

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
April 26, 2001

Chairperson Mossar called the meeting to order at 6:11 p.m. at the City of Palo Alto Council Chambers, 250 Hamilton Avenue, Palo Alto, California.

1. **ROLL CALL**

Members Present: Duane Bay (City of East Palo Alto)
Dena Mossar (City of Palo Alto)
Greg Zlotnick (Santa Clara Valley Water District)
Chuck Kinney (City of Menlo Park)

Members Absent: Rose Jacobs Gibson (San Mateo County)

Associate Members Present: Michael Fox (Stanford)
Chris Christofferson (Stanford)
Pat Showalter (CRMP)
Jerry Hearn (CRMP)
Jim Johnson (CRMP)
Susan Fizzell (CRMP)

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

Others Present: Gregory Stepanicich (JPA special counsel); Michael Lawson (East Palo Alto legal counsel); John Farnkopf (Hilton Farnkopf & Hobson); Judy Kleinberg (P.A. City Council); Sandi Potter (Regional Water Quality Control Board); Ruben Nino, Diane Dryer, Kris Schenk, (City of Menlo Park); Jennie Micko, Afshin Rouhani, Randy Talley, Gerry Uenaka (Santa Clara Valley Water District); Walt Callahan, Brian Lee (San Mateo County Public Works); Dave Bishop (City of East Palo Alto); Glenn Roberts, Joe Teresi, Kent Steffens (City of Palo Alto Public Works); Herman Karl, Larry Phillips (U.S. Geological Survey); Chris Toeppen (Wind River Development); Jeffrey Shore (D/SFNA); Mary Carey Schaefer (CPNA); John Schaefer (Palo Alto resident); Sarah Divine (Menlo Park resident); Curt Myers (Palo Alto resident); Xenia Hammer (Palo Alto resident); Vivian Blomenkamp (Palo Alto resident); Claire Elliot (Creek resident)

2. **SPECIAL ORDERS OF THE DAY** - None
3. **PUBLIC COMMENT** - None

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Ms. Micko requested the last sentence on page two in the third paragraph under the heading Project#20-1/Levee Restoration Downstream of Highway 101 from the March 28, 2001 Board Meeting minutes be deleted from the record. Deleted was the sentence attributed to Sara Duckler (SCVWD) that read “She added that any increase beyond a FEMA 1 percent flow or 6000 cfs (cubic feet per second) would cause the water in the upstream area to over bank.”

Minutes Unanimously approved 4-0.

5. **APPROVAL OF AGENDA**

Director Zlotnick asked that the Consent Calendar item “Approval of Executive Director Salary Increase” be moved to Regular Business. Chairperson Mossar agreed to move it to the first item under Regular Business as item 8a.

Agenda Unanimously approved 4-0.

7. **PUBLIC HEARINGS** - None

8. **REGULAR BUSINESS**

- a. **Approval of Executive Director Salary Increase.**

Director Zlotnick stated Ms. D’Agosta has done a very good job as Executive Director and added her work has been a pleasant surprise for the Board.

Director Zlotnick motioned to approve the Executive Director salary increase.

Chairperson Mossar seconded the motion.

Unanimously approved 4-0.

- i. **Cost Allocation-Study Results Presentation by John Farnkopf, Hilton Farnkopf & Hobson**

Ms. D’Agosta introduced John Farnkopf of Hilton, Farnkopf & Hobson LLC., who presented the work his firm has done, thus far, on the study of Cost Allocation, which is at the ‘feasibility stage’ for long-term projects.

Mr. Farnkopf stated that within the Board packets was a hand out that was a model for Cost Allocation. He stressed that it was a model and that it didn’t have all the answers. Over a dozen JPA’s were looked at from San Diego up to

Washington State. The model was eventually patterned off San Mateo County's Colma Creek drainage basin.

He explained that the model is set up in two ways with acreage being the correlation between the two. The first is contribution (acreage where rain falls, which is all areas of the basin) and the second is inundation (acreage or zones, where the water collects.)

Director Kinney asked if refinements in the model were made compensating for the fact that there are less impervious surfaces in Woodside and Portola Valley compared to Menlo Park and Palo Alto. Upper watershed areas would contribute less of a deluge of water into the creek than lower ones would. Mr. Farnkopf said it was premature to have those kinds of refinements in the model.

Mr. Farnkopf presented model 1C labeled Tributary Acreage. He showed a hypothetical 50-50 allocation between contribution and inundation. It was based on rainwater contributions from all the tributary acreage along the creek.

Chairperson Mossar said the chart needs to show that San Mateo County cost allocation includes the county's incorporated areas such as Portola Valley and Woodside. She felt the chart was unclear in this matter and asked for it to be adjusted. She also questioned how the JPA could use this inundation formula since the mission of the JPA is flood control and the inundation numbers will change with long-term projects.

Director Bay said you could theoretically reduce inundation to zero with a flood control project and that would blow the model. He asked Mr. Farnkopf to define how he was using the term inundation in this study.

Mr. Farnkopf stated inundation is defined on the first page of the memo and is based on the FEMA map. He said over time, improvements would change what areas would be inundated.

Director Zlotnick questioned why the inundation portion of the study includes the tidal basin of the creek. He said the flood plain is meant to be flooded and it does not make sense to charge the cities for having these flood plains.

Joe Teresi stated the study specifically excludes wetland and tidal flood plain areas along the Bay. He stressed it includes only areas that are developed. Director Zlotnick asked that the study be rewritten to reflect that. In other words, leave out tidal flooding and incorporate only directly related creek flooding into the model.

Director Bay stated that, while basing the models on FEMA maps, is a mostly straightforward process, it is not without its' flaws. He pointed out that in East Palo Alto, there are some areas of inundation on the maps attributable to storm drain failure. As a result, East Palo Alto's FEMA areas of inundation were overstated.

Ms. D'Agosta asked Director Bay to note the areas of inundation on the FEMA map that were overstated so it could be corrected in the cost allocation model.

Director Kinney asked if there was a 50-50 split between inundation and contribution in the Colma Creek Zone program.

Walt Callahan said Colma Creek implemented a 3-2-1 ratio with three differing zones of benefit. The lowest area in the watershed would receive the most benefit so they would pay the most. The upper watershed would receive the least benefit and pay the least.

Director Bay stressed that the Board is looking for elegance and simplicity in the model. He said that the structure of benefit versus contribution seems sound. On the benefit side, it focuses on reduction of risk and damage control. The ideas of aesthetic contribution and recreational value have been left out. On the contribution side, the highest leverage and least expense solution would be to provide an incentive structure by slowing the water from going into the creek. He said some kind of incentive structure would be a more cost effective solution in the long run.

Glenn Roberts said that model currently only deals with flood control (water in, and water out of the creek.) He said preserving and enhancing the habitat value of the creek should to be considered in the model. He suggested incorporating a third category in the model (along with contribution and inundation) that could be based on acres of habitat.

Director Zlotnick agreed with Mr. Roberts about including the idea of preserving the habitat value into cost allocation. He said one way to deal with it might be to charge everyone equally because it is a regional resource and follow something similar to Colma Creek's four cents amount. He also asked what kind of legal issues are related to allocation of cost within a flood zone area.

Greg Stepanicich responded that there is a whole body of law with respect to drainage and the assessment of property owners but this is not the case in this instance. Instead, this is cost sharing allocation between member agencies and it really comes down to a question of fairness and what is a reasonable cost to share between member agencies.

Director Bay said one organizational hurdle in having a watershed wide tax would be how to include the San Mateo County areas (i.e. Portola Valley and Woodside) not currently members of the JPA. He suggested dividing the San Mateo County upper watershed areas on the map among potential members.

Director Kinney wanted to know the timing for the cost allocation decision after it comes back from the CEO's.

Ms. D'Agosta stated that the July Board meeting is when a decision will have to be made.

Director Bay said he would rather see the model include contribution to peak flow where the designed freeboard area is compromised and the creek is full. He also wanted to see the hydraulical model included in the cost allocation model.

Chairperson Mossar said the model assumes on the contribution side that it doesn't matter what you do upstream. She said she doesn't agree with that. She summarized that this item will be moving to the CEO's and the Board will see this at the next meeting.

ii. **FY 2001/02 Budget Proposal**

Ms. D'Agosta presented the JPA budget proposal for FY 2001/02. The new budget total for FY 2001/02 is \$302,642 or a contribution of \$60,528 per member agency. (Full break down of numbers along with corresponding support materials found in meetings' agenda packet.)

Brian Lee stated San Mateo County's concern is that the budget is a 50% increase from the previous year. He said that while it is only a \$10,000 increase in member contribution this year, we have to look down the road to the next year. It could keep increasing before very much is done on the ground.

Chairperson Mossar asked him if San Mateo County's position is that the JPA should be doing less work. She stated that if San Mateo County holds back money, is it their intention that the JPA accomplishes less?

Mr. Lee said the JPA should only try to accomplish those things from the priorities set during the formation of the agency. He stressed that the JPA should focus on that limited list of priorities. He stated they should do those things well and not try to do everything.

Director Kinney said it was one thing to put a mission statement together in the early stages of an organization but it is a whole other proposition once you dig in and get going. A strong foundation has to be set in place to proceed ahead. He said we should support what they are trying to do.

Director Zlotnick said from his position, money is not the biggest problem. He stressed that mission and vision do need to be formed. The role of JPA should be to focus on the long-term efforts like bank stabilization and dealing with regional issues like were done with the Regional Board.

Chairperson Mossar stated it is important that the JPA get off on the right foot. She said that she is in support of the budget and does not believe that constricting dollars would accomplish more. However, she stated she does not want to see the

JPA continue to increase at this level each year. Also, the questions raised about budget and mission will be become keener and keener each year, she added.

Chairperson Mossar called a vote to approve taking the budget as presented back to their respective boards.

Director Kinney motioned to approve the budget.

Director Zlotnick seconded the motion.

Unanimously approved 4-0.

iii.a. **Approve Vice Chair/Secretary of the JPA**

Ms. D'Agosta stated Director Zlotnick was selected in 1999 for the combined role of Vice Chair/Secretary of the JPA. A vote is to be taken on this each year.

Chairperson Mossar called for a vote to reappoint Director Zlotnick to Vice Chair/Secretary of the JPA.

Director Kinney motioned.

Chairperson Mossar seconded.

Unanimously approved 4-0.

iii.b. **New Membership procedures**

Ms. D'Agosta stated she has been speaking to three potential new members and one potential Associate member of the JPA. She asked if staff should generate options for cost share opportunities with new members. Also, do public agencies such as those in the upper watershed have to join as full members and what kind of formal procedure should be adopted for invitation into the JPA?

Director Bay said the administrative committee in the early stages of the JPA created a short letter of invitation. CRMP was invited during that time period.

Pat Showalter said that CRMP was verbally invited into the JPA. She said Stanford and CRMP were both invited in together. They were asked to submit a letter outlining interest and qualifications to be in the JPA. She didn't believe there was a written invitation to join the JPA.

Director Zlotnick said in terms of the jurisdiction, there is some question about cost share and asked what the interest level is from the towns of Woodside and Portola Valley about each being an associate member. He said he would like to see the US Geological Survey as an associate member.

Ms. D'Agosta presented that discussion has arisen as to whether the towns of Woodside and Portola Valley could join as one member and therefore share those costs. Director Zlotnick said he would be willing to go along with that.

Chairperson Mossar said a government agency should join as full members, not as an associate member. While she was willing to talk about it, she didn't think Portola Valley and Woodside fit in the associate member category. She stressed that she would like to see them join as full members and participate on an equal cost share basis.

Director Zlotnick asked Chairperson Mossar if she meant the USGS when she said governmental agencies should be only be full members. Chairperson Mossar said she would make an exception for them. They are a government agency but they would not have to be a full member.

Director Bay said Woodside and Portola Valley should be full members. He said he didn't much like the idea of a two-for-one package. The fact that the creek is a general regional benefit is a point that should be capitalized on while talking about JPA membership. He said East Palo Alto was accommodated last year with some fee adjustments that were worked out and that was appreciated.

iii.c. **Staff Report for Application to Association of California Water Agencies**

Approval of Resolution to authorize the JPA Executive Director to submit application for membership in the Association of California Water Agencies, and to complete the necessary contracts for employer status.

Director Zlotnick motioned for a vote on the resolution.

Chairperson Mossar seconded.

Unanimously approved 4-0.

iii.d. **New Board Meeting Schedule**

JPA Board meetings were proposed to move to an every-other month schedule. The new schedule would begin after the May meeting. (The new schedule was included in the agenda packet.)

iv. **Announcements**

Ms. D'Agosta announced a presentation by Jim Johnson entitled "Natural History of San Francisquito Creek" at 10 a.m. on Monday April 30th in Building three at the US Geological Survey. She also stated that Philippe Cohen, Jim Johnson and herself did an Earth Day interview that appeared six nights on Cable Channel 6 "News Watch" program.

Ms. D'Agosta referenced an article in the Agenda packet Clip File from The Almanac dated April 11th (Portola Valley weighs costs of protecting San Francisquito Creek.) She explained that it talked about the advantages of the Towns of Portola Valley and Woodside would have in becoming members of the JPA.

9. **BOARD MEMBERS REPORTS**

i. CRMP Report

Pat Showalter said the budget for the JPA is a lowball figure because there is a tremendous amount of in-kind staff support being done. She stressed that those contributions are important to consider when looking at the dollar figures.

She presented a handout in the packet that included an annual schedule of cleanups of the creek and a guide to flora and fauna on the creek. Also, she said that during the last few weeks, three of six monitoring stations were installed as recommended in the long term monitoring assessment plan.

Ms. Showalter said CRMP and JPA have formed a workgroup to put together a matrix that highlights the differences between the two groups. She asked for input about that.

Chairperson Mossar said it would be good to have a conversation about the CRMP/JPA relationship. She stated it would be appropriate to have it included as an agenda item at an upcoming meeting.

ii. SCVWD Creek Maintenance Report

Ms. Micko said that a creek maintenance report in the agenda was for information only. The first six projects were done in February and the final five listed were performed in March. She said the work schedule was presented to let the Board know what the Santa Clara Valley Water District is doing on the creek.

BOARD ANNOUNCEMENTS - Director Zlotnick asked for a written update on what is going on with the Searsville Dam Study. It does not need to be necessarily agendized, he said. He also announced that he was going back to Washington D.C. and, while there, he planned meeting Congresswoman Eshoo's staff.

10. ADJOURNMENT-

Meeting adjourned at 8:10 p.m.

MINUTES PREPARED AND SUBMITTED BY:

Andrew Kloak
San Francisquito Creek Joint Powers Authority