



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

**Notice of Regular Meeting of the Board of Directors**

**Thursday, November 17, 2022**

**3:30 P.M.**

**Due to the risk of COVID-19 transmission, this meeting will be held remotely via video/teleconference pursuant to Government Code Section 54953(e) (Assembly Bill 361). Members of the public may observe or participate in this meeting by joining the meeting online through the Zoom link provided below or by joining the meeting with a telephone by dialing the Zoom teleconference number provided below.**

**You may provide public comment during the meeting: (1) by using the chat function and typing your question or comment, (2) if you are joining online, by selecting the raise your hand function and speaking when called upon, or (3) if you are joining by phone, by pressing\*9 to raise your hand and \*6 to mute/unmute yourself and to speak. If you experience technical problems with the Zoom meeting, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda.**

**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.**

**You are invited to a Zoom meeting.**

**When: November 17, 2022, 03:30 PM Pacific Time (US and Canada)**

**Register in advance for this meeting:**

<https://us02web.zoom.us/meeting/register/tZYucuCvqzsiG9Leui6JUiSZd2h2vs1Uk5Yi>

**After registering, you will receive a confirmation email containing information about joining the meeting.**

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

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: October 27, 2022
4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*
5. CONSENT AGENDA

A. Consider adopting Resolution 17-11-22-A to authorize public meetings to

**750 Menlo Ave. Suite 250. Menlo Park, CA 94025**

**SFCJPA.ORG**



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

continue to be held via teleconferencing pursuant to Government Code Section 54953(e).

6. INFORMATION ITEMS:

A. GUEST PRESENTATION BY WOODARD & CURRAN REGARDING REACH 3 UPSTREAM DETENTION

B. EXECUTIVE DIRECTOR'S REPORT

7. ACTION ITEMS

A. Consider adopting a resolution (17-11-22-B) to approve a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the additional evaluation of Reach 2 project elements in Palo Alto and East Palo Alto.

8. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Section 54956.9(d)(4) - one case, tender from Santa Clara Valley Water District to the Authority for the defense of *Scott R.*

*Yeaman v. Santa Clara Valley Water District*, Court Case No. 20CV369378

9. BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)

10. 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 November 14, 2022, at [sfcjpa.org](http://sfcjpa.org) -- click on the "Meetings" tab near the top.

**San Francisquito Creek Joint Powers Authority**  
**November 17, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**October 27, 2022, Regular Meeting of the Board**  
**DRAFT**

Director Abrica called the meeting to order at 3:41 p.m. via streaming video and teleconference call. Public input was solicited on each item and all public comments received are noted herein.

**1) ROLL CALL**

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

Members Absent: Director Pat Burt, City of Palo Alto

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

Legal Present: Trisha Ortiz

**2) APPROVAL OF AGENDA**

ACTION: Motion and second (Combs/Pine) to approve the agenda, passed 4-0.

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

Director Burt not present.

**3) APPROVAL OF MEETING MINUTES: June 23, 2022, Regular Meeting, August 11, 2022, Special Meeting, and September 22, 2022, Regular Meeting minutes**

ACTION: Motion and second (Kremen/Abrica) to approve June 23, 2022, Regular Meeting, August 11, 2022, Special Meeting, and September 22, 2022, Regular Meeting minutes, passed 4-0.

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

Director Burt not present

**4) PUBLIC COMMENT**

None.

**5) CONSENT AGENDA**

Consider adopting a resolution (22-10-27-A) reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

**San Francisquito Creek Joint Powers Authority**  
**November 17, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**October 27, 2022, Regular Meeting of the Board**  
**DRAFT**

ACTION: Motion and second (Pine/Combs) to approve the Consent Agenda passed 4-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Kremen Aye

Director Pine Aye

Director Burt not present.

**6) ACTION ITEMS**

Discussion regarding the SFCJPA's Vision and Mission Statements and possible direction to staff. Ms. Bruce provided a summary of the SFCJPA's Vision and Mission Statements and recommended changes. Director Abrica opened the discussion by providing historical context explaining the need to clarify SFCJPA's position on shoreline projects.

Director Kremen expressed his dislike of the edits to the Vision statement as the edits do not seem to reflect the core responsibility of protecting people and property first.

Cecilia Taylor, City of Menlo Park Council Member representing District one (and SFCJPA alternate) expressed her support for the updated mission and the inclusion of the language regarding the SFCJPA's shoreline projects. Ms. Taylor thanked the SFCJPA staff and Board.

Cade Cannedy, Climate Resilient Communities, stated that he strongly supports the updated vision and mission statements. Mr. Cannedy gave appreciation for the SFCJPA's incredible leadership.

Director Pine stated that he fully supports the inclusion of language for shoreline projects.

Director Kremen commented that he and Director Burt have questions regarding the scope of the SFCJPA's shoreline project(s) and he acknowledged the absence of Director Burt at the meeting.

Director Abrica concurred with Director Pine regarding the addition of the language of the shoreline projects. Director Abrica reminded the Board of past Board discussions/debates in which the Board ultimately decided to move forward with shoreline project(s) with SAFER Bay.

Director Combs offered to clarify that he believes Director Kremen's concerns are related to making sure that the additional scope of work does not deter the SFCJPA from the core vision and mission of protecting people and property. Director Combs concurred with Director Abrica that the SFCJPA did decide to and has been doing shoreline work. Director Combs acknowledged that the discussion is not a matter of deciding on if the SFCJPA should do shoreline work, but rather revisiting if the SFCJPA should continue to do shoreline work. Director Combs stated that the SFCJPA is a critical component of shoreline work and that he is not willing to see it removed.

Director Kremen commented that maybe the projects need to be more clearly defined as Valley Water cannot do work in Redwood City. Director Abrica suggested the Board have a study session at the next meeting of the Board at which legal representatives from the SFCJPA and each member agency as well as the CEO's of both One Shoreline and Valley Water are leading the discussion and putting everything on the table. Ms. Bruce reminded the Board that over four million dollars has been received for SAFER funding and that if there was a change in scope the funding could be called back into question. Director Abrica stated that grant information, contracts, legalities all information

**San Francisquito Creek Joint Powers Authority**  
**November 17, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**October 27, 2022, Regular Meeting of the Board**  
**DRAFT**

needs to be, and all experts need to be provided at the study session.

Director Pine stated that he is the President of the SFBRA and that the SFBRA has understood that that the SFCJPA was always moving forward with SAFER. Otherwise, the grants would never have been awarded.

Director Combs stated that we need to clearly understand if the Board needs to have a vote reaffirming the SFCJPA's position solidifying the decision to not have the open question any longer.

SFCJPA Staff was directed to agendize a study session for the November meeting of the Board.

Discussion regarding scope of agency purposes in the Draft Second Amended Restated SFCJPA Members' Agreement and possible direction to staff.

Discussion deferred to next meeting of the Board.

Discussion and possible action to direct staff to negotiate a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the construction of the Reach 2 Palo Alto and East Palo Alto 'top-of-bank' features.

ACTION: Motion and second (Kremen/Abrica) to direct staff to negotiate a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the construction of the Reach 2 Palo Alto and East Palo Alto 'top-of-bank' features passed 4-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Kremen Aye

Director Pine Aye

Director Burt not present

**7) INFORMATION ITEMS**

Executive Director's Report

Ms. Bruce provided a summary of her Executive Director's report.

Jeffrey Shore asked if the SFCJPA would be able to be awarded attorney fees from the Joshua Suit. Trisha Ortiz, SFCPA legal representative responded saying no.

**8) BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)**

Director Abrica and Ms. Bruce congratulated Ms. Harris-Parker on her recent educational and professional accomplishments. Director Abrica acknowledged Ms. Harris-Parker's hard work and commitment as a working adult going to school. Board members offered congratulations to Ms. Harris-Parker.

**9) ADJOURNMENT**

Adjourned at 4:38 pm.

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

**RESOLUTION NO. 22-11-17-A**

**A RESOLUTION OF THE SAN FRANCISQUITO CREEK JOINT POWERS  
AUTHORITY RECONSIDERING THE CIRCUMSTANCES OF THE COVID-19 STATE  
OF EMERGENCY AND MAKING FINDINGS IN CONNECTION THEREWITH TO  
AUTHORIZE MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO  
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, the Board of Directors (the “Board”) of the San Francisquito Creek Joint Powers Authority (the “Authority”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a [State of Emergency](#) in response to the COVID-19 pandemic (the “Emergency”).

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Authority intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

WHEREAS, to continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet

safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:**

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board has reconsidered the circumstances of the COVID-19 state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person. As required by Government Code Section 54953(e)(3), the findings made pursuant to this Section 2 shall apply as of September 11, 2022 and shall cover the period of time until the next regular meeting of the Board.
3. The legislative bodies of the Authority may conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. Such actions include returning to the Board within 30 days and every 30 days thereafter to make the findings required by Section 54953(e)(3).
5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the San Francisquito Creek Joint Powers Authority this 17<sup>th</sup> day of November, 2022, by the following vote:

## **Agenda Item 6. A. – INFORMATION ITEM**

### **Guest Presentation by Woodard and CurranU- update on development of an upstream detention facility on Stanford University land.**

#### **Background:**

The preliminary alternatives analysis conducted in 2009 for an early implementation project developed two concepts for short-term flood protection: improved conveyance capacity in Reach 1 downstream of Highway 101, and offline flood water detention in the upper watershed. The analysis found that both concepts provided flood protection benefits, but that the Reach 1 would provide potentially life-saving protection in the most vulnerable areas of the floodplain, and as such was chosen as the highest priority for implementation.

Stanford is currently pursuing a project at Searsville Dam that would provide increased floodwater attenuation, reducing peak flows downstream. The SFCJPA hired Woodard and Curran to perform environmental and preliminary engineering analyses of potential offline detention sites identified in the 2009 study.

Details from W and C feasibility report – Old Boething Nursery site is on Stanford University lands.

#### **Discussion:**

While offline detention at the Old Boething Nursery site would provide a tangible flood risk reduction benefit, initial cost estimates suggest that the project will be very expensive. In order to determine if we should continue pursuing a detention project at this time, staff recommends developing a cost-benefit analysis that will inform us about whether the project would simply reduce risks, or if it might provide the additional economic benefit of removing parcels from the FEMA floodplain and the obligation to purchase flood insurance.

#### **Recommended Action:**

Direct staff to develop a cost-benefit analysis of offline upstream detention at the Old Boething Nursery site.



**Agenda Item 6.B.**

**Executive Director's Report, November 17, 2022**

**Project Updates**

**Reach 2 Project -**

**Replacement of Existing Top-of-Bank Features –**

The top of bank structures on both sides of the channel in Palo Alto and East Palo Alto will be included in the planned Supplementary EIR. The map below shows the general locations of each of these structures. The photo following the map show an example of the top-of-bank features; the stacked sacked concrete on the Palo Alto side in the foreground and the top-of-bank gravity wall in the distance on the opposite bank. The work for this project element will need to be conducted from within the stream (there is limited bank-top access). Regulatory agencies have indicated that this project information can be included as supplementary information in our permit applications. Construction of these elements is anticipated to occur in parallel with channel widening activities.





*Photo: Peter Park, 2022.*

EMC Planning Group, Inc. has been selected to develop the SEIR. Agenda item 6.B. describes the negotiated contract for their services. Performance of this contract and completion of the SEIR is anticipated to take approximately 12 months.

USACE CAP 205 – The USACE CAP 205 process continues to move forward. Because of the inclusion of additional channel widening wall type engineering options, the draft Integrated Feasibility Study/Endangerment Assessment (FS/EA) may be delayed. This is because the Corps must evaluate all changes, including hydraulic, economic and design. These options are being added to reflect additional viable engineering solutions for the channel widening circumstances and in response to concerns of project neighbors who have expressed their objections to providing underground easements.

An example of a wall type under consideration – A sheet pile wall with tiebacks.



Meetings with Resource Agency Representatives and Feedback on Draft Permit –

The regulatory agencies with jurisdiction over this reach of the creek have been informed that we are considering design modifications at the request of adjacent property owners at one location. Initial feedback is that changing the wall type or widening on both sides of the channel could be acceptable if it can be demonstrated that doing so would provide equal or better habitat and stream function as the originally proposed design.

**Summary of Reach 2 Project Elements and Status (new details in red)**

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
Status	50% - 90%	Work on potential optimization of widening sites to minimize impacts to trees, creek channel and property owners has been completed and recommendations have been reviewed and	Coordination ongoing between SFCJPA and Valley Water re. rights of way process.  Additional right-of-way work will be necessary for future repair/replacement of existing top-of-	Utility mapping underway. PG&E assigning a PM for coordination	The engineering cost estimates for the funding gap table have been updated by Valley Water.

San Francisquito Creek Joint Powers Authority  
November 17, 2022, Executive Director's Report

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
		accepted by Valley Water.	bank features in Palo Alto.  Letters to property owners have been mailed, and follow-up calls, and visits are underway.		
This Month's Update	<p>Upon board's approval of the contract, our selected consultant will begin work on the SEIR.</p> <p>Valley Water has prepared preliminary analyses for viable engineering types. These will be further refined as the USACE proceeds with their analyses.</p>	<p>Draft permit documents submitted on July 13. RWQCB has provided comments on the draft materials.</p> <p>Plan sets for top of bank structures will be provided when available but won't necessitate new applications.</p> <p>Any changes to channel widening engineering approaches will be include in the SEIR as well as updated final permit applications.</p>	No change from October. Valley Water planning next steps for securing more PTEs.	No new information	<p>The USACE has made a positive determination on federal interest. Upon completion of the draft integrated FS/EA Report, (which may be delayed by consideration of additional potential engineering approaches to channel banks) we will embark on development of an agreement for final design and construction.</p> <p>DWR Prop 1 Round 2 grant application was submitted on 10/10.</p>
For Next Month  (December 2022)	Top of bank and channel wall 30% design to be prepared.	Initiate field investigations for SEIR	VW will continue easement acquisition legal process for Santa Clara County parcels.		Staff will explore new funding opportunities from 10/19

San Francisquito Creek Joint Powers Authority  
November 17, 2022, Executive Director's Report

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
					CFCC funding fair.
Potential Issues (& opp's)	<p>Exploring Site 5 designs w/ smaller project footprint. Widening on both sides at Site 3 being considered at request of property owners.</p> <p>USACE analysis of the additional engineering options will delay the overall process and add costs.</p>	Addition of fish features (as part of the option to widen on both sides at Site 3) could increase project footprint and costs	Negotiating with many private property owners for top of bank as well as for channel widening sites.	Overhead power lines – or other utilities - could impact construction methods and costs. Underground utilities may limit design options.	Addition of fish features and potential wall change may cause the need for USACE to rerun hydraulic modeling and economics.

Milestone	By Dec '22	By Jan '23	By Mar '23	2023/2024 Construction/ Completion
Determination of Site 5 action (in progress)				
USACE FSCA and Feasibility Study				
Acquire land easements				
Permits acquired				
Funding agreement				
O&M agreement				
Final Design				
Bid and Award				
Construction of Newell Bridge				2023
Construction of Widening Sites				2024
Construction of Pope Chaucer Bridge				2025

## **Reach 2 Funding**

### Pope/Chaucer Bridge HMGP Grant -

On November 3 CalOES called a meeting with the project team from Valley Water and the SFCJPA to discuss the original grant and the request for additional budget. On this call, for the first time, the team learned that the period of performance/deadline timing for this grant will have significant impacts to the requested grant amount and timing. The original grant was applied for in 2017. In mid-2021 we were invited by CalOES to apply for additional budget - as this tranche of disaster funding had remaining funds. We were notified of award in late 2021 (almost five years from the date of application) and soon thereafter applied for expanded budget. (The original grant solicitation set a maximum request at \$3M). The grant 'kick-off' meeting was in early 2022. We have been informed that for this grant's period of performance, all work must be completed by February of 2023. Clearly, that is not possible. We are considering changing the grant to a 'planning and design' grant which may enable us to utilize the awarded funding for past and on-going engineering and design costs. We will need to apply for other grant funding to support construction costs.

The FEMA BRIC grant program may be an applicable grant source. However, the BRIC program requires that a current Local Hazard Mitigation Plan (LHMP) be in place at the time of award. Santa Clara County's LHMP is expiring at the end of December 2022 and a new LHMP is not expected to be certified for at least another year.

Prop. 1 IRWM grant program - A request for funding from Prop 1 Round 2 was submitted on October 10, 2022, to the San Francisco Bay Estuary Partnership (SFEP). The funding request followed our previous successful grant request and included updated costs, schedule, information about benefits to disadvantaged communities, tribal outreach, and archaeological testing. The new funding request is for \$4.9M.

Funding Gap Update – The Reach 2 project funding gap has been updated. These numbers are based on:

- The change in anticipated CalOES HMGP funding for the Pope-Chaucer Bridge.
- The addition of top-of-bank work.
- A re-scoping of the Site 5 channel widening work.
- Consideration of additional engineering options for Site 3.

**Reach 2 Project Cost Estimate Update**

<b>Project Element</b>	<b>Construction Contract</b>	<b>Construction Management</b>	<b>Mitigation</b>	<b>Real Estate</b>	<b>Total</b>
Newell Road Bridge	\$9,271,300	\$1,217,850	\$0	\$113,000	\$10,602,150
Pope/Chaucer Bridge	\$8,245,000	\$1,236,750	\$280,400	\$0	\$9,762,150
Channel Widening	\$12,400,000	\$1,860,000	\$421,600	\$5,700,000	\$20,381,600
Top of Bank Treatments	\$10,000,000	\$1,500,000	\$340,000	\$500,000	\$12,340,000
<b>Total Cost Estimate</b>	<b>\$39,916,800</b>	<b>\$5,814,600</b>	<b>\$1,042,000</b>	<b>\$6,313,000</b>	<b>\$53,085,900</b>

**Reach 2 Project Funding**

<b>Source</b>	<b>Newell Road Bridge</b>	<b>Pope/Chaucer Bridge</b>	<b>Channel Widening</b>	<b>Top of Bank Treatment</b>	<b>Total Contribution</b>
Valley Water	\$1,158,424	\$1,954,550		\$6,374,026	\$9,487,000
Caltrans grant	\$8,941,176				\$8,941,176
FEMA HMGP*		\$3,000,000			\$3,000,000
Prop 1 IRWM*			\$4,900,000		\$4,900,000
CAP 205			\$8,200,000		\$8,200,000
<b>Currently Identified Funding</b>	<b>\$10,099,600</b>	<b>\$4,954,550</b>	<b>\$13,100,000</b>	<b>\$6,347,026</b>	<b>\$34,501,176</b>

\*Funding requested but not yet in contract

**Reach 3 Upstream Detention**

Representatives from Woodard & Curran will provide a verbal update.

**SAFER Bay**

CEQA - A [summary of comments](#) received on the Notice of Preparation (NOP) for an Environmental Impact Report and a NEPA [Scoping Report](#) with brief responses to those comments have been posted to the SFCJPA website on the SAFER Bay project page.

Our contracted Community-based Organization partners, Climate Resilient Communities and Nuestra Casa, will convene the initial citizen’s advisory committee on December 6, 2022.

**SAFER Bay Funding**

On October 14, the San Francisco Bay Restoration Authority (SFBRA) board met and received recommendations for supplementary funding. The SAFER Bay project was recommended to receive the largest funding allocation of \$3,980,000.00 to augment the previously authorized \$1 million granted by the Authority in June 2022. The SFBRA board may vote to authorize this additional funding at their March 2023 meeting.

A National Fish and Wildlife Foundation grant application for ~\$3.7M was submitted at the end of June. We are still waiting on a decision.

**Announcements**

PG&E is planning a “King Tides” event in January to raise awareness of the potential impacts of sea level rise and their collaboration with the SFCJPA, Menlo Park, and META to address the vulnerability of the Ravenswood sub-station. We will update the board when more specific information is available.

**Forward view of upcoming agendas**

December 2022	SAFER Bay Study Session and (tentatively) SAFER Bay related action items Acceptance of 2022 Comprehensive Plan Schedule and venues for 2023 Board meetings
January 2023	Election of Officers



## **Agenda Item 6.B Consultant Agreement for preparation of a Supplemental Environmental Impact Report**

### **Background:**

The Reach 2 project as defined in the 2019 EIR relies on existing top of bank structures to prevent flows from overtopping the banks when the channel capacity is increased from current capacity (5800 cubic feet per second) to the design capacity (approximately 7500 cubic feet per second). During field investigations, Valley Water staff identified several areas where the existing top of bank structures, most built in the 1960's, did not meet present engineering standards and would need to be repaired or replaced to ensure adequate protection. Valley Water, who has secured a professional engineering firm to develop the channel widening design, has added tasks and budget to the design contract to analyze and design the replacement structures.

### **Discussion:**

Adding the modification or replacement of existing top of bank structures will not require that the certified EIR be recirculated. Instead, CEQA specialists from the SFCJPA member agencies and legal counsel have advised that a Supplemental EIR is the most appropriate vehicle for covering the construction of the replacement structures under CEQA. A Request for Proposals (RFP) was issued on August 12, 2022, for a consultant contract to prepare the Supplemental EIR. On September 23, one responsive proposal was submitted, by EMC Planning Group. A review panel comprised of members representing the SFCJPA, Valley Water, East Palo Alto and Palo Alto reviewed the proposal and interviewed the consultant team. The panel concluded that EMC Planning Group has the experience and expertise needed to prepare the Supplemental EIR and recommended that the consultant contract be offered. At the October 2022 Board meeting, the Board authorized the Executive Director to negotiate a contract with EMC Planning Group at a cost not to exceed \$100,000. The negotiated cost of the baseline contract is \$82,915.00. An optional task in the amount of \$11,917.50 was added to cover a potential change in wall type at Widening Site 3. Cost for this work is within our preliminary cost estimate range that was included in the FY22/23 operating budget.

### **Recommended Action:**

Authorize the Executive Director to execute the negotiated Consultant Agreement with EMC Planning Group to prepare a Supplemental Environmental Impact Report for the repair or replacement of existing top of bank structures along the creek downstream of Newell Road.



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

**RESOLUTION 17-11-22-B OF THE BOARD OF DIRECTORS  
OF THE SAN FRANCISQUITO CREEK JOINT POWERS  
AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR  
TO CONTRACT WITH EMC PLANNING GROUP, INC.**

**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 contract with EMC Planning Group Inc., Monterey, CA for the preparation of a Supplemental Environmental Impact Report (SEIR) for potential channel widening engineering design modifications and the repair or replacement of existing top of bank structures along San Francisquito Creek.

Whereas, the SFCJPA Board of Directors certified an Environmental Impact Report for channel widening and bridge replacement along San Francisquito Creek on September 26, 2019; and

Whereas, SFCJPA and member agency staff concluded that modifications to the existing top of bank structures between Newell Road and West Bayshore Road and potential channel widening engineering changes are needed to support the project design; and

Whereas, inclusion of the needed top of bank modifications as well as potential engineering design changes for channel widening requires legal certification under the California Environmental Quality Act; and

Whereas, A Supplemental Environmental Impact Report has been identified as the appropriate vehicle to satisfy this requirement; and

Whereas, the SFCJPA has conducted a public search for a professional consultant consistent with State and Federal guidelines for procurement of professional services; and

Whereas, a qualified review panel has recommended negotiating and entering into a contract with EMC Planning Group Inc. to prepare the Supplemental Environmental Impact Report; and

Whereas, the recommended Not-to-Exceed cost of the contract is within the current fiscal year's operating budget.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Vice Chairperson

Date: 11/17/2022

\_\_\_\_\_  
Chairperson

Date: 11/17/2022



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

Date: 11/17/2022

# SFCJPA REGULAR BOARD MEETING

---

NOVEMBER 17, 2022



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

# 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 27, 2022.

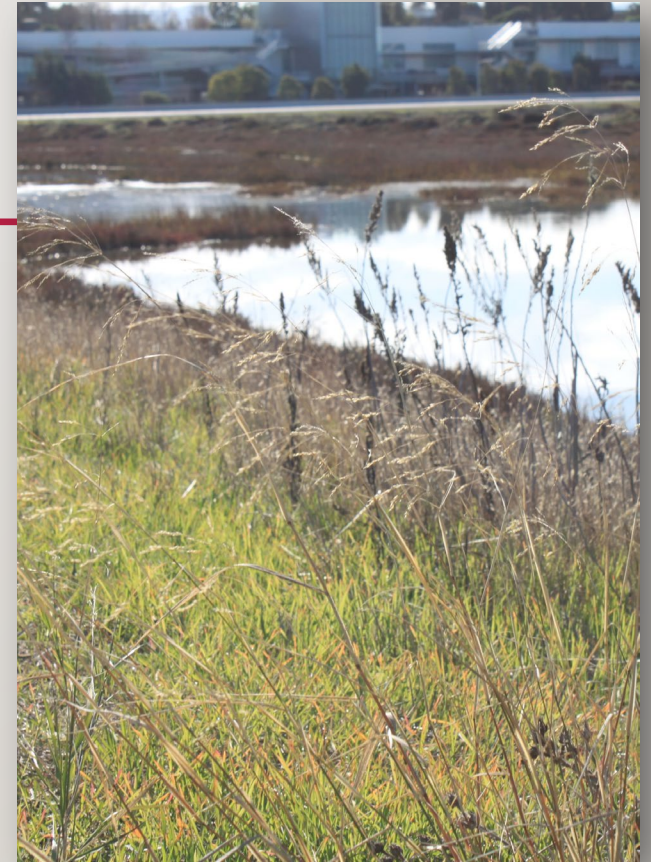
4. PUBLIC COMMENT: INDIVIDUALS MAY SPEAK ON A NON-AGENDIZED TOPIC FOR UP TO THREE MINUTES ON A TOPIC WITHIN THE SFCJPA'S JURISDICTION.



## **AGENDA ITEM 5 – CONSENT AGENDA**

---

**5.A.** Consider adopting a resolution (17-11-22-A) reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).



## AGENDA ITEM 6.A. INFORMATION ITEM

---

GUEST PRESENTATION BY WOODARD & CURRAN  
REGARDING REACH 3 UPSTREAM DETENTION

# AGENDA ITEM – 6.B. INFORMATION ITEM

---

## 6.B. EXECUTIVE DIRECTOR'S REPORT



# REACH 2 PROJECT UPDATES

---

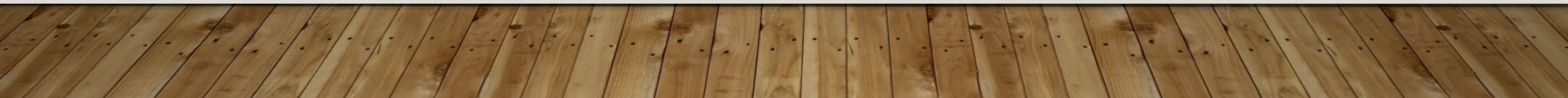
Funding and Costs Update  
CAP 205  
Top of Bank  
Channel Widening Sites  
Regulatory Agency Meetings



# SAFER BAY PROJECT UPDATES

---

CEQA  
Funding



## AGENDA ITEM 7 – ACTION ITEMS

---

7.A. Consider approving a resolution (17-11-22-B) to contract with EMC Planning Group, Inc., in an amount not to exceed \$94,382.50, to conduct a Supplementary Environmental Impact Report (S-EIR) related to the additional evaluation of Reach 2 project elements in Palo Alto and East Palo Alto.



# AGENDA ITEM 8 - CLOSED SESSION

---

- CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Section 54956.9(d)(4) - one case, tender from Santa Clara Valley Water District to the Authority for the defense of *Scott R. Yeaman v. Santa Clara Valley Water District*, Court Case No. 20CV369378

# **AGENDA ITEM 9.**

## **BOARD MEMBER COMMENTS**

### **and ANNOUNCEMENTS**

---

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





SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

## **Agenda Item 10**

## **Adjournment**

**Thank you, everyone.**