

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

Chairperson Bay called the meeting to order at 6:04 p.m. at the City of Menlo Park Council Chambers, 801 Laurel Street, Menlo Park, California.

1. Roll Call

Members Present: Chairperson Bay, City of East Palo Alto
Vice Chair Zlotnick, Santa Clara Valley Water District
Director Mossar, City of Palo Alto

Members Absent: Director Jacobs Gibson, San Mateo County Flood Control District (Not present at roll call. Arrived at 6:09 p.m.)
Director Kinney, City of Menlo Park (Not present at roll call. Arrived at 6:20 p.m.)

Associate Members Present: Pam Sturner, Watershed Council

Associate Members Absent: Chris Christofferson, Stanford University
Michael Fox, Stanford University

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

Others Present: Debra O'Leary (COE/East Palo Alto Liaison); Kent Steffens (City of Menlo Park); Beau Goldie (SCVWD); Joe Teresi, Mike Sartor (City of Palo Alto); Ann Stillman (San Mateo County Flood Control District); Xenia Hammer (Crescent Park Neighborhood Association); Mary Carey Schaefer (Palo Alto Resident); Jeff Shore (Duvneek Saint Francis Neighborhood Association); Art Kraemer (Palo Alto Resident); Dave Weinstein (Palo Alto Daily News)

2. APPROVAL OF AGENDA

The Board considered approval of the agenda. Vice Chair Zlotnick moved approval, Director Mossar seconded, and was approved 3-0.

3. APPROVAL OF THE May 27, 2004 SPECIAL MEETING MINUTES

The Board considered approval the minutes from May 27, 2004. Director Mossar moved approval, Director Zlotnick seconded, and approved 3-0.

4. CONSENT CALENDAR None

5. PUBLIC COMMENT – *This is a limited time for public to comment on items not on the agenda.*

Chairperson Bay said public comment from Art Kraemer would be reserved until item 6.C.

6. REGULAR BUSINESS

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

A. Director's Report

Ms. D'Agosta circulated a copy of SCVWD's federal appropriation request from March 2004 for Board and public review. She stated the SCVWD had been submitting our project with her review since 2000.

Director Mossar said the tone of this document needed to be consistent with the JPA's message. She said this was the first time she had seen the report and asked that each Board Member receive a copy of the current report and the future reports.

Chairperson Bay offered that this was a good indication that we need to develop an agreement to coordinate how the member agencies lobby; to put something in place to ensure that our message is consistent, and to leverage the number of trips made to Washington amongst the agencies now. Staff was directed to bring back in September an analysis of member agency lobbying activities and propose a plan for incorporating the JPA message.

Ms. D'Agosta said the second document presented for Board review was a Streamside Planting Guide published by the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP) and the San Francisquito Watershed Council.

Chairperson Bay said this was a good source of information but those responsible for producing the document should have included the JPA as a resource in the list of regional districts/agencies.

Ms. D'Agosta said the Hwy. 101 Auxiliary Lane Project was in the conceptual design phase by Caltrans and the San Mateo County Transportation Authority (SMCTA) and was important that the JPA have input to ensure flooding problems be brought to the forefront on this project.

Ms. D'Agosta said a letter outlining the JPA's position would be drafted for approval at the July Board meeting. She said this letter and the Corps of Engineers Initial Assessment report would be sent to Caltrans and SMCTA.

Ms. D'Agosta said the lease agreement between the JPA and the City of Menlo Park was in the final stage of review by the Menlo Park City Attorney. She said the agreement would be finalized and ready to implement by August.

Ms. D'Agosta said the ideas presented for the Fifth Anniversary of the JPA were opportunities to mark the anniversary in a small but meaningful way.

Director Mossar said she would like to combine a JPA meeting with the occasion of inviting Congresswoman Eshoo to a tree planting at Woodland and Euclid to mark the fifth year since the forming of the JPA.

Ms. D'Agosta said JPA would have a full agenda at the July Board Meeting including a presentation from the COE. She went through the draft agendas for the upcoming meetings for the rest of the year.

B. Employee Policy Handbook Adoption

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

Ms. D'Agosta said the final version of the employee policy handbook was ready for approval by the Board. She said this handbook further clarified the hours of operation and added CalPERS as an employee benefit [The Board approved CalPERS on January 22, 2004.]

Director Jacobs Gibson asked if the policies covered Ms. D'Agosta and wanted to see this clarified in the document.

Brian Lee addressed Director Jacobs Gibson's comment by asking for clarification on the category "At-Will-Employment" on page six. He said the wording in the first sentence and the second sentence refuted each other.

Director Jacobs Gibson added that the benefits on page seven under "What is covered" included more detail than what was needed. She said this did not leave flexibility should the benefits change in the future.

Vice Chair Zlotnick said one solution would be to remove the column listing the specific details of all the benefits on page seven from the policies.

Chairperson Bay said the primary purpose of this handbook was to communicate the policies to JPA employees. He asked that Vice Chair Zlotnick and Ms. D'Agosta work with suggested changes on page six and seven made by Director Jacobs Gibson.

The Board considered approval of the employee policy handbook. Director Mossar moved approval of the policy handbook with the condition that the two items needing clarification be finalized by Vice Chair Zlotnick and Ms. D'Agosta, Director Jacobs Gibson seconded, and approved 5-0.

C. COE Project Report / Discussion

Ms. D'Agosta presented a report on several fundamental considerations that needed to be outlined before further project presentations or decisions were made. She went through the items in the five-page staff report.

Ms. D'Agosta said the only impending decision the Board needed to make was to decide on the project path between a Watershed Study (WS) and / or a Flood Damage Reduction and Ecosystem Restoration (FDR & ER) project - on the COE long-term project. She said the COE Team would be able to further develop the Recon Phase, once the Board made a choice on which type of project to pursue.

Ms. D'Agosta said public process on the COE projects needed to be brought to the communities. She said the JPA had the most experience with the Palo Alto community but we needed to be out in front of other communities in the watershed.

Vice Chair Zlotnick said this was a good summary and work product. He thanked Ms. D'Agosta for her efforts on this.

Chairperson Bay said he liked Ms. D'Agosta sticking her neck out on the emerging questions for the member agencies on page four of her staff report. He said one way to start tackling these issues would be two Board members meeting with a two-person party from that

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

member agency. He said he was eager to get moving on these meetings. He said he would like to see a proposal on this from Ms. D'Agosta.

Ms. D'Agosta said a Board committee or two on two meetings are the preferred way to work these issues out rather than formulating a proposal on this. She said these are political and sometimes emotional issues that needed to be worked out.

Director Mossar said this list of issues was a good beginning. She said that a full list of all the possible identified issues would likely be three times as large as this one. She said, as a Board Member, she knew of no way to solve any one of these. Director Mossar said one thought was to formulate a list of key players that could systematically resolve each one of these items.

Director Jacobs Gibson said that each agency should work on the issues on this list that pertained to them and become accountable for actions within a certain timeframe.

Director Kinney said he did not see any issues on the list that included the City of Menlo Park. He said once the JPA chose one path between the CAP and the GI that some of these issues would be eliminated.

Ms. D'Agosta said these issues would remain and still need to be confronted regardless of which path the project [GI] continues on.

Chairperson Bay said that since the JPA still needed to pursue both projects [CAP205 and GI] for a while longer, these thorny issues would need to be worked out.

Vice Chair Zlotnick said each member needed to internally to work these questions out, instead of working outside amongst the member agencies. He reiterated that the JPA has strong momentum on the GI project and will likely receive the FY 2005 appropriation from Congress.

Director Mossar suggested that there are likely other larger issues, which should be on the list. One such issue might be that the lease for the Palo Alto Airport is set to expire in ten years [Santa Clara County rents the airport from the City of Palo Alto.] She said issue could offer some intriguing possibilities for the watershed since this was a strategic piece of land in the watershed system. She said this broad-ranging idea and others should be included on the list.

Chairperson Bay said engaging the upper watershed communities had to be added to this list as well. He said this list was a working document that the JPA would be the steward of as the process widened.

Director Mossar said each item on the list had key stakeholders that the JPA could identify and then, if applicable, assign a time frame and ask the stakeholders [and/or member agencies] to report back to the Board within that time on the issue.

Vice Chair Zlotnick said the CAP Management Team should take a pass at prioritizing this list with regards to the COE projects. He said the most critical issues should be handled before September and the long-range, 20-year issues could be handled after September.

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

Director Jacobs Gibson said the process in handling these issues should not come in too many steps. She said fewer steps would expedite coming up with answers to these issues.

Ms. D'Agosta said prioritization of the most urgent issues, additions, and identifying critical areas, would be brought back to the Board at a later date.

Ms. D'Agosta presented in detail, three matrixes that analyzed the critical components of the FDR & ER, the WS, and the CAP 205. [These matrix presentations can be found on-line on the JPA web page under Study Session date.] Listed below are the key points within a questions /answer / discussion period that followed:

- The FDR & ER have uncertainties because there are projects; there are no (or less) uncertainties in the WS were because there would be no projects attached to the WS.
- The ER would look at alternatives, indicating the most achievable projects.
- There was question as to the cost estimate listed under the Feasibility column on the FDR & ER matrix. Director Zlotnick's understanding was that a Feasibility normally would cost between \$5-7 million rather than \$2-3 million listed. He said it was better to err on the side of being conservative and expect the highest costs possible for each phase.
- The WS would allow CAP projects to spin off from this plan, but a downside would be that the local sponsor cost might be high.
- Any projects that fall out of the WS would be done in a piecemeal fashion; the \$10 million dollar ceiling for the CAP205 is limiting factor, and there is no guarantee of approval of CAP205 projects. Therefore, the WS might be ultimately more risky.
- The matrix on the CAP 205 showed that the project could start as early as October 2004.
- Two items were identified to add to the Risks/Challenge category as associated with delaying a decision on the CAP project. The first risk was the loss of funding, and second, was the lost time associated with waiting.
- The matrix on the CAP project shows that 100 percent of the real estate costs need to be funded on the local level. Director Mossar asked what kind, and amount, of real estate would be needed.
- Ms. D'Agosta said much of the needed land appeared to be public holdings so the real estate costs may be small. However, at this point we do not have the exact answer.
- Director Mossar said that real estate costs for the CAP maybe small, but real estate costs as a result of the GI would be very high.

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

- Ms. D'Agosta said that committing to Feasibility Phase on the CAP205 held little risk (expenditure of the estimated funding) and that we were not committing to full construction on the CAP, which has many unknowns and potential risks, by going into Feasibility phase.
- Art Kraemer said he was concerned about the willingness to do these projects since there was more than enough money available. He said anything less than Board action to fund the CAP would cause uproar from the community and taint September's five-year celebration.
- Vice Chair Zlotnick said he was willing to ask the SCVWD Board to pay the \$200,000 to \$400,000 needed for the first year of the Feasibility phase of the CAP Project, with an understanding that this effort would be recognized in the member agency agreements for the GI project funding. He said this would be justified because the data made available in Feasibility Phase would help serve the GI. Also, he said this was an action he needed to do since the community of Palo Alto was a strong supporter of Measure B.
- Additionally, Director Zlotnick said he remained concerned that the JPA would not have the resources to complete the GI. He said he would prefer the San Mateo County Flood Control District held their \$1.5 million for only the GI and not spend it on the CAP. He recognized that the agency would be working on two types of agreements for funding the projects. The first are the specific agreements with the Army Corps of Engineers and, the second type would further detail how the five member agencies would work together.
- Director Mossar said this offer from Vice Chair Zlotnick was a good and generous pledge that could provide some of the solution. She said the FDR & ER was the best choice to make and could think of no reasons the WS would be chosen.
- Vice Chair Zlotnick said the JPA would not be deciding between the FDR & ER and the WS so much as the path between the FDR & ER and the GI.
- Ms. D'Agosta said the Board could not vote on these at this meeting since the item was not agendized. She said the July Board Meeting would give the Board an opportunity to decide on a project path.
- Jeffrey Shore thanked Vice Chair Zlotnick for his decisive action that could result in allowing the CAP project on San Francisquito Creek to move ahead.

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 or announcements by Board and/or Associate members, no action may be taken.*

Pam Sturner said the Watershed Council had published their first steelhead brochure. She said extra copies of this publication are available at the JPA offices.

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 June 2004

Director Jacobs Gibson said this would be her last meeting as a JPA Director and current Alternate; Richard Gordon would be taking her place. She said Mr. Gordon works more with watershed issues and communities than she does. She said she and Rich would be changing places on committees that they serve on and that she would remain the San Mateo County Flood Control District's Alternate on the JPA.

Chairperson Bay said the JPA would certainly miss Director Jacobs Gibson. He said she could point to good achievements on the JPA such as the levee project over the last five years. He said residents of East Palo Alto were reassured by having her on the Board because of her past service as councilperson and mayor of the City of East Palo Alto.

9. ADJOURNMENT

Chairperson Bay called for the adjournment of the meeting. The meeting ended at 8:40 p.m.

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