

San Francisquito Creek Joint Powers Authority
December 15, 2022, Board Meeting Minutes

Director Abrica called the meeting to order at 3:30 p.m. via streaming video and teleconference call. Public input was solicited on each item and all public comments received are noted herein.

1) ROLL CALL

Members Present: Director Ruben Abrica, City of East Palo Alto
 Director Drew Combs, City of Menlo Park (Not present at roll call)
 Director Pat Burt, City of Palo Alto
 Director Gary Kremen, Santa Clara Valley Water District (Valley Water)
 Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency
 District (not present at roll call)

SFCJPA Staff Present: Margaret Bruce, Executive Director
 Miyko Harris-Parker, Staff
 Kevin Murray, Staff
 Tess Byler, Staff

Legal Present: Trisha Ortiz

2) APPROVAL OF AGENDA

ACTION: Motion and second (Burt/Abrica) to approve the agenda, passed 3-0.

Roll call vote:
Director Abrica Aye
Director Burt Aye
Director Kremen Aye

Director Combs and Director Pine not present at time of vote.

3) APPROVAL OF MEETING MINUTES: October 27, 2022, Regular Meeting minutes

Director Pine arrived at 3:31 pm.

ACTION: Motion and second (Kremen/Abrica) to approve October 27, 2022, Regular Meeting minutes, passed 4-0.

Roll call vote:
Director Abrica Aye
Director Burt Aye
Director Kremen Aye
Director Pine Aye

Director Combs not present at time of vote.

4) PUBLIC COMMENT

None.

5) CONSENT AGENDA

Consider adopting Resolution 17-11-22-A to authorize public meetings to continue to be held via teleconferencing pursuant to Government Code Section 54953(e).

ACTION: Motion and second (Pine/Abrica) to approve the Consent Agenda passed 4-0.

Roll call vote:
Director Abrica Aye
Director Burt Aye
Director Kremen Aye

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Director Pine Aye

Director Combs not present at time of vote.

6) INFORMATION ITEMS

Guest Presentation by Woodard & Curran Regarding Reach 3 Upstream Detention

Director Combs arrived at 3:47 pm.

Millicent Cowley-Crawford & Katie Cole of Woodard & Curran provided a presentation of Reach 3 upstream detention.

Director Kremen thanked Ms. Bruce and staff for reengaging the relationship with Stanford. Director Kremen asked for clarification on the two peak flow graphs that were presented. Ms. Crawford explained the graph presented on the left shows the potential basin that could be built while the graph presented on the right shows the Searsville project with no basin highlighted in orange and the Searsville project with the potential basin built highlighted in blue. Director Kremen requested that the images be relabeled for clearer understanding. Director Burt concurred and questioned if the Searsville project is completed what the need for the upstream detention basin is. Mr. Murray explained that proceeding with the upstream detention basin brings the freeboard to get residents out of the flood zone.

Director Burt asked for staff to provide current flood insurance rates and the impact of the additional freeboard impacts to landowners.

Director Pine commented that the cost of the project is higher than expected. Ms. Crawford explained that the excavation and hauling of dirt is leading factor in the higher cost. Director Pine asked what the current dialogue is with between the SFCJPA and Stanford regarding the projects and costs. Ms. Bruce stated that conversations with Stanford are ongoing, friendly, and open.

Director Abrica asked for clarification regarding the plans Stanford may have regarding the proposed upstream basin area; is Stanford looking to donate or lease the land. Mr. Murray explained that land costs are not included in the current estimate that has been presented.

Jerry Hearn, Portola Valley resident, commented that Stanford is reluctant to give up land. Mr. Hearn asked if the weir will be operational, and he expressed his concern regarding structures that will block fish passage. Ms. Crawford explained that the inflow weir will be a passive structure and that there will be an adjustable grade control weir that provides fish passage installed across the channel to set the water elevation for the target diversion flow.

Executive Director's Report

Ms. Bruce provided a quick summary of the Executive Director's report.

7) ACTION ITEMS

Consider adopting a resolution (17-11-22-B) to approve a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the additional evaluation of Reach 2 project elements in Palo Alto and East Palo Alto.

ACTION: Motion and second (Kremen/Abrica) to approve a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the additional evaluation of Reach 2 project elements in Palo Alto and East Palo Alto passed 5-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Burt Aye

Director Kremen Aye

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Director Pine Aye

8) CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Section 54956.9(d)(4) - one case, tender from Santa Clara Valley Water District to the Authority for the defense of Scott R. Yeaman v. Santa Clara Valley Water District, Court Case No. 20CV369378

Adjourned to closed session at 4:30 pm.

Readjoined to regular meeting session at 4:49 pm.

Director Kremen left at 4:49 pm.

Trisha Ortiz, SFCJPA legal representative stated that there were no reportable actions from the closed session.

9) BOARD MEMBER COMMENTS, INFORMATION ITEMS, REQUESTS and ANNOUNCEMENTS (Information only)

Director Abrica shared that the recent city-wide cleanup in East Palo alto yielded one hundred and twenty bags of garbage. Director Abrica wished everyone a happy holiday.

10) ADJOURNMENT

Adjourned at 4:51 pm.

Minutes drafted by Clerk of the Board: Miyko Harris-Parker.