

**MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
SPECIAL MEETING
08 March 2006**

Vice-Chair Duboc called the meeting to order at 2:04 pm at the City of East Palo Alto Council Chambers, 2415 University Ave.

1. ROLL CALL

Members Present: Director Duboc, City Of Menlo Park
Director Mossar, City of Palo Alto
Director Abrica, City of East Palo Alto

Alternates Present: None

Members Absent: Chairperson Zlotnick, Santa Clara Valley Water District
Director Gordon, San Mateo County Flood Control District

Associate Members: none

JPA Staff Present: Cynthia D'Agosta, Executive Director
Kevin Murray, Staff
Miyko Harris-Parker, Staff

Others Present: Alvin James, City of East Palo Alto; Glenn Roberts, City of Palo Alto;
Chief Ronald L. Davis, City of East Palo Alto Police Department;
Lieutenant Rahn Sibley, City of East Palo Alto Police Department;
Debra O'Leary, City of East Palo Alto/COE Liaison; Art Kraemer,
Palo Alto Resident; Mary & John Schaefer, Palo Alto Residents, Viv
Blomenkamp, Palo Alto Residents; Joe Teresi, City of Palo Alto, Chris
Gayle, City of East Palo Alto; Dennis Parker, East Palo Alto Resident;
Arthur Keller, Palo Alto Resident; Katie Pilat, Acterra;

2. APPROVAL OF AGENDA

Agenda approved, 3-0

3. CONSENT CALENDAR None

4. PUBLIC COMMENT None

5. REGULAR BUSINESS

a) East Palo Alto presentation on levee maintenance repairs.

Director Abrica, Mayor of the City of East Palo Alto, started by giving a brief summary of the events up to date on the levee situation in East Palo Alto; Sunday February 26 Director Abrica gave Alvin James, City Manager of East Palo Alto, a call advising he would like to have a meeting Monday with city staff to have a briefing on where things were at. Attendees at the meeting included: representatives from the Menlo Park Fire District, Ravenswood School district, and the Executive Director of the JPA. The Sanitary District was invited but unable to attend. Director Abrica stated that the meeting was a productive interchange that led to discussions of particular areas on the levees that needed immediate attention. During that discussion questions of who actually owns the levees and who is responsible for the maintenance and upkeep of the levees were brought up. Suggestions and comments were made in regards to getting permission from the Army Corps of Engineers for emergency fixes to the levees regardless of who is responsible for them. Director Abrica followed up with those suggestions by contacting a Mr. Rogers in the San Francisco Branch of the Army Corps of Engineers who suggested that a letter be written and dropped off in person and that the City of East Palo Alto get the endorsement of the County's Office of Emergency Services. East Palo Alto Lieutenant Rahn Sibley then followed with discussions with the San Mateo County Office of Emergency Services and it was decided that East Palo Alto would not be going through the Army Corps of Engineers but instead would be going through the County's Office of Emergency Services, the proper and legal way of handling the emergency repairs situation. A representative from the County's Office of Emergency Services came down to spend a number of hours with City of East Palo Alto staff going over the procedures to declare a state of emergency. Director Abrica stated that because eminent danger was evident steps were taken to proceed with the state of emergency

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declaration. By Tuesday East Palo Alto City council had met and all agreed that a state of emergency should be declared and state officials had showed up to inspect the levees.

East Palo Alto City Manager, Alvin James, East Palo Alto U.S. Army Corps of Engineers Liaison, Debra O'Leary and East Palo Alto Public Works Director Anthony Docto gave a brief presentation on the East Palo Alto levees. Debra O'Leary stated that she had been observing erosion on the levees since 2002 with the significant damage having been done in the December 31, 2005 storm event. Ms. O'Leary presented photographs of a six-meter crack just down stream of the current slump of the levee.

Chris Gale, Chief Building Official for the City of East Palo Alto, said that there was another forty-seven yard crack just down stream of the six-meter crack. Mr. Gale also described the soil within the levee as weak. Mr. Gale stated that if a swift current were to come in the soil would just wash out as there is nothing holding that part of the levee together stating that it is just a pile of dirt.

Mr. James concluded the presentation by stating that the goal of the Staff and City Council of East Palo Alto is to make sure that during this declared state of emergency, the ACOE and SFCJPA project is not jeopardized.

Director Mossar wanted clarification on weather or not the 2002 project to restore the levees along the Creek to their original 1958 status was actually done. Jason Christie of the Santa Clara Valley Water District responded by saying that this particular part of the levee was not restored in the 2002 project.

Director Duboc questioned if preventive measures were being taken to keep people out of the levee areas of concern. Debra O'Leary said that yes those precautions were being taken and have been taken since 2002 when erosion first started in those areas.

Cynthia D'Agosta, Executive Director of the San Francisquito Creek Joint Powers Authority, questioned what other areas the City of East Palo Alto was looking to repair along the levees. East Palo Alto Building Official, Chris Gayle, stated that he and State OES, official Jim Barns, identified the areas of concern being the two rifts, one area along the bend, and two of the previous areas that were patched in the 2002 project. Mr. Gayle said the intent is to take immediate care of these issues and try to hold out until the ACOE and SFCJPA project moved on.

Director Mossar questioned if there would be complications or hold ups in the process of these emergency repairs because of the fact that the City of Palo Alto actually owns the land the City of East Palo Alto's levees sit on. Mr. James responded by saying when city staff initially met with the state's OES the first question to be asked was who owns the levee. City staff researched and discovered that the City of Palo Alto was the owner, but in 1959 the City of Palo Alto gave certain portions of the land to San Mateo County. City staff is still researching weather or not the county passed ownership onto the City of East Palo Alto or to another city or county. Based off of what has been found so far it looks as if the county still owns levees but the flood control district has had maintenance responsibility of the levees. Mr. James continued to state that in 2002 through the levee restoration process the City of East Palo Alto was roped into a 25 -year maintenance agreement. Mr. James said that this information was given to the State OES official who said that for the purposes of what the City of East Palo Alto is looking to do there is enough information for eligibility for help from the state. Director Mossar stated that she would like to have more information on the ownership of the levees provided in one of the up-coming SFCJPA board meetings.

Director Abrica said in speaking with a representative from the County's OES Department, declaring a state of emergency does give leeway to move ahead with emergency repairs not requiring inquiry into finding who actually owns the levees. Director Abrica stated that he agreed that the issue of ownership has to be cleared up.

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Glenn Roberts, Director of Public Works for the City of Palo Alto, explained that there is a difference of ownership of two different things. The first being the fee title to the underlying property, the other is ownership of the levee itself. Mr. Roberts stated that it is very clear that the City of Palo Alto owns the underlying property. Mr. Roberts continued to state that when the creek was originally constructed to its current alignment, the City of Palo Alto granted at that time an easement to the County of San Mateo for the levee construction and that the County owns the levees. Director Mossar stated that the community of Palo Alto wants to be as open and as helpful as possible in removing any barriers that may prevent the City of East Palo Alto from doing what needs to be done to protect its citizens.

Mr. James requested copies of the easement and any other pertinent information regarding the ownership of the levees to help the City of East Palo Alto through this process. Mr. Roberts stated that the City of Palo Alto would be happy to provide all the requested information.

Executive Director, Cynthia D'Agosta, questioned if the City of East Palo Alto had spoken with any regulatory agencies in regards to possibly having to actually work within the creek. Mr. James responded by stating the city has not made it that far through the process yet. The first priority was to find ownership; the second was to determine alternative measures to fixing the levees. Director Abrica stated that the city should hopefully be at that point in the process soon and that they would be alerting everyone that needs to be alerted that the City of East Palo Alto has made an emergency declaration.

Author Keller, Palo Alto resident, stated that he believes the levee situation in East Palo Alto is an important matter to deal with and that the USGS just released a report indicating that adjacent to the San Francisquito Creek there is a potential for liquefaction as result of earthquakes which makes the fixes to the levees even more important. Mr. Keller stated that he hopes the SFCJPA engages in studies to figure out what the newly discovered liquefaction risk impact is on the existing levees and if there are improvements in the short-term and the long-term.

Director Duboc questioned if the SFJPA was already doing what Mr. Keller stated. Executive Director responded by saying the SFCJPA is following up on the matter and is working on having a presentation from the USGS scientist who actually did the study.

Jason Christie of the Santa Clara Valley Water District stated that every two or three years the Water District removes sediment from the creek about 500 feet down stream of East Bayshore Road, right in front of the Palo Alto storm drain, and that this summer the Water District would do a sediment clean-up. Mr. Christie said that if the emergency fixes that the City of East Palo Alto are planning to do are to take place this summer, they are welcome to use the access roads the Water District will have available and the Water District will cooperate as much as they can with whatever the City of East Palo Alto may be in need of.

6. BOARD AND ASSOCIATE MEMBER REPORTS – *Agendized reports from Board and/or Associate Members requesting Board action.* - None

7. BOARD AND ASSOCIATE MEMBER MATTERS - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken*- None

8. ADJOURNMENT

Vice-Chair Duboc adjourned the meeting at 2:42 p.m.

Minutes Prepared by: Miyko Ann Harris-Parker
Clerk of the Board