

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
27 January 2005

Chairperson Zlotnick called the meeting to order at 6:00 p.m. at the City of Palo Alto Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

1. Roll Call

Members Present: Chairperson Zlotnick, Santa Clara Valley Water District
Director Fergusson, City of Menlo Park, Alternate
Director Gordon, San Mateo County Flood Control District
Director Mossar, City of Palo Alto

Members Absent: Council Member Evans, City of East Palo Alto (temporary assignment by City until February)

Associate Members Present: Pam Sturner, Watershed Council
Chris Christofferson, Michael Fox, Stanford University

Associate Members Absent: None

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

Others Present: Yoriko Kishimoto (City of Palo Alto Alternate); Joe Teresi (City of Palo Alto); Beau Goldie (SCVWD); Kent Steffens (City of Menlo Park); Neil Cullen, Ann Stillman, Brian Lee (San Mateo County Flood Control District); Robert Allen (East Palo Alto Planning Commission); Duncan Mason (Palo Alto Resident); Vivian Blomenkamp (Palo Alto League of Voters); Mary Schaefer (Palo Alto Resident); John Schaefer (Palo Alto Resident); Jeff Shore (Palo Alto Resident); Art Kraemer (Palo Alto Resident)

2. APPROVAL OF THE November 18, 2004 SPECIAL MEETING MINUTES

The Board considered approval of the meeting minutes from November 18th. Director Mossar moved approval, Director Gordon seconded, and approved 3-0-1. Director Fergusson abstained.

3. APPROVAL OF AGENDA

The Board considered approval of the agenda. Director Gordon moved approval, Director Mossar seconded, and approved 4-0.

4. CONSENT CALENDAR

- A. Letter of Support for the City of Menlo Park's grant application to the National Fish and Wildlife Foundation for the "San Francisquito Creek Bonde Weir Alteration Project" (*Approval*)

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Board members considered approval of this letter of support. Director Mossar moved approval, Director Gordon seconded, and approved the item 4-0.

5. PUBLIC COMMENT–*Public comment on items not on the agenda.*

Duncan Mason said the February 1998 flood of San Francisquito Creek was an unsettling and expensive experience. He said this continuing threat needed to be dealt with in an effective way. Mr. Mason asked for a review where the JPA was with the flood control program.

Chairperson Zlotnick said an update on the activities of the JPA [Item 6.D. on the agenda] should be what Mr. Mason was looking for.

6. REGULAR BUSINESS

A. *Honor outgoing founding Board Members for five years of service to the JPA:*

- Director Duane Bay, City of East Palo Alto
- Director Chuck Kinney, City of Menlo Park
- Director Rose Jacobs Gibson, San Mateo County Flood Control District
- Mayor Jim Burch, City of Palo Alto Alternate

Chairperson Zlotnick said he wanted to acknowledge Mr. Kinney for his service, dedication, and counsel while serving the past five years on the JPA Board. He thanked him for his contribution to the Menlo Park community and to all the communities involved.

Director Mossar said she appreciated Mr. Kinney’s sense of humor, good intentions, and follow-through he displayed as a Board Member from the beginning. She said she would not forget his reciting poetic words at the opening ceremony at the base of El Palo Alto in 1999 when the JPA began.

Mr. Kinney said much was done but not as fast as he would have liked. He said the quote that Director Mossar referred to from Winston Churchill that this was “the end of the beginning” might have been overly optimistic.

Mr. Kinney said time could be a guardian to make sure that things are done correctly but it can also fog and abstract the goal. He said there were projects he was particularly proud of including the Levee Reconstruction project and the Bonde Weir project. He said he would always look back fondly at his days spent as a board member.

Chairperson Zlotnick said he wanted to acknowledge Mr. Bay’s participation and leadership with the Board. He said he wanted to thank him for his enthusiasm and willingness to take a strong role to keep East Palo Alto actively engaged in the process.

Director Gordon said he wanted to thank him for his dedication. He said a hallmark of Mr. Bay’s public service was that he served the region as well as the city.

Director Mossar said she was going to miss him as a colleague. She said, as a Board Member, Director Bay worked very hard bringing the City of East Palo Alto and the City of Palo Alto closer together. She said that this change was essential for the JPA to move

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forward with its tasks. She said he made an enormous difference and that it was a pleasure to work with him.

Director Fergusson said she wanted to thank Mr. Bay for being such a good neighbor to Menlo Park and for the leadership he brought to the JPA.

Mr. Bay said that serving on the JPA as a public official over the last five years was an immensely enjoyable experience. He concurred with Mr. Kinney that he was amazed at how incredibly slow these kind of federal projects are. He said five years was a mere tick in the Army Corps of Engineer's time, and certainly less than that, in the creek's time.

Mr. Bay said he foresaw Mr. Kinney and himself teaming up on those occasions when they felt strongly about an issue. He said many hours were spent in strategic planning meetings in the early years trying to define whether the JPA was a flood control agency or a watershed management agency. He said he considers topic still fertile ground for conversation.

Ms. D'Agosta said she enjoyed working with both Mr. Kinney and Mr. Bay. She said their collaboration as Board Members made the working environment more positive. She presented a gift of a JPA umbrella to both Mr. Kinney and Mr. Bay.

B. *Welcome to new Board Members:*

- Council Member Peter Evans, City of East Palo Alto (temporary assignment)
- Director Lee Duboc, City of Menlo Park
- Council Member Kelly Fergusson, Alternate, City of Menlo Park
- Director Rich Gordon, San Mateo County Flood Control District
- Council Member Yoriko Kishimoto, Alternate, City of Palo Alto

Chairperson Zlotnick welcomed the two new Board Members in attendance: Council Members Kelly Fergusson and Yoriko Kishimoto.

C. *Board Officer and Committee Appointments-Staff Report (Approval)*

Ms. D'Agosta said the action item was for the appointment of short - term Board Officers and Committee Appointments, serving now until the Annual meeting in September (which is when appointments are normally made for the year). She commented that the elections in November caused a vacancy in JPA chairperson, and changes to committees. She said that replacements are needed to serve until the September 05 annual meeting.

Ms. D'Agosta said she'd met with Council Member Evans [EPA] earlier in the day, and that he wanted further clarification on the process of appointing officers and committee members. He asked her to request that the Board postpone taking action on any of these recommendations until his city had the opportunity to review JPA's procedures.

Director Mossar said the chairperson position is an interim situation. She said if Council Member Evans had ideas about ways to make appointments, those would reasonably be considered before the annual appointment of officers.

The Board considered the recommendation to have Director Zlotnick be appointed as JPA Chairperson until the annual meeting in September. Director Mossar added to the recommendation that discussion of the process of appointing officers be made an agenda

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item at a springtime Board meeting. Director Mossar moved approval, Director Gordon seconded, and the Board approved 4-0.

Director Gordon said the recommendation that called for him serving on both the Finance and Personnel committees might be more than he could do. He said he would like to revisit this discussion on these committees once the City of East Palo Alto named a permanent board member and Director Duboc was in attendance. He said the Board might want to include the two new Board members on the standing committees.

Chairperson Zlotnick said he wanted to move forward on filling the Vice Chair/Secretary position and leave the appointment of committee members until the February 24th meeting.

Director Gordon moved nominating Director Mossar to serve as the Vice Chair/Secretary until the annual meeting in September. Director Fergusson seconded, and approved 4-0.

Ms. D'Agosta said she would agendize the committee appointments at the next Board Meeting.

D. *Letter of Intent for Feasibility Phase of Corps G.I. project. Attachment (Approval)*

Ms. D'Agosta said this item required action by the Board to approve of the letter of intent from the JPA to the Army Corps of Engineers (COE.). She said the 905b document was still in internal review with the COE and was not ready for public review but staff members from the management committee had reviewed the document. She said approval of the letter of intent was a formality that demonstrated the JPA's willingness to move forward with the feasibility phase of the GI.

Ms. D'Agosta said that by approving this letter, the JPA was not committing itself to any expenditure. She said this letter would be paired with the final version of the 905b report and then a Project Management Plan (PMP) would be developed by the JPA and the COE leading up to September signing of a Feasibility Cost Share Agreement (FCSA). It is at this point that the local sponsor (JPA) will need to consider a funding match.

Chairperson Zlotnick asked Ms. D'Agosta to give an overview on how the JPA got to this point in the COE project.

Ms. D'Agosta said the CAP 205, (a localized flood control project), was approved by the Board in January 2002. She said the project reach was to be from West Bayshore Road to the bay. She said, two months later, the JPA received Congressional authorization for the General Investigation (G.I.) project, which will be watershed wide.

Ms. D'Agosta said the Board decided to pursue each project through the reconnaissance phase because there no local expenditures or risks associated with that action. She said the COE completed their reconnaissance phase of the CAP 205 in September 2004. Ms. D'Agosta said the report concluded in a "positive finding" of federal interest. She said that report was taken and applied to the 905b Report being generated for the GI. She said this would roll two projects into one comprehensive project saving time and money.

Chairperson Zlotnick asked Ms. D'Agosta how long the Feasibility stage would take.

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Ms. D'Agosta said the Feasibility phase, the next stage of the GI, would take between two to three years. She said the JPA would need to choose an alternative at the end of the Feasibility phase. Ms. D'Agosta said JPA staff would put a chronology of the project on the JPA web page.

Director Gordon said he would reluctantly support this letter of intent.

Chairperson Zlotnick asked Director Gordon to clarify what he meant by "reluctantly."

Director Gordon said he was reluctant because the amount ultimately needed was unspecified. He said while approving this was the equivalent to signing a blank check, he understood this was a necessary procedure in the process.

The Board considered approval of the letter. Director Mossar moved approval, Director Gordon seconded, and approved 4-0.

Mr. Mason said that the report on the COE's project progress gave him the impression that things were ten years away from a fix.

Chairperson Zlotnick said the JPA's progress was moving along quite well since the 1998 flood. He said a typical flood control project takes 40 years to complete but that the JPA would likely complete it in 20 years.

Chairperson Zlotnick said the SCVWD's close dealings and successful experience in working with the COE were some of the reasons he felt confident the project would get done.

E. *Second Quarterly Financial Report (July-December 2004). Attachment (Acceptance)*

Director Fergusson said that 57 percent of the budget was spent with half the year finished. She asked Ms. D'Agosta if the JPA could spend more than they had by the end of the year.

Ms. D'Agosta said there were several pre-payments of expenses that drove that percentage up and the JPA was on target to come in right on budget.

The Board considered acceptance of the financial report. Director Gordon moved approval, Director Fergusson seconded, and approved 4-0.

F. *Future Meeting Schedule and Draft Agendas. Attachment*

Chairperson Zlotnick said he three conflicts for the year ahead. He said he would go over those with Ms. D'Agosta at a later time.

Director Mossar said the item on the February 24th meeting agenda, "Personnel Committee report" is not relevant given the committee appointments had not been done yet. She said the February Board Meeting should be the time to determine which Board members were on the Personnel Committee and the March meeting agenda could possibly be the report from the Committee.

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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.*

Chris Christofferson announced Stanford University's removal of the low water crossing near the Sand Hill Road Bridge. He said a huge slab of concrete had been poured directly in the creek bed many years ago. He said this fish passage obstruction was completely removed by Stanford as part of the golf course remodel project.

Director Mossar said the Palo Alto City Council would have a study session for the city's budget and work priorities on the following Saturday. She said that there are number of things that may be placed on the list as a top five priority item including flood control for San Francisquito Creek.

Chairperson Zlotnick said SCVWD had scheduled the week of March 6th for their annual delegation visit to Washington D.C. and that Director Mossar and he may jointly meet with the COE during the trip.

Ms. D'Agosta said the JPA had commented on the SCVWD document accompanying that delegation. She said the Congressional request for the San Francisquito Creek for FY 2006 would be \$350,000 to continue the Feasibility phase of the GI.

9. **ADJOURNMENT**

Chairperson Zlotnick adjourned the meeting at 6:54 p.m.

Minutes Prepared by: Andrew M. Kloak
Clerk of the Board