

**April 17, 2008 Special Meeting Minutes  
San Francisquito Creek  
Joint Powers Authority**

Chairperson Abrica called the meeting to order at 11:10 a.m. at the City of Menlo Park Community Center room#105 701 Laurel Street, Menlo Park CA.

**1) ROLL CALL**

Members Present: Chairperson Abrica, City of East Palo Alto  
Director Robinson, City of Menlo Park  
Director Drekmeier, City of Palo Alto  
Director Kwok, Santa Clara Valley Water District  
Director Gordon (not present at roll call) San Mateo County  
Flood Control District

Alternates Present: Pat Burt, City of Palo Alto

Associate Members: None

JPA Staff Present: Cynthia D'Agosta, Executive Director (ED)  
Kevin Murray, Staff  
Miyko Harris-Parker, Staff

Legal Counsel Present: Greg Stepanicich

Others Present: Joe Teresi, City of Palo Alto; Kent Steffens, City of Menlo Park;  
Jason Christie, SCVWD; Beau Goldie, SCVWD; Jim Porter, San  
Mateo County Flood Control District; Tom Rindfleisch Palo  
Alto Resident; Trish Mulvey, Palo Alto Resident; Bern  
Beecham, Palo Alto Resident

**2) APPROVAL OF SPECIAL MEETING MINUTES MARCH 27, 2008**  
approved 4-0 with recommended changes.

**3) APPROVAL OF AGENDA**  
Agenda approved 4-0.

**4) CONSENT CALENDAR**  
None.

**5) PUBLIC COMMENT**  
None.

**6) REGULAR BUSINESS:**  
**a. Provide Draft II of FY 08-09 Operational Budget – information only. Attachment 1.**  
ED presented the 2<sup>nd</sup> draft budget of FY 08-09 to the Board for review. ED told the Board that the Finance Committee met with staff and reviewed the changes. ED continued to explain that the budget typically gets approved in April/May so that each member agency has it in time for their budget approvals. ED stated that the differences between the draft budget I presented in February and the draft budget II revolved around the office relocation.

ED briefly explained to the Board that the City of Menlo Park has immediate need of the JPA's current office space for a new Business Development Center. ED stated that the two

**April 17, 2008 Special Meeting Minutes  
San Francisquito Creek  
Joint Powers Authority**

locations researched by staff were: 1376 Willow Road, inside the Menlo Park Fire District Warehouse and space within an office Building located at 3705 Haven Avenue. ED stated that both offices were located in Menlo Park. ED reminded the Board that full discussion regarding the move is agendaized for the April 24 Board meeting.

Director Kwok noted that there were no funds budgeted for COLA increases and requested a breakdown of COLA 's given to staff in previous years.

Director Drekmeier questioned weather the discussion of merit increases for staff would be completed before the ED's last day. Director Gordon stated that the Board has the option to look at the agency's reserves then make a determination on weather or not staff would be granted a merit increase. Drekmeier asked if dependents were covered under the agencies benefits. ED replied yes within in the employee policies dependents are covered.

Trish Mulvey asked that staff prepare a brief summary of the COLA's and merit increases given to staff in the past so that the newer Board members can have that background.

**b. Approve draft letter to SCVWD Board re: advancement of funds for Feasibility Study.**  
*Attachment 2.*

ED presented a draft letter to the SCVWD Board for approval. ED reminded the Board that the letter was being sent to the SCVWD Board to encourage the them to provide Measure B funding to advance the Feasibility Phase of the Authority and Corps Flood Damage Reduction and Ecosystem Restoration project. Chairperson Abrica stated that the letter should be addressed to the SCVWD Board and the Chair. ED referred to Beau Goldie of the SCVWD to provide the Board with a brief summary of the SCVWD staff report being discussed at Tuesday's SCVWD Board meeting.

Beau Goldie, SCVWD, stated that SCVWD staff was asking the SCVWD Board for two things; 1. to direct the CEO to work with SFCJPA member agencies, and Corps to develop the plan for accelerating the completion of the Feasibility Study, and 2. to authorize the CEO to negotiate necessary agreements with the SFCJPA, its member agencies, and the Corps to provide District resources for accelerating the completion of the project with an additional commitment not to exceed \$3.5 mill of SCVWD funding. Mr. Goldie stated that the request to the SCVWD Board includes asking the JPA member agencies for additional funding and that the funds being submitted by the SCVWD will not exceed \$3.5 million. Mr. Goldie stressed that there has not been a determination of how much JPA member agencies will be asked to contribute. Mr. Goldie stated that the options SCVWD included in the staff report are not definite and will be open for discussion with the JPA at a later date.

Director Kwok stated that the SCVWD is looking to make the project process more efficient by becoming what the SCVWD calls a local sponsor. Director Kwok stated that by becoming the local sponsor the SCVWD would work closely with the City of Palo Alto engineers which would definitely improve the project efficiency. Mr. Goldie said that the issue requires further discussion and that the SCVWD would not make such a decision without having lengthy discussions with the JPA and its member agencies. Mr. Goldie continued to say that SCVWD staff had six options laid out in the staff report being presented to the SCVWD Board and SCVWD becoming the local sponsor is just one of the options.

Director Gordon asked for clarification of the amount of funds allocated to San Francisquito Creek from the Measure B bonds. Mr. Goldie replied saying that San Francisquito Creek had \$8 million allocated within the Clean Safe Creeks and that roughly \$2.5 million of those

**April 17, 2008 Special Meeting Minutes  
San Francisquito Creek  
Joint Powers Authority**

funds have been spent. Mr. Goldie stated that the SCVWD was looking to take \$3.5 of that remaining balance as the SCVWD's contribution for moving the Feasibility Study forward.

ED stated that her understanding of the available funds for the San Francisquito Creek within the Measure B bonds was at least \$16 million. ED stated that the CIP budget currently list \$17 million for San Francisquito Creek. Director Kwok responded saying that the money in the CIP budget is actually just a place holder for the many projects of the SCVWD. Director Kwok continued to say that the only funds that are designated to a specific project are those that were released the first year. Mr. Goldie stated that the SCVWD is currently dealing with the impact of rising construction cost and that with nine projects in Clean Safe Creeks, they are faced with a \$70 million deficit.

ED told the Board that there needed to be extensive researched done on the recommendation of the SCVWD becoming the local sponsor as there is the potential of serious project impacts. ED stated that the agreements that were set up can be amended for providing the oversight management and structure, however there would need to new agreements made if SCVWD became the local sponsor.

ED questioned if the SCVWD options that were being presented to the Board included tidal flooding. Jason Christie, SCVWD, stated that the proposal does not include tidal for the San Mateo County areas as the SCVWD can not take its funding into another county where there is no benefit to the Santa Clara residents. Director Drekmeier asked if San Francisquito Creek was guaranteed \$8 million. Mr. Goldie responded by saying no, there is no guarantee for any funds as the funds have not been appropriated to any project yet. Trish Mulvey, Palo Alto resident, explained that the \$8 million is part of a large pot of money that has not been released or appropriated to a specific project.

Director Robinson stated that it is reasonable to consider the SCVWD becoming the local sponsor; however the JPA Board really needs to look at what that would mean for the project and the agency. Director Robinson stated that he would be concerned if approval by the SCVWD moved forward without looking at the big picture especially without knowing what exactly is it meant by other member contributions. Director Robinson reminded the Board that Congresswoman Eshoo expects a clear vision on what the JPA needs.

Chairperson Abrica asked for clarification that the staff report being presented to the SCVWD Board was not asking for funds from the JPA and its member agencies right now. Mr. Goldie stated that the staff report was only asking permission to have discussion of negotiating with the JPA its member agencies and the Corps regarding advancement of the SCVWD funds. Chairperson Abrica said that the JPA Board should not decide on a change of local sponsorship without looking into the matter more as this could create turmoil for the JPA when it is not necessary. Mr. Goldie responded saying that the SCVWD has no intent of suspension of the JPA, as the project could not forward without the JPA. Mr. Goldie stated that SCVWD is just trying to provide the resources necessary to get the project done by 2012.

Director Drekmeier stated that he and Director Robinson would be attending the SCVWD Board meeting on Tuesday and he asked if they should speak about the local sponsorship issue. ED said that the SCVWD staff report was needed before that question could be answered. Chairperson Abrica responded by saying if the issue of local sponsorship is not on

**April 17, 2008 Special Meeting Minutes  
San Francisquito Creek  
Joint Powers Authority**

the SCVWD agenda then there is no reason to bring the issue up.

Director Gordon responded saying that the letter says what the JPA Board needs to say. Mr. Gordon continued saying that the position to take is that the Board should only take action to negotiate the money not take action to restructure the organization.

Chairperson Abrica asked if there were more comments regarding the letter. Mr. Goldie suggested a change in language in the opening of the third paragraph. Director Kwok asked that a sentence be added to the last paragraph stating that Measure B funds will continue to fund the Feasibility Study. Mr. Goldie stated that the 2011 needed to be changed to 2012 so that the dates are lined up with the SCVWD staff report.

JPA Board letter encouraging the support of the SCVWD for providing Measure B funding to advance the Feasibility Phase of the Authority and Corps Flood Damage Reduction and Ecosystem Restoration project approved with amended changes 5-0

Chairperson Abrica adjourned meeting for a break at 12:10 pm.

**c. Discussion of process to fill Executive Director position. Attachment 3.**

Meeting re-adjourned at 12:20 pm

ED presented a timeline of needs and various options for the Board to review in regards to hiring an ED. Director Robinson asked if the JPA had requirements on posting the ED position. Greg Stepanicich, Legal Counsel for the JPA stated that the JPA does not have stated requirements regarding the recruitment of the ED position. Director Robison asked for clarification of whether or not the JPA Board could meet with someone and hire that individual immediately. Mr. Stepanicich replied saying yes. Director Robinson stated that his preference would be to *hire and interim ED*, as he had already been approached by a couple of people interested in the position. Director Robinson stated that the Board should be thinking about other ways to be more organized and a consultant could help the Board think through a lot of the management issues.

Director Kwok stated that his preference would depend on what role an interim CEO is taking. Director Kwok stated that he was opposed to hiring a consultant as they are expensive. Director Kwok said he would prefer the option of *asking a member agency Public Works Director to step in as interim ED*, but he would recommend that any Senior Staff, not just a Public Works Director could do the job. ED responded by saying that both the Menlo Park and Palo Alto Public Works Directors have been with this project from the start and that is why they were suggested as interim ED replacements. Director Kwok stated that maybe a Civil Engineer from one of the member agencies would be good as interim ED.

Director Gordon said that the Board needs to acknowledge that the current ED is gone in 13 days and as a result would need to implement *JPA staff reporting to Chair and Vice-Chair*, for a short while. Director Gordon continued saying that the agency needs to move as quickly as possible to *hiring an interim*, but suggested an interim ED must not be a candidate for the permanent ED position. Director Gordon said that he would be interested in trying to identify an interim candidate from the pool of skilled, recently retired candidates out there. Director Gordon said that nine months is good for an interim ED as a year to fourteen months gives the Board too much flexibility to not have to make decision. Director Gordon stated

**April 17, 2008 Special Meeting Minutes**  
**San Francisquito Creek**  
**Joint Powers Authority**

that he would prefer that the interim ED be hired as less than full-time.

Director Drekmeier stated that he would prefer to hire an ED as soon as possible, stating that he had been approached by a few interested people as well. Director Drekmeier said that he is not sure if nine months or even six months is needed with an interim ED. Director Drekmeier stated that he would like to see a permanent ED hired within two – three months and that the job information should be posted immediately to find out what potential candidates are out there. ED said that the question would then become which member agency handles the hiring process. Director Drekmeier stated that he does not have a clear suggestion and that a list of the things that have to get done regarding hiring a new ED would be helpful.

Tom Rindfleisch, resident of Palo Alto, addressed the Board using a prepared statement during public speaking time. Mr. Rindfleisch stated: I have been an interested party for many years in San Francisquito Creek (SFC) flood protection and ecological restoration: My home yard and neighborhood had over 1 foot of water from the 1998 flood, I participated as a principal in the “neighborhood flood group” in 2002/2003 to analyze and catalyze action on the creek, I am participating in discussions about an Early Implementation Project (WRDA Section 104). I want to speak with all candor, even in this public setting. By doing so, I mean no offense to current JPA leadership or staff. At the risk of sounding heretical, my core message to you is that you consider NOT hiring a replacement JPA Executive Director, but instead build a closer relationship with the SCVWD for Joint leadership, sponsorship, management, and technical support. I believe the SFC JPA serves an important function in coordination goals, funding and oversight among the five jurisdictions involved, but that the process of devising and executing real flood protection solutions requires an organizational depth and special experience and managerial and technical capability that the JPA has had difficulty developing. The fragileness of the JPA organization is evident in the current transition of the Executive Director- there is no evident successor. Since any SFC flood protection project can be expected to last 10-20 years, such disruptions in leadership can be expected to re-occur. We are now 10 years out from the 1998 flood and 3 years out from the 2005 flood scare. By my estimation, we have spent ~\$10M to date [\$3M for JPA staffing and management; \$4-\$5M for cosmetic levee changes around 101 several years ago; and ~\$3M spent or committed to Army Corps of Engineers (ACoE) feasibility work]. We have little to show for that investment. Ours is primarily a local problem that pales relative to national priorities and relative to major state concerns. In addition, SFC flooding threats have been largely locally produced, for example: Diversion of SFC between 101 and the bay in major ways, build up EPA, the golf course, the airport and the industrial park in a flood-prone zone, implementing and under-capacity 101 bridge, allowing Menlo Park and Palo Alto development upstream from 101 that borders SFC and makes creek management difficult, putting in under-capacity Middlefield and Chaucer bridges in the 1940s, which subsequently have even less capacity with sediment build up. Chairperson Abrica apologized and stated that in the interest of time the meeting had to be moved on.

Due to time restraint Mr. Rindfleisch submitted his comments to the JPA in writing. *See attached.*

Trish Mulvey, Palo Alto Resident, told the Board that she was surprised not see current JPA staff named as a possibility to be interim ED. Mrs. Mulvey said she felt that Kevin Murray,

**April 17, 2008 Special Meeting Minutes  
San Francisquito Creek  
Joint Powers Authority**

JPA PM is more than capable of being interim ED until a permanent one is hired.

ED responded to Mrs. Mulvey comment stating that the PM could operate as interim ED, but no longer than two – three months because of workload.

Director Drekmeier stated that the agency needs an ED as without one there is no organization but that the hiring of a new ED depended a lot on what the SCVWD would propose.

Greg Stepanicich, JPA Legal Counsel, responded to Director Drekmeier's comment stating that the necessity of bringing in an interim ED should not be linked to the local sponsorship issues; that there are a lot of consequences in regards to the changing of local sponsorship and restructuring of the agency.

Director Gordon requested that the discussion be continued at the next scheduled Board meeting. Mr. Stepanicich clarified that the closed session discussion item(s) would be to discuss potential candidates, and not the process of hiring. Director Gordon asked the ED to request that the member agency staff participating on the Management Team be asked their thoughts on potential candidates and that any names be brought to the Board to be discussed in closed session.

Director Robinson stated that it is important to have the upcoming closed session to learn of interested candidates. Director Robinson re-iterated that the project needs a strong candidate for the ED position and that he has concerns about not allowing an interim ED become permanent. He would like to see the new ED be more political and spend more time lobbying in Washington D.C. and Sacramento seeking funding as the available state dollars are hard to get.

7) **BOARD AND ASSOCIATE MEMBER REPORTS** - *Agendized reports from Board and/or Associate Members requesting Board action.* – None

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

9) **ADJOURNMENT:**

Chairperson Abrica adjourned the meeting at 1:10 pm.