineers, requests from the State Historic Preservation Officer resultant from NHPA Section 106 consultations with the U.S. Army Corps of Engineers, or by direct request by any of the regulatory agencies with jurisdiction. Charges for these activities will be on a time and materials basis up to the amount of the Task budget, and will not proceed without the approval and direction of the SFCJPA.

Task 9: Tree Inventory Mapping

We understand that the SFCJPA is requesting additional ESA assistance during negotiations with the City of Palo Alto and permitting agencies regarding Project tree preservation and demolition plans. ESA will prepare tree inventory maps for use in permit applications and permit figures. ESA will compile Draft Tree Inventory figures by January 27, for use in an upcoming Board meeting. Due to the tight schedule, the draft figures will include approximate project work footprints based on ESA's understanding of the Project.

ESA will coordinate with the specific design engineers (NV-5 for the Pope-Chaucer Bridge Replacement; Valley Water for remaining sites) to refine the project work footprints. NV-5 and Valley Water input is critical for revising the access and staging limits and identifying whether trees on the work limit boundary may be preserved. ESA has included up to 8 hours of staff time for coordination meetings with SFCJPA, NV-5, and Valley Water. ESA will revise the draft tree inventory maps and provide the Final Tree Inventory figures.

Deliverables:

- Draft Tree Inventory figures (pdf)
- Final Tree Inventory figures (pdf)
- Tree Inventory (.dwg, .shp, excel table)

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Assumptions:

- ESA will use the tree information and approximate tree locations collected by HortScience | Bartlett Consulting and provided by the SFCJPA. ESA understands the HortScience tree mapping supersedes the tree information from Valley Water and the two datasets do not require reconciliation. No additional field visits will be conducted.
- SFCJPA will provide jurisdictional boundaries, if tree demolition is to be mapped for separate municipalities and agencies
- We assume a single round of comments and edits on the Draft Inventory Maps.
- SFCJPA will provide introduction and points of contact for Valley Water and NV-5. Meetings will be virtual and conducted via phone or video conference.
- Final construction drawings, including tree demolition and environmental protection, will be prepared by Valley Water and NV-5. ESA will provide the final tree inventory as a CAD drawing file, a GIS shapefile, and an Excel table for use in the design drawings.

Task 10: Archaeological Testing Program

Based on the results of the previous studies completed for the proposed project (Reach 2), ESA recommends that an additional cultural resources investigation be completed to comply with the identification and evaluation efforts required by Section 106 of the National Historic Preservation Act and the State Historic Preservation Officer (SHPO). A previously recorded prehistoric archaeological site (CA-SCL-583) is mapped in the Area of Potential Effects (APE) for Site 5 of Reach 2. In addition, Far Western indicated that the entire reach has a high to very high sensitivity for deeply buried archaeological resources.

To assist with the USACE's NHPA Section 106 compliance requirements and coordination with the SHPO to issue the CWA Section 404 permit, ESA will complete the following four subtasks:

Sub-task 10.1 Tribal Cultural and Archaeological Testing Plan. ESA will prepare a Tribal Cultural and Archaeological Testing Plan (TCATP) to detail the scope of archaeological subsurface investigation in the vicinity of prehistoric archaeological site CA-SCL-583. The TCATP is consistent with Mitigation Measure CULT-2 of the Draft EIR and will include the methods to assess for the potential presence of prehistoric cultural materials in the APE. The TCATP will include the following components:

- Background and anticipated resource types
- Research themes and questions
- Field methods and procedures
- Cataloging and laboratory analysis, as warranted

Sub-task 10.2 Implement TCATP. ESA will implement the testing program outlined in the TCATP. ESA will conduct hand augering and shovel test pits in the vicinity of prehistoric archaeological site CA-SCL-528; no mechanical coring or trenching will be completed. ESA assumes the investigation will require two

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archaeologists, two days in the field; the area will be accessible and will not require permits for the investigation; and no cultural materials will be identified. If cultural materials are encountered, additional effort may be required for data recovery, artifact processing, cataloging, curating, and reporting, which can be completed by ESA under a separate scope and budget.

Sub-task 10.3 Results Report and Finding of Effect. Upon completion of the testing program, ESA will prepare a report to comply with the identification requirements of Section 106. The report will include appropriate photographs, maps, and graphics, and will include the following components:

- Summary of previous studies in the APE. This scope assumes that the surface survey of the APE completed by ICF was adequate and that no additional surface survey will be required.
- Summary of cultural resources in the APE, including archaeological and architectural resources. This scope assumes that the architectural resources in the APE have been previously evaluated as not eligible for the National Register and that no additional evaluation will be required.
- Summary of Native American consultation completed for the project. This scope assumes that the Native American consultation efforts completed for the Draft EIR are adequate and that no additional Native American outreach efforts will be required.
- Results of the implementation of the TCATP.
- Finding of Effect. This scope assumes a finding of No Historic Properties Affected with Conditions (Archaeological Monitoring during Construction). If the finding is Historic Properties Affected, additional tasks not included in this scope, such as a Memorandum of Agreement and a Historic Properties Treatment Plan, may be required. ESA can complete these tasks under a separate scope and budget.

Sub-task 10.4 Tribal Cultural and Archaeological Monitoring Plan. Based on the results of the previous cultural resources studies, the APE has a high to very high potential for buried archaeological resources. In compliance with Mitigation Measure CULT-3 and the anticipated finding of No Historic Properties Affected with Conditions (Archaeological Monitoring during Construction), ESA will draft a Tribal Cultural and Archaeological Monitoring Plan (TCAMP). The TCAMP will include:

- Training program for all construction and field workers involved in site disturbance (Mitigation Measure CULT-1);
- Person(s) responsible for conducting monitoring activities, including Native American monitors;
- Person(s) responsible for overseeing and directing the monitors;
- Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Procedures and construction methods to avoid sensitive cultural resource areas;
- Physical monitoring boundaries;
- Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
- Methods to ensure security of cultural resources sites; and

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- Protocol for notifying local authorities (e.g., Sheriff, Police) should site looting and other illegal activities occur during construction.

If cultural materials are encountered, all soil-disturbing activities within 100 feet of the find shall cease until the find is evaluated. The archaeological monitor shall immediately notify the lead agency of the encountered archaeological resource and implement the provisions of the TCAMP.

Deliverables:

- Tribal Cultural and Archaeological Testing Plan (pdf)
- Cultural Resources Report (pdf)
- Tribal Cultural and Archaeological Monitoring Plan (pdf)

Exhibit B

Provisional Schedule for San Francisquito Creek Flood Protection, Ecosystem Restoration and Recreation Capital Project, Highway 101 to El Camino Real

Deliverable	March	April	May	June	July	August
Task 1 - Mitigation and Monitoring Plan						
Draft Mitigation and Monitoring Plan				X		
Client Review						
Final Mitigation and Monitoring Plan						
Task 2 - Landscape Plans						
60% Plans, Specifications, and Cost				X		
Client Review						
90% Plans, Specifications, and Cost						X
Task 3 - Design Modifications						
Draft 60% Plans, Cost, and Basis of Design Report					X	
Client Review						
Final 60% Plans, Cost, and Basis of Design Report						
Task 4 - Meetings and Project Management						
Kickoff Meeting	X					
Bi-Monthly Coordination		X	X	X	X	X
Agency Meetings				X		X
<i>Amendment 1 - new Tasks</i>						
Task 5 - Optional Agency Meetings (as needed)						
Task 6 - LEDPA Analysis				X		
Task 7 - Regulatory Permit Applications						X
Task 8 - Post Application Modifications						
<i>Amendment 2 - new Tasks</i>						
Task 9 - Tree Inventory Mapping						
Amendment 3 - new tasks						
Task 10 - Archaeological Testing Program					X	

complete

Exhibit C

Project San Francisquito Creek to Highway 101
 Project No. D202000175.00
 3/25/20210 Modification #3 budget estimate

Original Tasks	Name	Prior Budget	Amendment 3 budget change	New Budget
1	Mitigation and Monitoring Plan	\$ 18,800	\$ -	\$ 18,800
2	Landscape Plans	\$ 29,190	\$ -	\$ 29,190
3	Design Modifications			
3.1	Hydraulic Analysis	\$ 10,240	\$ 12,000	\$ 22,240
3.2	Engineering Design	\$ 33,000	\$ 6,000	\$ 39,000
4	PM & Meetings	\$ 11,230	\$ 8,000	\$ 19,230
	subtotal	\$ 102,460	\$ 26,000	\$ 128,460
Amendment 1 Tasks				
5	Optional Agency Meetings	\$ 9,480	\$ 5,800	\$ 15,280
6	LEDPA Analysis	\$ 9,940	\$ 5,400	\$ 15,340
7	Regulatory Permit Applications	\$ 11,400	\$ 16,000	\$ 27,400
8	Post Application Modifications	\$ 5,020	\$ -	\$ 5,020
	subtotal	\$ 35,840	\$ 27,200	\$ 63,040
Amendment 2 Tasks				
9	Tree Inventory Mapping	\$ 8,500	\$ -	\$ 8,500
Amendment 3 Tasks				
10	Archaeological Testing Program			
10.1	Tribal Cultural and Archaeological Testing Plan	\$ -	\$ 5,500	\$ 5,500
10.2	Implement TCATP	\$ -	\$ 7,800	\$ 7,800
10.3	Results Report and Finding of Effect	\$ -	\$ 8,000	\$ 8,000
10.4	al Cultural and Archaeological Monitoring Plan	\$ -	\$ 3,500	\$ 3,500
	subtotal	\$ -	\$ 24,800	\$ 24,800
TOTAL		\$ 146,800	\$ 78,000	\$ 224,800



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

SFCJPA.ORG

RESOLUTION NUMBER 21-04-22 6F

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY
APPROVING AMENDMENT No. 3 To THE ESA CONSULTANT AGREEMENT**

BE IT RESOLVED by the Board of Directors of the San Francisquito Creek Joint Powers Authority that the Board of Directors hereby authorizes the Executive Director to approve Amendment No. 3 to the ESA consultant agreement.

Approved and adopted on April 22, 2021, 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:

Vice Chairperson

Date: 4/22/2021

APPROVED:

Chairperson

Date: 4/22/2021

APPROVED AS TO FORM:

Legal Counsel

Date: 4/22/2021

Agenda Item 6G - Tuition Reimbursement Policy – Update

BACKGROUND

Within the Employee Handbook, the SFCJPA has a tuition reimbursement policy. However, the policy is unclear. Staff has reviewed policies from among our member organizations and updated the policy for improved clarity.

DISCUSSION

The SFCJPA supports the mission-aligned educational and professional development goals of its employees. Investments in professional development have long-term benefits for the organization and support its mission and ongoing success. The SFCJPA has aligned the proposed policy update with those of member organizations. Staff benchmarked against the City of Menlo Park, Valley Water, and other organizations. Please see below for Menlo Park and Valley Water policies.

City of Menlo Park Tuition Reimbursement:

“Education Reimbursement Subject to annual budget appropriations by the City Council, the City shall provide education reimbursement in an amount not to exceed \$3,600 per year per employee for the following education expenses: Tuition expenses for classes or programs taken in pursuit of a degree program, certificate program, or other education that enhances the employee’s service to the community. This reimbursement may be subject to applicable tax withholdings. Student loan payments incurred in the pursuit of post-secondary education during or prior to employee’s service to the City. This reimbursement is subject to applicable tax withholdings.”

Valley Water Tuition Reimbursement:

“In accordance with Valley Water Policy, an employee with six (6) or more months of continuous service may be reimbursed for tuition or expense payments incurred in taking courses outside of normal working hours related to Valley Water employment. All such requests for reimbursement must be approved by Valley Water prior to taking the course. The course content must have some direct relationship to the work of Valley Water.

Upon approval of a course, and completion with a passing grade of C or better (Pass in the cases where only Pass/Fail is given or evidence of attending the course/program in full where no grade or Pass/Fail is given) the employee will be reimbursed the cost of the tuition and other costs such as laboratory fees and assigned textbooks. Total tuition reimbursement shall not exceed \$2,500 in a fiscal year. No unpaid balances over the maximum will be carried forward to the next fiscal year.”

RECOMMENDATION

Review and approve the proposed updated tuition reimbursement policy.

Agenda Item 6G – Updated Tuition Reimbursement Policy

The following section shall replace the existing policy text (in italic font below)

h. Educational/Training Assistance

Upon the approval of the Executive Director, an employee may be required to attend courses, conferences, or other events for purposes of training, education, experience, or exposure. Approved attendance of conferences or other work-related events will be considered part of the employee's regular work week and will be logged and tracked as paid time.

Employees wishing to further their education by obtaining a higher degree or certificate by attending college courses that will improve their knowledge and skill level with respect to duties of his/her position will be reimbursed for expenses related to tuition, book fees and other fees associated with higher education, upon written approval by the Executive Director.

Employees submit a request for reimbursement to the Executive Director that includes receipts, and detailed class information. Attendance of these courses is not considered work and will not be logged and tracked as paid time. Classes can be taken at a community college or state college. Private colleges and universities require cost sharing with the employee.

Course work must meet requirements for a professional certificate, an associate, bachelor's, or master's degree. Completion of course must be verified with a grade of "C" or better. Employee must have been employed for a minimum of one consecutive year and not on probationary status. To the extent feasible, classes should be scheduled so they do not interfere with normally scheduled working hours.

Employees must assume some financial responsibility. The SFCJPA will reimburse:

- Up to \$3,000 for costs associated with tuition, books, lab fees, testing fees, registration fees and other costs imposed by the educational institution necessary for the completion of courses for certificate or degree completion, per employee, per fiscal year.

Existing SFCJPA Tuition Reimbursement Policy

“Educational/Training Assistance

Upon the approval of the Executive Director, an employee may be required to attend courses, conferences or other events for purposes of training, education, experience or exposure. As attendance of said events will be considered to improve knowledge and skill level with respect to duties of his/her position, attendance is considered part of the employees regular work week and will be logged and tracked as paid time. Employees who wish to further their educational background by obtaining a higher degree and or certificate by attending college courses that will improve their knowledge and skill level with respect to duties of his/her position will be reimbursed for expenses related to tuition, book fees and other fees associated with higher education upon approval of the Executive Director. Employees will submit to the Executive Director a request for reimbursement that will include receipts and detailed class information. Attendance of these courses is not considered work and will not be logged and tracked as paid time.”



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY

April 22, 2021

SFCJPA Regular 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: March 25, 2021 Regular Meeting

4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes on a topic within the SFCJPA's jurisdiction.*

Agenda Item 5A Executive Director's Report – *Information Items*

Project Updates Reach 2 - Upstream Project

No update on total project construction cost estimate or change in potential funding gap of \$5.5M to \$23M; continuing to explore funding options and cost reductions.

Continued work with cities and project environmental permit applications

Presented to Menlo Park Planning Commission on April 12, and to East Palo Alto's Public Works and Transportation Commission on April 21.



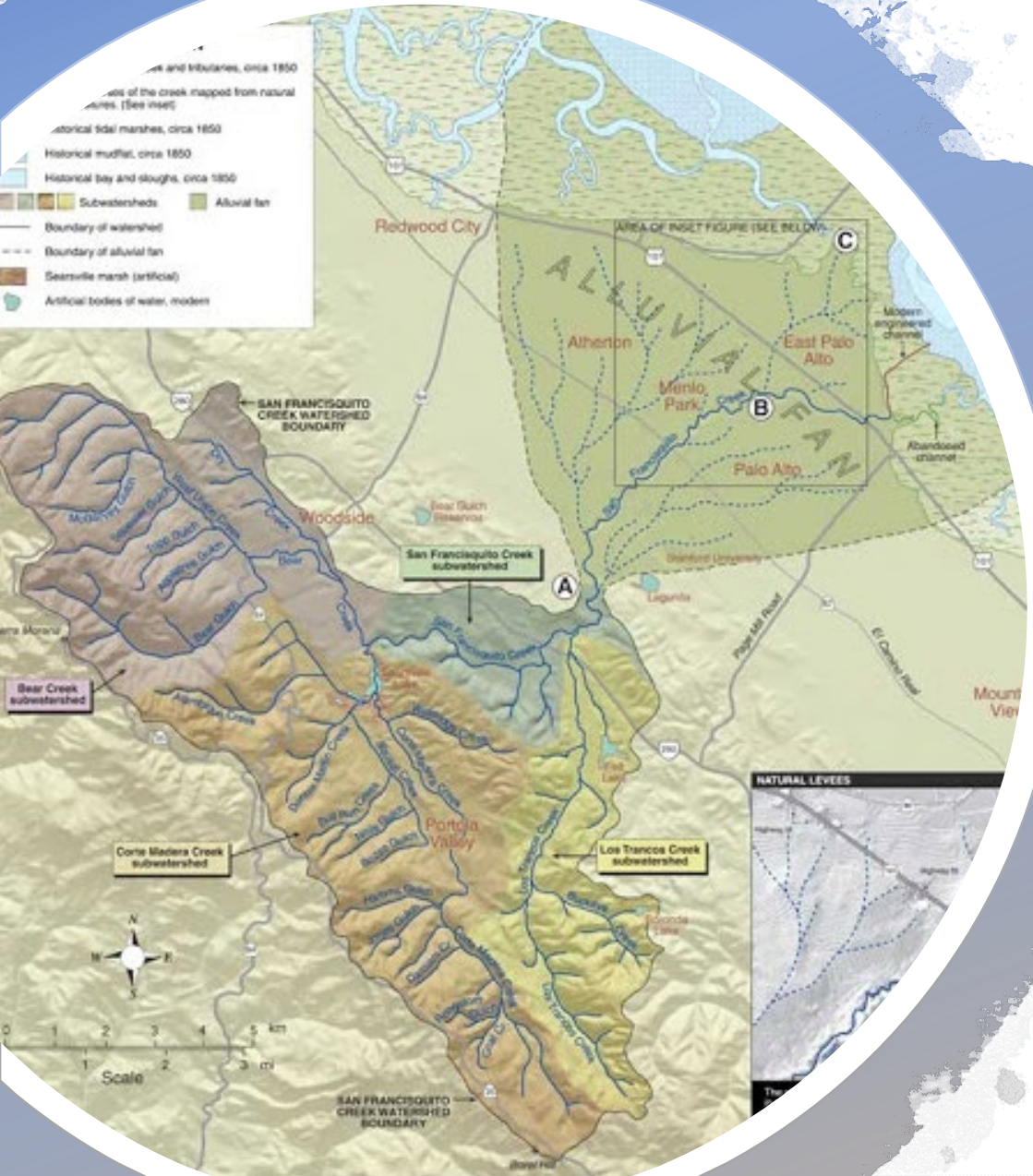
Agenda Item 5A

Executive Director's Report, Continued

Reach 3 - 100-Year Flood Protection, evaluating detention basins

Updated detention basin footprints and channel dimension/diversion location concepts are being developed.

If sufficient detention capacity is shown to be feasible, a draft conceptual plan will be shared with the Board this summer.





Agenda Item 5A

Executive Director's Report, Continued

SAFER Bay

An MOU for the portion of the SAFER Bay project within Menlo Park is being drafted.

Our DWR grant amendment #2 was executed March 9.

We anticipate hearing from the California Natural Resources Agency regarding our \$5.9M Prop 68 Urban Flood Grant application in May 2021.



Agenda Item 5A

Executive Director's Report, Continued Funding Requests

Two Community Project Funding Requests — one for \$1.45M for Reach 2 and one for \$5.6M for SAFER Bay - were submitted for consideration to Congressmembers Speier and Eshoo.

We are evaluating an OPC grant opportunity to support public engagement for the SAFER Bay project. The NOI is due on 4/23.

We learned from CalOES that an existing HMGP grant for the Pope-Chaucer Bridge may be eligible for an expanded funding request. We will be exploring this opportunity.

Agenda Item 5A

Executive Director's Report, Continued Operations and Administrative Updates

There is no news in the CEQA lawsuit.

The SAFER Bay project has garnered media attention.

Our second newsletter distribution continues to expand.

Banking services transition will be completed by the end of May.

The final FY2018/2019 audit package is being completed. The FY2019/2020 audit will be started immediately upon signing the engagement letter.

Reminder - if you have not submitted your Form 700 to the SFCJPA please submit ASAP.





Agenda Item 6A

Executive Director's Compensation

Following the Board's recent evaluation of the Executive Director's performance, consider a \$20,000 salary increase to an annual salary of \$155,000.



Agenda Item 6B Proposed FY 2021/2022 Operating Budget

With a modest 6% increase, the proposed budget accomplishes:

- * Salary adjustments for staff.
- * Investment in key project-related work
- * Prudent spending for legal, auditor, and project consulting support, including establishing a required Labor Compliance Program (LCP).
- * Investment in Operations/Administration to ensure organizational resilience and reliability.
- * Establishing the board-directed 15% reserve.

Agenda Item 6C

Resolution honoring Kevin
Murray's first 20 years of
service to the SFCJPA





Agenda Item 6D

Proposition 68 Grant acceptance resolution

The SFCJPA applied for \$5.9M in funding from Urban Flood Grant program under Proposition 68.

California Natural Resource Agency asked that we obtain a resolution confirming the JPA's ability to accept funding.

This is a typical grant application requirement. This resolution does not mean that the requested funding will be awarded.

Agenda Item 6E

Local Agency Investment Funds (LAIF) resolution updating Agency signatory authorities

The resolution before you conforms to LAIF's requirements for updating the SFCJPA's board chair and executive director as signatory authorities.





Agenda Item 6F ESA Contract Amendment #3

Scope additions and changes include:

- Expanding hydraulic analysis task
- Adding to the permitting tasks for additional regulatory interface and for analysis of potential design changes and resulting updates to permit application materials.
- Adding a task for Archaeological testing, report of findings, and monitoring plan as required for compliance with tribal and regulatory requirements.

Agenda Item 6G

Updated tuition reimbursement policy

Existing policy is unclear and silent on tuition reimbursement requirements and limits.

Proposed update clarifies requirements and sets tuition reimbursement limit.





Agenda Item 7

BOARD MEMBER COMMENTS and ANNOUNCEMENTS

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



Agenda Item 8

Adjournment

Thank you, everyone.



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