

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
22 January 2004

Chairperson Bay called the meeting to order at 6:10 p.m. at the Palo Alto Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

1. Roll Call

Members Present: Chairperson Bay, City of East Palo Alto
Vice Chair Zlotnick, Santa Clara Valley Water District
Director Kinney, City of Menlo Park
Director Mossar, City of Palo Alto
Director Jacobs Gibson, San Mateo County Flood Control
District absent at roll call. Arrived at 6:16 p.m.

Members Absent: None

Associate Members Present: Phil Chang, Watershed Council
Michael Fox, Stanford University

Associate Members Absent: None

JPA Staff Present: Cynthia D'Agosta, Executive Director
Andrew Kloak, Staff
Kevin Murray, Staff

Others Present: Greg Stepanicich (JPA Legal Counsel); Beau Goldie (SCVWD);
Kent Steffens (City of Menlo Park); Debra O'Leary, Glenn
Roberts, Joe Teresi (City of Palo Alto); Ann Stillman, Brian Lee
(San Mateo County Flood Control District); Mary Schaefer (Palo
Alto Resident); John Schaefer (Palo Alto Resident); Jeff Shore
(Duveneck Saint Francis Neighborhood Assn.); Tom Rindfliesch
(Palo Alto Resident); Libby Lukas (Los Altos Resident)

2. CLOSED SESSION - *None*

3. APPROVAL OF THE December 18, 2003 ANNUAL MEETING MINUTES

Board members considered approval of the December 03 minutes. Director Mossar moved approval of the minutes, Director Zlotnick seconded, and approved 3-0-1 Director Kinney abstained.

4. REPORT ON SPECIAL MEETING (CLOSED SESSION) OF JANUARY 20, 2004.

Chairperson Bay said the closed session meeting on January 20th yielded very good recommendations that should be agendized at an upcoming meeting.

5. APPROVAL OF AGENDA

Board members considered approval of the agenda of the meeting. Director Mossar moved approval of the agenda, Director Duboc seconded, and approved 4-0.

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6. CONSENT CALENDAR- *None*

- 7. PUBLIC COMMENT** – *This is a limited time for public to comment on items not on the agenda.*
Mary Schaefer said she was at the Watershed Council meeting and was concerned about the building of the bridge over the creek near Sand Hill Road. She said she wanted to know if the plant material for that site had been determined.

Ms. Schaefer said she has strong reservations about this project and didn't want to see anything new put in the creek until the Chaucer Bridge situation was solved.

Libby Lukas submitted a letter to the Board. Ms. Lukas said neighborhoods east of Oregon Expressway were adversely impacted by the 1998 flooding of San Francisquito and Matadero Creeks. She said a 1999 reassessment by FEMA, removed these neighborhoods from the flood maps.

Ms. Lukas asked why this happened and asked that the Board look into this.

Director Zlotnick said SCVWD staff would review this and follow up with her.

8. REGULAR BUSINESS

A. Director's Update – COE Project Updates; Finance Committee Report and FY 04-05 Budget development.

Ms. D'Agosta stated the Federal Budget 2004, which included the Recon Study for SF Creek, had passed the U.S. Senate and was on its way to President Bush for signature.

Ms. D'Agosta said CAP 205 Project Management Plan and Feasibility Cost Share Agreement were anticipated to be negotiated in March 04. She said the CAP Management team met earlier in January and was looking at the local match possibilities on the CAP project. She asked member agency staff to come up with a value on their in-kind staff services.

Ms. D'Agosta said SCVWD had begun to work with the JPA to come up with their 2005 Federal budget request, which would include \$100,000 for the G.I. Study and an additional \$280,000 for the CAP 205 Feasibility study.

Director Kinney asked how this \$100,000 and \$280,000 request fit in with the big picture and if this was money for new projects.

Ms. D'Agosta said this request wasn't for new projects but just to continue the COE's commitment in the new fiscal year.

Ms. D'Agosta said the Finance Committee met for the first time in January. She said the Committee was working on an operational budget and a five-year projected budget.

B. CALPERS - *Approval (Attachment- Resolution from CALPERS)*

Board members considered approval of the final resolution between the JPA and CalPERS. Director Zlotnick moved, Director Mossar seconded, and approved 5-0.

C. Member Agency Guidelines – *Approval*

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Ms. D'Agosta said the member agency guidelines had been revised and the final version of the new Guidelines were ready to be approved by the Board.

Chairperson Bay asked for questions from the public.

No members of the public had questions on this item.

Vice Chair Zlotnick said he saw no financial numbers under the *Voting Member Rights and Responsibilities* column on page two of the document.

Director Kinney said he wanted to know about JPA membership for the towns of Portola Valley and Woodside.

Ms. D'Agosta said she had met with Portola Valley resident and former publisher of *Sunset Magazine* Bill Lane earlier in the week and got some good insights from him on this issue of membership of the two upper watershed towns.

Phil Chang said he would like the Board to consider approving the Member Guidelines. He said that the more formalized these guidelines could be, the better it would be for both the JPA and the Watershed Council.

Board members considered approval of the Member Agency Guidelines. Director Mossar moved, Director Jacobs Gibson seconded, and approved 5-0.

D. Watershed Management Initiative (WMI) Signatory Agreement-Approval of Recommendation

Ms. D'Agosta said she had received notice that the City of East Palo Alto and the City of Menlo Park agreed with the recommendation that the JPA should not become signatories to the WMI agreement.

Director Mossar asked how the JPA could be a Watershed Management Initiative (WMI) member and yet not a signatory to the document.

Ms. D'Agosta said the JPA did sign the WMI agreement for the planning phase of the project in 2001 but the agreement had expired. She said this new signatory agreement focused on the implementation phase of that planning.

Director Mossar asked if the Santa Clara Valley Water District and the City of Palo Alto were signed onto this document for the exploratory phase.

Ms. D'Agosta said some of the individual agencies in the watershed were not part of this phase.

Vice Chair Zlotnick said the JPA was signing onto this document as a commitment only within the confines of the San Francisquito Creek watershed. He said if the JPA didn't sign onto this document, the San Francisquito Creek area would be the only part of the basin not included.

Director Jacobs Gibson said this document raised questions she wanted answered before becoming a signatory.

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Ms. D'Agosta said the biggest concern was a jurisdictional commitment to accept the plan. She stated even [non-JPA jurisdictions] Portola Valley and Woodside would need their councils to become signatories.

Ms. D'Agosta stated the planning phase called for assessments for the entire watershed and that implementation called for creating stewardship plans.

Chairperson Bay said there were questions to be addressed. He said this topic was important to get worked out and the best setting to discuss this issue would be an upcoming study session.

Brian Lee said the San Mateo County Flood Control District does not have the resources or staff to dedicate to the WMI project. He said they concurred with Ms. D'Agosta's recommendation on this.

Director Kinney asked why the JPA wasn't involved in the planning process. He asked if it was too late to get involved.

Ms. D'Agosta said the JPA did not have the staff time required to be a part of this and participated minimally in the meetings with WMI.

Beau Goldie said this new WMI agreement was not a strongly worded commitment. He said the JPA being a part of WMI would make the agency more competitive in getting grants. He said the side benefits of being an active member of WMI was that it would allow the JPA to sit at the table with regular agencies and have a forum to bring up issues.

Mr. Goldie said the San Mateo County Flood Control District was asked very early on to be involved in the meetings. He said it was important to have all the member agencies to be signatories of the WMI.

Director Mossar said the JPA Board needed to set direction on this. She acknowledged that the JPA doesn't have the manpower to participate in the planning but said the WMI was perhaps one place where the Board could grapple with these bigger issues.

Director Mossar recognized that the JPA had a minimally engaged Board and very small staff. She said the underlying problem was the JPA needed to be a full-fledged powerful agency, rather than the sum of its parts. She said she didn't want to cede control to other agencies.

Director Zlotnick said the JPA needed to sign this document to be legitimate in the eyes of the public and the regional board. He said Mr. Goldie was correct that the JPA would be at a competitive disadvantage when seeking grant funding.

Director Zlotnick said the JPA needed to view the watershed holistically. He said staff needed to relook at the underlying issues to determine -yes or no - on the JPA being a signatory to WMI.

Director Kinney asked what signing the WMI document really committed the JPA to, besides showing goodwill to the other jurisdictions of the region.

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Director Jacobs Gibson said while she understood Director Mossar's comments on strengthening the JPA, the issue needed more discussion. She said the only way the JPA Board could take such a stand [signing the document] was if the money was available.

Director Jacobs Gibson said she wanted a better understanding what being a WMI signatory meant.

Chairperson Bay said the City of Palo Alto and SCVWD relationship regarding this document needed further discussion. He said he would also like to know what was in the plan. He said the JPA's ability to compete for grants was a big consideration as the agency projected its mission forward.

Chairperson Bay said there were too many questions on the issue that remained so a board vote shouldn't take place this night.

Director Zlotnick said he would like the Board to have a better understanding of what the WMI was and wasn't. He said he would like to hear what it would mean if the JPA didn't sign on and what would be the ramifications of that action.

Director Mossar recommended a study session on this and proposed the April meeting for this study session. She said she wanted to know what did it mean for the JPA to participate as staff and asked what membership costs were associated with being signatories of the WMI.

E. Second Quarterly Financial Report (Attachment)

Ms. D'Agosta stated the second quarterly financial report was being brought to the Board for acceptance. [A profit and loss budget vs. actual and regular profit and loss was attached.]

Director Jacobs Gibson asked whether the \$137,496.78 in the *Revenue from Other Governments* category could be used as revenue when considering in FY 2004-05 budget.

Ms. D'Agosta stated it couldn't be considered in the new budget discussions because that revenue came from grants and was already committed to project consultants.

F. Upcoming Board meeting Draft Agendas

Mossar said March 4th meeting was an important meeting. She said she wanted Ms. D'Agosta to confirm that each board member would be attendance.

G. Creek Authority News, January 2004 edition (to be distributed at the meeting).

Ms. D'Agosta stated the *Creek Authority News* was not completed in time for the meeting.

9. BOARD AND ASSOCIATE MEMBER REPORTS - Agendized reports from Board and/or Associate Members requesting Board action.

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

Phil Chang said he wanted to briefly describe why the Watershed Council supported the WMI. He said he saw the WMI Signatory Agreement as a vision document. He said the

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document included pointers and goals that were congruent with the Watershed Council's plan for the watershed.

Mr. Chang acknowledged that the WMI didn't have implementation authority or the capacity to do a lot of things in the watershed. He said the goals in their plan would be achieved, not by the WMI, but through work of the JPA, the Watershed Council, and other agencies in the watershed.

Mr. Chang also announced that the new coordinator of Watershed Council would be announced in February and that person would be coming to the March 4th Board Meeting.

Ms. D'Agosta stated that she would be giving a presentation at the Menlo Park City Council on February 24th.

11. ADJOURNMENT

Chairperson Bay adjourned the meeting at 7:40 p.m.

Minutes Prepared by: Andrew M. Kloak
San Francisquito Creek Joint Powers Authority