

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
24 March 2005

Chairperson Mossar called the meeting to order at 6:00 p.m. at the City of Menlo Park Council Chambers, 801 Laurel Street, Menlo Park, California.

1. Roll Call

Members Present: Chairperson Mossar, City of Palo Alto
Director Fergusson, City of Menlo Park-Alternate
Director Abrica, City of East Palo Alto
Director Gordon, San Mateo County Flood Control District

Members Absent: Director Zlotnick, Santa Clara Valley Water District (Absent at roll call. Arrived at 6:20 p.m. and assumed chairperson role at that time.)

Associate Members Present: Pam Sturner, Katie Pilat, 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: Steve Ritchie (South Bay Salt Pond Restoration Project); Duane Bay (East Palo Alto Resident); Jeffrey Shore (Duveneck St. Francis Neighborhood Association); Yvonne LeTellier (Army Corps of Engineers); Debra O'Leary (Army Corps of Engineers-City of East Palo Liaison) Glenn Roberts, Joe Teresi (City of Palo Alto); Jason Christie (SCVWD); Kent Steffens (City of Menlo Park); Ann Stillman (San Mateo County Flood Control District); John Schaefer (Palo Alto Resident); Mary Schaefer (Palo Alto Resident); Art Kraemer (Palo Alto Resident); Xenia Hammer (Palo Alto Resident).

2. APPROVAL OF THE February 24, 2005 SPECIAL MEETING MINUTES

The Board considered approval of the meeting minutes from February 24th. Director Gordon moved approval; Director Abrica seconded, and approved 4-0.

3. APPROVAL OF AGENDA

The Board considered approval of the agenda. Director Fergusson moved approval; Director Abrica seconded, and approved 4-0.

4. CONSENT CALENDAR-None

5. PUBLIC COMMENT- Public comment on items not on the agenda. None

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6. REGULAR BUSINESS

A. FY 05-06 Operational Budget Proposal- Approval

Ms. D'Agosta said the Finance Committee consisting of Director Zlotnick and Director Abrica met with her earlier in the week to review the budget. She said the recommendation was to approve the FY 05-06 Operational Budget as proposed.

Ms. D'Agosta reported that the JPA budget maintains the total contribution amount at \$314,250 or \$62,825 per member agency. She referenced an addendum, requested by the Finance Committee that further explained accounts fields 603, 615, and 625.

Referring to the addendum, Ms. D'Agosta explained that the JPA was revising the current staff position of Administrative Manager to include more expertise in financial operations. She said this position would be reclassified as Finance Administrator and the salary would be increased as reflected in account field #603. However, she said this increase would be offset by agency's policy of not providing benefits during the six-month probationary period for new hires. The transition of positions is anticipated to take place over the next four months.

Ms. D'Agosta said item #615 would provide small amount of funding to support a Public Information Program. Although not presenting a full program description this night, the concept is to learn from projects in Truckee, Santa Rosa, Santa Cruz County, Alameda County and Santa Clara County by bringing in project participants from these other watersheds (staff and public participants) to share the successes and highlights of their projects.

Director Abrica said that the Finance Committee had some additional ideas about this (item #615). He said this was a good opportunity to use some of this money to enhance public education efforts directed to community groups and members of the public within the watershed.

Ms. D'Agosta reported that the city of Menlo Park had agreed to maintain the lease agreement (account field #625), at \$14,140 for the JPA offices for FY05-06. This is the same amount as the year before.

Explanation of the revenue sources included \$40,000 in revenue from a Department of Conversation grant. Ms. D'Agosta reminded the Board that this revenue source would continue for two more budget years. She said last year's revenue source of \$7,500 for grant administration was no longer available since the grant projects that contributed to that amount had ended.

Ms. D'Agosta said the End of Year Reserve (money still available at the end of FY 2004-05) was \$100,519. She said these funds have accumulated from closure of the JPA offices for one month in FY 03-04, unspent legal fees over the years, accumulated retirement benefits for CALPERS accounts going back to 2001, and staff position changes in the 04-05.

Chairperson Mossar said she appreciated that the JPA was able to preserve the same member agency fee amounts as the last three years.

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The Board considered approval of the budget. Director Gordon moved approval; Director Fergusson seconded, and approved 4-0. (See Director Zlotnick's comments made when he arrived - Item #8 in the minutes.)

B. Executive Director Report

- **COE project update. 905b status, next steps.**
- **Letters of support for federal funding.**
- **May is watershed Awareness Month – Schedule watershed tour.**

Ms. D'Agosta said the 905b document should be back with final determination of project status by the next Board Meeting. She said approval of the 905b meant there was federal interest in doing a flood control project in the San Francisquito watershed.

Ms. D'Agosta said a Project Management Plan (PMP) would be developed in the next few months. She said the JPA Management Team and the COE would work together to create the PMP, which will guide the Feasibility Phase of the project. She said the COE-SF Office was seeking internal funding to conduct an orientation session for the Board and the public that would explain the COE planning process. She said this seminar could take place by summer.

Ms. D'Agosta said the JPA worked with the SCVWD on this year's federal funding request in the president's FY 2006 Budget. She thanked those that sent letters in advance of Member Agency delegations to Washington D.C. earlier in the month.

Ms. D'Agosta stressed that letters could be still sent and sample letters (and whom they should be addressed to) were available on the JPA website.

Ms. D'Agosta said Governor Schwarzenegger had signed a proclamation announcing May 2005 as Watershed Awareness Month. She said this seemed like an appropriate month to schedule a watershed tour with the Board and the community. She said the details and date were being worked out.

Chairperson Zlotnick arrived at 6:20 p.m. and assumed the Chairperson role at this point in the meeting.

C. Future Meeting Schedule and Draft Agendas

Ms. D'Agosta said a future meeting schedule and draft agendas item was for information only. She said September 22nd and October 27th are the correct dates for upcoming Board Meetings.

D. Clip File

Chairperson Zlotnick said the clip file covered the period from September of last year to mid-March 2005. He said a *Palo Alto Weekly* article that referenced the San Francisquito Creek was to be published soon as well.

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

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A. Santa Clara Valley Water District maintenance project at Hwy. 101

Mr. Jason Christie said the SCVWD was proposing the installation of “bridge sharks” on the upstream piers of West Bayshore Road. He said these bridge sharks were devices that divert debris away from pier noses during high flow events.

Mr. Christie said the District would like to test two of these devices to see their affect at limiting build-ups of debris at this location. He said the cost to install each unit was \$30,000 and that they would assist the SCVWD crews, which manually remove material from this location.

Mr. Christie said the SCVWD wanted to install these devices by summer. He said the National Marine Fisheries Service wrote that these devices appeared to be safe for fish migration. He said these bridge sharks had recently been used in Oregon and Washington state.

Ms. D’Agosta asked if these had been used anywhere else by SCVWD.

Mr. Christie said SCVWD was using this for the first time.

Ms. D’Agosta asked why the choice was made to have the San Francisquito Creek to be the first location to try them out.

Mr. Christie said higher flows at this particular site could be problematic and these devices could make the situation better there.

B. City of Palo Alto – Golf Course Initiative

Director Mossar said this item was informational only. She said the Palo Alto City Council approved a preliminary review of redesigning the Palo Alto Municipal Golf Course to accommodate additional playing fields for youth/adult sports. (A March 7, 2005 colleagues memorandum distributed to the Palo Alto City Council was included in the Board packet.)

Director Mossar said Council Member Beecham and herself did not support the proposal. (They voted “No” on this matter but the motion passed 5-2 on March 7th.) She said her council colleagues misunderstood the timing implications of this action. She said her feeling was that this idea or study needed to wait until after the COE Feasibility stage was complete.

Director Mossar said City Manager Frank Benest assured her that flood control was first and foremost in their planning process. She said Ms. D’Agosta was to be included on all discussions from the city committees formed to work on this initial review. She said Ms. D’Agosta would report back on this at a later Board meeting.

Chairperson Zlotnick said he appreciated Director Mossar sharing the memorandum with the Board. He said he appeared before the Palo Alto Council the week earlier on several issues and, at that time, indicated to them that whatever they decided needed to be integrated into the JPA’s flood control strategies.

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

Watershed Council:

Pam Sturner said the Watershed Council was working in cooperation with the JPA and USGS on an event to celebrate Watershed Awareness Month. She said the event was set for May 11th at 3:30 p.m. She said this May event would feature the release of the watershed map from the Oakland Museum.

Katie Pilat reported on a Watershed Council grant from the State Watershed Resources Quality Control Board, which commissioned them to do a focused review of jurisdictional ordinances for creek side management. She said the storm water management portion of this project was now complete.

Ms. Pilat said the steelhead habitat protection portion of the grant was just getting underway. She said all of the JPA member agencies were participating in this review. She said kick-off meetings for this phase of the project would begin in April and the draft report would be completed by September.

A single page newsletter on the project was handed out as part of this report.

Stanford:

Chris Christofferson pointed out that the new watershed map published by the Oakland Museum differed significantly from the new COE-issued boundary map under consideration by the Board.

Mr. Christofferson said the new COE map was inaccurate in determining watershed boundaries. He said some of this could be attributed to the difference between topographic and hydraulic maps. He said Stanford University would like to help correct this and they would furnish the COE with a hydraulic boundary map.

Chairperson Zlotnick asked Ms. D'Agosta to work with Stanford and the COE so that the correct information is used.

Chairperson Zlotnick said he understood that the JPA FY 05-06 Budget was approved before he arrived. He said he wanted the minutes to reflect that he supported the budget and would have voted "Yes" during the approval the budget earlier in the evening.

9. STUDY SESSION. Consideration / discussion of proposed changes to the boundary of the G.I. project.

The study session began with a slide presentation [posted on JPA web site under March 2005 Board meeting agenda items] and then followed with a discussion.

The San Francisquito watershed boundary map shown during the presentation has been generally accepted and used since it was created in 1998 by SCVWD and USGS. This map is defined as outlining all waters draining to the creek. This map has been used to indicate the JPA G.I. study (project) boundary as well. (Project Authorization is for the entire watershed.)

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In early March, the COE presented the JPA the option of including flood-prone tidal areas in the project boundary. The COE map used to delineate the new area is a suggested outline, drawn from the CALWATER 2.2 maps.

[Maps were used that illustrate where creek overflow/flooding occurred in 1998, where tidal flooding – based on FEMA maps occurs, and the new project line drawn by the COE].

The South Bay Salt Pond Restoration project is another Congressionally Authorized study that will address pond restoration, and through the Shoreline component, address bayside levee restoration. The Coastal Conservancy and COE are doing this study respectively. Although this study wraps the entire bay, it does not entirely cover all tidal flood areas near the San Francisquito Creek. [map provided].

The JPA Creek G.I. project as defined, does not cover these areas either. These are large areas within Menlo Park, East Palo Alto and Palo Alto. The areas within Palo Alto are already being considered by Santa Clara Valley Water District in the Shoreline study as an addition to that study. Certain areas within Menlo Park and East Palo Alto are not included yet either through the Shoreline Study, by the cities independently, or by the JPA. These would be the main areas of consideration for inclusion in the Creek project.

At this point the Study Session moved to questions/answers/comments (Q/A/C) for the JPA and the COE. Comments and questions were captured and will be addressed at the April 28th Board meeting.

- Q: Why would the Conservancy not take the lead on these areas?
- A: One answer was that the State Coastal Conservancy does not have flood control within its mission. Only the restoration component. The COE does address flood control and will be the lead on levee restoration in areas where pond restoration will take place.
- Q: Why does the COE want to use CALWATER 2.2 map (September 1999) maps?
- C: The JPA was formed to solve alluvial flooding, not tidal flooding. This tidal flooding fix is not the JPA's mandate. This is a serious expansion of the agency's purpose and mission. This is not the Salt Restoration JPA.
- C: The Salt Pond Restoration project is an administrative initiative and directive that came from Washington D.C. and is not a local project.

[7:00 p.m. Rich Gordon left the meeting at this time.]

- C: This new boundary is proposed as an opportunity. The COE is not making the JPA do this. If there was ever a time to expand into tidal flooding, this appeared the occasion to do it.
- Q: Why is the COE suggesting this now?

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- C & A: The Congressional Authorization of the JPA project is broad enough to include the Creek, Santa Clara and San Mateo Counties. It would be extremely costly to try and add this area in at a later date to the COE project. This is the right time.
- C & Q: Three million dollars is the first estimate we've received from COE for total cost of Feasibility Phase. That is an estimate based the current understanding of the project for both the federal and the local share. What would adding tidal flooding do to increase the cost of Feasibility? Can the phase be broken into sections and done at various times?
- C: Ultimately, a reasonable map will be collaboratively put together by JPA and COE, not just the one proposed now by COE.
- Q: How will this affect the cost/benefit ratio? Does the JPA have a compelling cost/benefit ratio now? How do we know this will raise the cost/benefit ratio? Is there a possibility it could lower the cost/benefit ratio?
- Q: Would the inclusion of tidal flooding in the project make it more difficult to attract Woodside and Portola Valley?
- C: JPA staffing needs would need to be looked at and possibly expanded under new scenarios.
- C & Q: The worst floods are when both fluvial and tidal flooding occurs. How frequently does the confluence of these two things happen? What is the relationship between fluvial and tidal flooding? We need all the information to make a better decision.
- Q: How much would this cost to expand the project? Are there any estimates? Who will pay for the San Mateo County portion? How did the gap [in ponds and area not covered by Shoreline study] get there on the San Mateo County side?
- C: The JPA needs to act on flooding regardless whether is tidal or alluvial.
- C: The larger flooding picture needs to be looked at. The goal should be to identify risks as early and as quickly as possible. This would be easier to be done together than separately.
- C & Q: The JPA needs clarity and the agency has not committed to anything yet. If we eliminate tidal flooding from consideration at a later date, does the JPA need to restart a new study to deal with alluvial flooding only?
- C: Delaying a decision on including tidal flooding would slow the [Creek] project. The JPA needs to decide next month to stay on schedule with Feasibility.
- C: A large amount of tidal flooding occurs in Menlo Park. The map from Calwater excludes much of Menlo Park

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- C: The JPA needs to handle flooding including any and all areas that are affected. This is larger than simply looking at things through the eyes of each individual jurisdiction.
- C: There are approximately 750 Palo Alto homes where the concurrence of alluvial and tidal flooding can occur simultaneously. If we remove these homes from creek flooding, the residents still pay flood insurance because of tidal flooding. Ultimately, FEMA will rule on changes to the location and number of homes in the tidal flood plain.
- C: In 1989 the COE conducted a Shoreline study in Santa Clara County and concluded there was no federal interest. The positive c/b ratio is not an automatic given.
- Q: How would this impact the whole shoreline study's cost/benefit ratio?
- Q: Could the JPA link with the shoreline project to achieve the same goal?
- Q: What does Palo Alto get for the \$500,000 the SCVWD offered up earlier in the year to be local sponsor on the city's bayside levees? Where does that money go now?
- A: The \$500,000 should be considered a down payment on what is going to have to happen in Feasibility Phase.
- Q: How could we insure that our section of bay levees, if done within Shoreline project, would be a high priority if the project proceeds in phases?
- C: There should be no expectation that the SCVWD should pay for all of the tidal flood area. Ultimately, San Mateo County's reluctance needs to be worked out. This has been a trend since the beginning of the agency. All members are going to share and figure out how to address these issues together.
- C: A wider project could benefit more San Mateo County residents and therefore free up more financial resources from San Mateo County.

10. ADJOURNMENT

Chairperson Zlotnick adjourned the meeting at 8:04 p.m.

Minutes Prepared by: Andrew Kloak
Clerk of the Board