

**MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
23 January 2003**

Chairperson Mossar called the public meeting to order at 6:04 p.m. at the City of Palo Alto Council Conference Chambers, 250 Hamilton Avenue, Palo Alto, California.

1. ROLL CALL

Members Present: Chairperson Mossar, City of Palo Alto
Director Bay, City of East Palo Alto
Director Zlotnick, Santa Clara Valley Water District
Director Kinney, City of Menlo Park

Members Absent: Rose Jacobs Gibson, San Mateo County Flood Control District

Associate Members Present: Phil Chang, Watershed Council

Associate Members Absent: Michael Fox, Stanford University

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

Others Present: Greg Stepanicich (JPA Legal Counsel); Jennie Micko, Pat Showalter (Santa Clara Valley District); Kent Steffens, Dianne Dryer (City of Menlo Park); Glenn Roberts, Mike Sartor, Joe Teresi (City of Palo Alto); Debra O'Leary (COE Liaison to East Palo Alto); Karen White, Jeff Shore (Duveneck Saint Francis Neighborhood Association); John Schaefer (Palo Alto Resident); Mary Carey Schaefer (Crescent Park Neighborhood Assn.); Janet Davis (Creekside Resident); Glenna Violette (Palo Alto Resident); Joe Violette (Palo Alto Resident); Thomas Rindfleisch (Palo Alto Resident); Bill D'Agostino (Palo Alto Weekly); Elliot Bolter (Palo Alto Resident); Bill Quackenbush (Palo Alto Resident); Len Weisberg (Palo Alto Resident); Kelly Fergusson (Menlo Park Resident); Alicia Torregrosa (Menlo Park Resident); Mark Sabin (Sunnyvale Resident); Rick Stevens (Menlo Park Resident); Anthony Bonora (Family Farm Road Resident); Xenia Hammer (Crescent Park Neighborhood Association); Ginger Holt (Palo Alto Resident)

2. PUBLIC COMMENT

Jeff Shore, a resident of Palo Alto, said he was appreciative of efforts by the JPA and member agency staff for their Frequently Asked Questions (FAQ) responses for the DSFNA meeting on 15 January 2003.

3. APPROVAL OF AGENDA

The Board considered approval of the agenda. It was moved by Director Bay, seconded by Director Kinney, and unanimously approved 4-0.

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4. CONSENT CALENDAR

Director Zlotnick said he would like to pull the approval of the contract of the JPA Legal Counsel as an item on the Consent Calendar. Director Zlotnick said it should be considered as a regular item on the agenda. This was done and it became item 4.A.

4.A. APPROVAL OF CONTRACT FOR JPA LEGAL COUNSEL

The Board considered approval of the JPA Legal Counsel. It was moved by Director Zlotnick, seconded by Director Bay, and approved 4-0.

5. APPROVAL OF NOVEMBER 1 AND NOVEMBER 21, 2002 SPECIAL MEETING MINUTES

Director Bay said he wanted to change the November 21, 2002 Board Meeting minutes to reflect that he was an alternate board member that evening.

Ms.D'Agosta stated the wording for Item 7.A. from the November 21st minutes needed to be corrected to read, "[Ms. Showalter] said that the *levee* downstream of Highway 101 needed additional work on the reinforcing baskets and the asphalt bike path on top of the levee for the project to be declared complete."

The Board considered approval of the minutes from November 1 and November 21, 2002, including both changes in the November 21st minutes. It was moved by Director Zlotnick, seconded by Director Bay, and approved 4-0.

6.A. MEMBER REPORTS

Phil Chang, Watershed Council-Year End Report

Phil Chang gave an update on the SF Watershed Council. He said several hundred community members were engaged with the creek in the last year through numerous projects including removing arrundo vegetation from the creek banks.

Mr. Chang said the Watershed Council gathered a great deal of information through the Citizen Streamkeeper program. He said the Watershed Council wants to play a supporting role to local government agencies.

Director Zlotnick said he hopes their activity would continue and that the SCVWD would do everything they could to be supportive.

Chairperson Mossar asked Mr. Chang where the arrundo was being removed.

Mr. Chang said Jim Johnson was the one who has been most actively involved with this. He said arrundo eradication was going on in a limited number of sites but that most of it was in the upper watershed. He said the Watershed Council hopes to play a supportive role with efforts by the JPA.

Ms. D'Agosta stated that the arrundo issue illustrates the importance of developing a strategy to improve access to sites. She stated that working on this with the cities/ member agencies was essential.

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7. REGULAR BUSINESS:

A. Discussion and Public Comment on acceptance of Continuing Authorities Project (CAP) 205

- Actions:** 1) **Approve accepting the CAP 205 project from the San Francisco District of the COE.**
2) **Authorize the Management Team to develop evaluation criteria for project selection/scope for Board approval according to the schedule listed under Next Steps in the report.**

Ms. D'Agosta stated Board acceptance of the CAP 205 item is the primary goal. She stated that a February Board meeting for review of criteria development for the project would be necessary to schedule.

Chairperson Mossar invited members of the public to speak before the Board on this item.

Janet Davis said she was confused about the project list being considered and felt that there was no publicity on how the list was being decided upon.

Chairperson Mossar said it was important to stress that there were no final items on the list. She said that the public process would handle that prioritization and the approach would be multi-jurisdictional.

Rick Stevens said he was an advocate for the JPA accepting the seven million dollars in federal monies. He said local cities cannot do it individually and that federal assistance is needed.

Mr. Stevens said since he moved to his property in 1985, 250 yards of dirt on his property had fallen into the creek. He said the cure should involve more than soft engineering with vegetation but instead should be a more substantial solution. He urged the Board to accept the project and asked them to consider that private funding could be a viable option in coming up with the local match.

Mark Sabin said the CAP 205 would be a good start to the problem of flooding on the creek. He said he was a member of the Government Action Council Committee of the Palo Alto Chamber of Commerce which Ms. D'Agosta had met with and that his organization planned on taking an active role in the CAP 205 process.

Xenia Hammer said the Pope Chaucer Street Bridge needed to be addressed with CAP 205 funding. She said it looked like items three and nine on the project list allude to a solution to the Chaucer Street Bridge problem. She said it was important to develop an immediate response short-term plan to impending flooding emergency and the Board should look at such things as aqua dams.

Director Zlotnick said it was very good to hear Mr. Stevens' offer of the possibility of having private funds coming in for projects. He asked what the timeline was for the CAP 205 Project.

Ms. D'Agosta stated the CAP 205 offer came during the current Federal Fiscal Year 2003, which ends September 30, 2003. She stated that a project needed to be selected and underway before this date and that the JPA could submit for more CAP 205 funding in FY 2004 (October 1, 2003 to September 30, 2004 period.)

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Director Zlotnick said he saw the CAP 205 as a federal pot of money for seven million dollars set aside for SF Creek. He said this CAP 205 came about because the JPA Board actively pursued this funding with Congresswoman Anna Eshoo spearheading the request.

Director Zlotnick asked if the JPA could have one project for four million dollars and use the rest for another three million dollars.

Ms. D'Agosta stated that the CAP 205 funding of seven million dollars was for one project. Director Kinney said high flows on December 16, 2002 were just four inches from the top of bank and East Palo Alto probably would have flooded if the levee reconstruction project had not been undertaken.

Director Kinney said he was very interested in what the first CAP 205 would be. He said the members of the JPA needed to work together on public outreach. He asked if this project could have a negative impact on the COE General Investigation (GI).

Ms. D'Agosta stated that there was nothing in writing and that there was no guarantee on this.

Director Zlotnick said the SCVWD had been discussing scenarios for what the CAP 205 project could be. He said staff feels a CAP 205 project could be performed in a creative fashion so as not to interfere with the goal.

Director Zlotnick said the JPA could wait for Congressional funding for the GI on the long-term or do some significant things in short-term that create a big bang. He said CAP 205 may be a good short term solution and feed into the larger project.

Director Bay said he was very interested in the selection of the CAP project. He said the JPA will have to take a judicious look at all options and said it will be a hard choice. He also said the next two months was a huge opportunity for the JPA and that he wanted to see more projects added to the list so the Board could make the best choice possible.

Director Bay said the list of nine projects in the packet was inter-related. He said the CAP 205 should utilize the entire seven million from the federal government for one project.

Chairperson Mossar said the JPA needed to define a project with four criteria in mind. She said the project should reduce risk of losing the GI, maximize the greatest public benefit, have all the players at the table and finish with construction on the creek.

Chairperson Mossar asked if the CAP 205 would need to have all the players at the table including the upper watershed communities if a project were to be done there.

Ms. D'Agosta stated the towns of Portola Valley and Woodside may be covered under San Mateo County jurisdiction.

Walt Callahan (San Mateo County Flood Control District) said that there were two criteria for San Mateo County involvement in projects in Woodside and Portola Valley. He said first, the Board of Supervisors would need to approve the project and secondly, they would need to approve funding for it.

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Director Bay said ultimately that taxpayers would need to pay for projects, so the JPA would need to create a strong pitch that shows the benefits of the CAP 205. He said he felt the next two months was the timeframe for which the CAP list project should be decided upon.

Chairperson Mossar said she felt accepting the CAP 205 was a good direction for the JPA. She said selecting a project by March 31st and starting the project by October 1st was a narrow time frame but certainly possible. She said the CAP 205 would make it even more possible for the JPA to do even bigger future projects.

Director Zlotnick said the JPA may have a few months after March if needed. He said the JPA will need to be creative in developing this project.

Chairperson Mossar said this project would build momentum, allow a focus on the issues, and give the agency a chance to learn.

Director Kinney said the JPA should accept the CAP 205 and communicate to the Corps of Engineers that the agency will apply for more funding for FY 2004.

Director Zlotnick said the only thing certain is the seven million dollars the COE offered for FY 2003 and getting CAP 205 is not a sure thing for the next fiscal year. He said CAP funding for FY 2004 will be very competitive and in no way should be something that the JPA should expect.

Mr. Stevens, speaking from the audience and then recognized by Chairperson Mossar, said the JPA cannot defer it until April 1st and if they do wait they would never get a project in by September 30th. He said the JPA will have to work together and that the community can rise to the challenge.

The Board considered approval of accepting the CAP 205 from the San Francisco District of the Army Corps of Engineers (COE). It was moved by Director Kinney, seconded by Director Bay and approved 4-0. Director Jacobs Gibson was absent.

The Board considered authorizing the Management Team to develop evaluation criteria for project selection/scope for Board approval according to the schedule listed under Next Steps in report. It was moved by Director Zlotnick, seconded by Director Bay and approved 4-0. Director Jacobs Gibson was absent.

Director Kinney said a letter needed to be sent out to the COE-SF Office. He asked Chairperson Mossar to sign the letter and that this should be quickly set in motion.

7.B. Discussion and Public Comment on Community Participation Process

Ms. D'Agosta gave a presentation on the need to develop a public process for the long-term flood control project. She stated the long-term public process needed objective outside specialists to help design and carry it out.

Director Zlotnick said he is concerned about the energy drain on the JPA since the formulation of the long-term community participation process and the CAP 205 process would be going on during the same time.

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Ms. D'Agosta stated that the long-term process feeds into what we are doing with the CAP 205. She stated the JPA needed to set the CAP 205 participation and development of a larger process in place in the next five months, taking advantage of the momentum underway.

Director Bay asked if this meant that a draft RFP for a public process consultant would be given to the board in July.

Chairperson Mossar said she felt the CAP 205 would yield its own public process and get the JPA up and running on public process.

Director Kinney said he saw the development of the public participation process important and felt it would feed into the CAP 205. He said that traditional outreach had not been effective and this could be exactly what was needed.

Ms. D'Agosta said this would build the structure needed to be able to get the long-term process underway.

Chairperson Mossar asked for members of the public for comment on this item.

Janet Davis said she was unimpressed with the COE after watching the video on the Truckee River Long Term Flood Control Project. She said it was a big mistake having the COE involved in any of this. She said it was important to remember that upper reach of the creek flooded as well.

Jeff Shore said he was impressed with the video and the savvy understanding of the coalition planning by public process consultant Dave Dixon. He said the video actually was for the Truckee process in its post-feasibility stage. He said it was not clear from the tape when the project started and what the costs were. He said it was important to understand how long the Reconnaissance phase takes.

Mr. Shore said the role of the Watershed Council in the community participation process needed to be discussed and felt they could play a role in this. He said there was a need for more proof to determine the absolute necessity for designing the public process for a long-term project.

Kelly Ferguson said she saw several Menlo Park homes flooded in the 1998 flood. She said on the day after that flood, there was major erosion on the banks of the creek. She said East Palo Alto residents on O'Keefe and West Bayshore were devastated.

Ms. Ferguson said there were 14 points along the creek that overflowed. She said she was in favor of the public process for CAP 205 and long-term project. She said people needed a voice and encouraged the Board to vote to fund this process.

Karen White said there was strong public interest in her community to find solutions. She said the board should consider developing the public process through public meetings.

Director Bay said the Watershed Council should play a role in the process. He said the JPA would need to have a different kind of process at different times. He said the Watershed Council had a good track record and the JPA needed to encourage them to broaden their process.

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Director Kinney said Napa Project was successful because of the buy in they got from the community.

Director Zlotnick said he agreed with Mr. Shore's comments in that he was concerned about the need and cost in hiring consultants to develop a community participation process. He said the SCVWD did the same thing on Measure B with the same consultants and they were not cheap. He said the JPA was not ready to do this and should explore working closer with the Watershed Council on public process.

Director Kinney said he felt the JPA had to get things going on this to build continuity.

Chairperson Mossar said the JPA needed to create buy in for itself rather than looking to the Watershed Council to lead the process.

Director Bay agreed the JPA has to have ownership but said it takes a long time to do a project and the Watershed Council can be very effective in a sustained effort.

Director Mossar said the Board should rally around CAP 205 and let the Management Team consisting of the Public Works Directors design the public participation process then see where we are.

Ms. D'Agosta stated the design of the public participation process needed to go beyond the Management Team and needed to happen in an expedited fashion for the process to move forward.

Chairperson Mossar said the JPA should start with the Management Team since this will allow the member agencies to give resources to get things started. She said the JPA Board wanted public process and that it was vital the Management Team to be in on this.

Director Kinney said the JPA need to develop a process in a systematic way that covers the whole continuum of the project. He said it was important to get this planned out and he said the CAP 205 was an important first step.

Chairperson Mossar said the JPA should get the CAP 205 public process worked out and then come back to the Board after that to get the public process discussion started again

The Board considered approval of the having Management Team develop the next steps on the public participation process and having the Executive Director come back to the Board with a recommendation. It was moved by Director Zlotnick, seconded by Director Bay and approved 4-0.

7.C. Schedule February 27th, 2003 Board Meeting for Budget, Management Letter Actions, and Management Team recommendation on criteria for CAP 205 project scoping.

Ms. D'Agosta stated that it was necessary to host a Feb. 27th board meeting that would cover a presentation on the JPA FY 2003-04 budget and criteria for CAP 205.

Chairperson Mossar said there were a lot of discussions and decisions that the Board should be handling in the very immediate future. She proposed that the JPA Board should continue to have meetings once a month.

7.D. Confirm March 20th Board Meeting Date

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Ms. D'Agosta stated that given the urgency of moving forward with a CAP 205 project that a February meeting and a March meeting were needed for Board approval of a specific CAP 205 project.

There was Board discussion about scheduling either March 20th to March 27th for the March meeting. Ms. D'Agosta stated the importance of each Director being in attendance at this meeting and felt their availability could be worked out via email.

7.E. Clip File

Ms. D'Agosta said the clip file was attached of newspaper coverage on the JPA and the SF Creek during the last three months.

8. BOARD MEMBER REPORTS OR ANNOUNCEMENTS

Chairperson Mossar thanked the Duveneck St. Francis Neighborhood Association for the public meeting on January 15th at the Duveneck School. She said their input on San Francisquito Creek flood control was a valuable part of the process.

9. ADJOURNMENT

Chairperson Mossar adjourned the meeting at 8:25 p.m.

Minutes prepared by: Andrew Kloak
San Francisquito Creek Joint Powers Authority