

MINUTES
SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY BOARD
SPECIAL MEETING
21 November 2002

Chairperson Bay called the public meeting to order at 6:03 p.m. at the City of East Palo Alto Council Chambers, 2415 University, East Palo Alto, California

1. ROLL CALL

Members Present: Duane Bay, City of East Palo Alto, Alternate
Chuck Kinney, City of Menlo Park
Dena Mossar, City of Palo Alto
Rich Gordon, San Mateo Co. Flood Control District-Alternate

Members Absent: Rose Jacobs Gibson, San Mateo Co. Flood Control District
Greg Zlotnick, Santa Clara Valley Water District

Associate Members Present: Michael Fox, Stanford University
Phil Chang, Watershed Council

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 Water District); Kent Steffens (City of Menlo Park); Walt Callahan (San Mateo County Public Works); Joe Teresi, Glenn Roberts (City of Palo Alto Public Works); Debra O'Leary (City of East Palo Alto/Army Corps of Engineers); Vivian Blomenkamp (Palo Alto resident); Sarah Tamblyn (Wolfe Mason Associates); Jeff Shore (Duveneck/St. Francis Neighborhood Association) Mary Carey Schaefer (Palo Alto resident); Curt Myers (Palo Alto resident); Janet Davis (Creekside resident); William Quackenbush (Palo Alto resident); Marilu Serrano (East Palo Alto resident)

2. PUBLIC COMMENT -None

3. APPROVAL OF AGENDA

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

4. CONSENT CALENDAR -None

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5. APPROVAL OF SEPT. 26, 2002 REGULAR ANNUAL MEETING MINUTES

The Board considered approval of minutes from the September 26, 2002 Board Meeting. It was moved by Director Mossar, seconded by Director Kinney, and unanimously approved 4-0.

6. REGULAR BUSINESS

A.1. Operations-Update on Financial Management Letter Recommendations. This contained Budget Format and Year to Date Budget Reports.

Ms. D'Agosta stated that tremendous progress had been made on the recommendations made by Kevin Harper, CPA. She pointed out the first year-to-date summary of San Francisquito Creek Joint Powers Authority fiscal activities included in the agenda package was complete. She stated that the Board would be seeing two more year-to-date financial summaries in January and March, 2003.

Ms. D'Agosta stated that the first San Francisquito Creek Joint Powers Authority bank reconciliation's for the fiscal year had been completed and staff was working with Mr. Harper to refine a system for tracking and balancing these statements on a monthly basis.

Chairperson Bay said that the Federal Tax Compliance category should not be broken out separately but instead should be absorbed in the Benefits/Overhead Category. He said that he would like to see the next general ledger summary with a program breakout that includes how much money is being spent on such programs as Bank Stabilization.

Ms. D'Agosta stated that the Board would be seeing programs and grant tracking breakouts in the next fiscal report.

Director Mossar said this year-to-date summary of San Francisquito Creek Joint Powers Authority fiscal activities was a good start for what she envisioned to see on a quarterly basis. She said that, over time, it would be important to see this quarterly fiscal activity reporting expanded to include fiscal reporting for agency projects.

A.2 Operations-Agenda and Minutes Styles. Approval of preferred style of Minutes and Agenda.

Ms. D'Agosta stated that the San Francisquito Creek Joint Powers Authority had never formally approved a style of minutes or agreed upon a format for meeting agendas. She stated that the board responses to the appropriate agenda and meeting minute's styles were very helpful.

The Board considered approval of adopting the Concise Agenda Format and a Comprehensive Style of Minutes for the San Francisquito Creek Joint Powers

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Authority Board Meetings. It was moved by Director Mossar, seconded by Director Gordon, and unanimously approved 4-0.

B.1. Request for Special Meeting in December 2002

Ms. D'Agosta stated that there was a need for a board meeting in either December or early January to include a presentation by the Army Corps of Engineers San Francisco Office and discussion of the 205 Continuing Authorities Project. She stated that there were scheduling conflicts for the original December 11th date and that she would be in touch with the Board via email to get a date set for this meeting.

Director Gordon said he felt that it was important to get that date set as quickly as possible so that members of the public can be informed about this meeting.

6.C.1. Request for Member Agency Reports

Ms. D'Agosta stated that this was an agenda item for the January 23rd board meeting. She would like to develop policy and put a mechanism in place for the member agencies to report to the Board.

Director Mossar said reports from member agencies on proposed projects involving San Francisquito Creek were a great idea.

Director Kinney said for the last several years that projects from individual member agencies on the creek sometimes took place without the San Francisquito Creek Joint Powers Authority being informed. He asked Ms. D'Agosta if this situation was improving.

Ms. D'Agosta stated that the situation was improving but each member agency had a different way of communicating with the JPA.

C.2. Long Term Planning Process

Ms. D'Agosta stated this item had been taken off the draft agenda for the meeting in November and she wanted to have it placed on the agenda for the January 23rd meeting. She stated that videotapes on the Napa and Truckee River Flood Control Projects and printed information regarding the funding of the projects was given to the Board in order to contribute to the discussions on planning needs.

Director Mossar asked if any member of the public could get a copy of the information from the JPA.

Ms. D'Agosta stated that the public could get a copy of them from the JPA office. She stated that this was excellent way to engage the conversation and get the process started.

7.A. Levee project Update-All member agencies

Ms. Pat Showalter (SCVWD) reported that the floodwall upstream of Highway 101 was substantially complete. She said that the levee downstream of Highway

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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.

Ms. Showalter said collaboration between the member agencies and the San Francisquito Creek Joint Powers Authority had been excellent on this project. She said the lessons learned and methods developed on the levee project will serve as a strong foundation for future projects.

7.B. Proposed Water Resources Protection Ordinance-SCVWD

Ms. Jennie Micko (SCVWD) reported that SCVWD is developing a Water Resources Protection Ordinance to replace Ordinance 83-2. She said the changes made in the ordinance would increase permitting jurisdiction for the Water District from 50 ft. to 150 ft. from the creek and potentially extend beyond 150 ft. to include permitting jurisdiction over entire parcels adjacent to the creek.

Ms. Micko said this ordinance was still in draft form and had yet to be approved by the SCVWD Board. She said the SCVWD Board had discussed this issue and decided that there should be a six-month period of public comment on this before taking action. She also extended the invitation to members of the San Francisquito Creek Joint Powers Authority Board to be involved in this proposed ordinance.

Director Mossar asked Ms. Micko if specific pieces of these revisions to the ordinance had an impact on San Francisquito Creek.

Ms. Micko said that most of the changes in the ordinance do affect San Francisquito Creek including both sides of the creek since what is done on one side impacts the other side when it comes to conveyance of stormwater and water quality.

Director Mossar said the San Francisquito Creek Joint Powers Authority Board should discuss this ordinance and offer comment to the SCVWD.

Director Gordon said that he did not feel that SCVWD had jurisdiction over the San Mateo County side of the creek.

Director Kinney said he appreciates the ordinance and would like to look at it carefully when it comes back to the San Francisquito Creek Joint Powers Authority Board. He said he was looking at how it applies to Menlo Park.

Ms. Micko said she understood that currently the SCVWD does not have jurisdiction to issue permits in San Mateo County but that alterations on the San Mateo County side do impact the Santa Clara side of the creek.

Chairperson Bay said that when this ordinance comes back to the JPA Board, he foresees a healthy discussion on the details of the proposed ordinance. He said he saw two legal and policy questions the proposed ordinance will need to address,

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namely, why does the SCVWD have authority over the various jurisdictions and to what extent is this ordinance in alignment with the goal of having joint permitting on San Francisquito Creek.

Director Mossar said her board colleagues were responding to this ordinance first with their jurisdictional affiliation in mind and second from their responsibilities to the creek. She said that she would like to turn this around when the ordinance comes back to the Board so that asking what is best for the creek becomes the primary concern and jurisdictional concerns are of secondary importance.

Director Gordon said the County of San Mateo had been working on a similar ordinance. He said that they ran into the same kind of public comment obstacles that the SCVWD likely will run into. He said the San Mateo County ordinance contained necessary goals for long range planning and would likely be brought back to the public in Spring 2003.

Director Gordon said this was an extraordinary situation where the two counties can work together and fashion a collaborative effort for permitting solutions on the creek.

7.C. Degraded Urban Rivers Pilot Program Proposal-COE liaison to East Palo Alto

Ms. Debra O'Leary (COE) reported that the San Francisco District of the Army Corps of Engineers and Region 9 of the U.S. Environmental Protection Agency had nominated the San Francisquito Creek sedimentation control efforts for inclusion in the Degraded Urban Rivers Pilot program.

Chairperson Bay asked Ms. O'Leary what would be done in stream as a result of this program.

Ms. O'Leary said it would raise the level of interest at the federal level so that more attention will be paid to the creek at the COE headquarters and at the U.S. Environmental Protection Agency.

8. BOARD MEMBER REPORTS OR ANNOUNCEMENTS-None

9. ADJOURNMENT

Director Mossar motioned to close the meeting.

Director Gordon seconded.

Meeting Adjourned at 7:00 p.m.

MINUTES PREPARED AND SUBMITTED BY:

Andrew Kloak

San Francisquito Creek Joint Powers Authority

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