



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

**Notice of Regular Meeting of the Board of Directors**

**Thursday, October 27, 2022**

**3:30 P.M.**

**Due to the risk of COVID-19 transmission, this meeting will be held remotely via video/teleconference pursuant to Government Code Section 54953(e) (Assembly Bill 361). Members of the public may observe or participate in this meeting by joining the meeting online through the Zoom link provided below or by joining the meeting with a telephone by dialing the Zoom teleconference number provided below.**

**You may provide public comment during the meeting: (1) by using the chat function and typing your question or comment, (2) if you are joining online, by selecting the raise your hand function and speaking when called upon, or (3) if you are joining by phone, by pressing\*9 to raise your hand and \*6 to mute/unmute yourself and to speak. If you experience technical problems with the Zoom meeting, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda.**

**If you require an accommodation pursuant to the Americans with Disability Act, please contact the Clerk of the Board at the phone number or email listed at the bottom of this Agenda by 10:00 am on the day of the meeting.**

**You are invited to a Zoom meeting.**

**When: October 27, 2022, 03:30 PM Pacific Time (US and Canada)**

**Register in advance for this meeting:**

**[https://us02web.zoom.us/meeting/register/tZlucOiqgjspGdHJU\\_st6eslrC-BWNPSqlqN](https://us02web.zoom.us/meeting/register/tZlucOiqgjspGdHJU_st6eslrC-BWNPSqlqN)**

**After registering, you will receive a confirmation email containing information about joining the meeting.**

**Agenda**

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF AGENDA: Changes or additions to the agenda.
3. APPROVAL OF MEETING MINUTES: June 23, 2022, Regular Meeting, August 11, 2022 Special Meeting, and September 22, 2022 Regular Meeting minutes
4. PUBLIC COMMENT: *Individuals may speak on a non-agendized topic for up to three minutes.*

**REGULAR BUSINESS**

**\*Members of the Public may speak on any agenda item for up to three minutes\***

**750 Menlo Ave. Suite 250. Menlo Park, CA 94025**

**SFCJPA.ORG**



5. CONSENT AGENDA

- A. Consider adopting a resolution (22-10-27-A) reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

6. ACTION ITEMS

- A. Discussion regarding the SFCJPA's Vision and Mission Statements and possible direction to staff.
- B. Discussion regarding scope of agency purposes in the Draft Second Amended Restated SFCJPA Members' Agreement and possible direction to staff.
- C. Discussion and possible action to direct staff to negotiate a contract with EMC Planning Group, Inc. to conduct a Supplementary Environmental Impact Report (S-EIR) related to the construction of the Reach 2 Palo Alto and East Palo Alto 'top-of-bank' features.

7. INFORMATION ITEMS

- A. Executive Director's Report

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

9. ADJOURNMENT

PLEASE NOTE: Board meeting Agenda and supporting documents related to items on the agenda can be viewed online by 3:30 p.m. by Monday October 24, 2022, at [sfcjpa.org](http://sfcjpa.org) -- click on the "Meetings" tab near the top.

**RESOLUTION NO. 22-10-27-A**

**A RESOLUTION OF THE SAN FRANCISQUITO CREEK JOINT POWERS  
AUTHORITY RECONSIDERING THE CIRCUMSTANCES OF THE COVID-19 STATE  
OF EMERGENCY AND MAKING FINDINGS IN CONNECTION THEREWITH TO  
AUTHORIZE MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO  
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, the Board of Directors (the “Board”) of the San Francisquito Creek Joint Powers Authority (the “Authority”) is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a [State of Emergency](#) in response to the COVID-19 pandemic (the “Emergency”).

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time.

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the Authority intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

WHEREAS, to continue meeting remotely pursuant to Government Code Section 54953(e), an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet

safely in person, or state or local officials continue to impose or recommend measures to promote social distancing.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY DOES RESOLVE AS FOLLOWS:**

1. The Recitals provided above are true and correct and are hereby incorporated by reference.
2. The Board has reconsidered the circumstances of the COVID-19 state of emergency and hereby finds that the state of emergency continues to directly impact the ability of the members to meet safely in person. As required by Government Code Section 54953(e)(3), the findings made pursuant to this Section 2 shall apply as of September 11, 2022 and shall cover the period of time until the next regular meeting of the Board.
3. The legislative bodies of the Authority may conduct their meetings pursuant to Government Code section 54953(e).
4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. Such actions include returning to the Board within 30 days and every 30 days thereafter to make the findings required by Section 54953(e)(3).
5. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the San Francisquito Creek Joint Powers Authority this 27<sup>th</sup> day of October, 2022, by the following vote:

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**June 23, 2022, Board Meeting Minutes**  
**DRAFT**

Director Abrica called the meeting to order at 3:31 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  
Director Gary Kremen, Santa Clara Valley Water District (Valley Water)  
Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency District

Members Absent: Director Pat Burt, City of Palo Alto

Alternates Present: Director Alison Cormack, City of Palo Alto

JPA 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 (Cormack/Kremen) to approve the agenda passed 5-0.

Roll call vote:  
Director Abrica Aye  
Director Combs Aye  
Director Cormack Aye  
Director Kremen Aye  
Director Pine Aye

Director Burt not present.

**3) APPROVAL OF THE April 28, 2022, and May 26, 2022, REGULAR BOARD MEETING MINUTES**

ACTION: Motion and second (Pine/Kremen) to approve the agenda passed 5-0 with noted change to the May 26, 2022, meeting minutes.

Roll call vote:  
Director Abrica Aye  
Director Combs Aye  
Director Cormack Aye  
Director Kremen Aye  
Director Pine Aye

Director Burt not present.

Jerry Hearn, Portola Valley resident corrected his comments at the May 26, 2022, meeting and requested that minutes reflect his comment to say Climate Resilient Communities not Acterra.

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
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**June 23, 2022, Board Meeting Minutes**  
**DRAFT**

**4) PUBLIC COMMENT**

Mr. Hearn spoke about Jean McCown's retirement and retirement party. Mr. Hearn acknowledged Ms. McCown's work and dedication to and for the SFCJPA.

**5) CONSENT AGENDA**

Consider adopting a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

ACTION: Motion and second (Pine/Abrica) to approve the consent agenda passed 4-1.

Roll call vote:

Director Abrica Aye  
Director Combs Aye  
Director Cormack NO  
Director Kremen Aye  
Director Pine Aye

Director Burt not present.

**6) ACTION ITEMS**

Discussion and potential action on Draft Budget for FY 22/23

ACTION: Motion and second (Kremen/Combs) to approve the FY22/23 budget, passed 5-0.

Roll call vote:

Director Abrica Aye  
Director Combs Aye  
Director Cormack Aye  
Director Kremen Aye  
Director Pine Aye

Director Burt not present.

Review and consider resolution adopting the FY 22/23 Salary Schedule

ACTION: Motion and second (Cormack/Abrica) to approve adoption of the FY22/23 salary schedule, passed 5-0.

Roll call vote:

Director Abrica Aye  
Director Combs Aye  
Director Cormack Aye  
Director Kremen Aye  
Director Pine Aye

Director Burt not present.

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
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**DRAFT**

**7) INFORMATION ITEMS**

Special report on the SAFER Bay project with updates from agency partners

Len Materman of One Shoreline, Julie Weiss and Samantha Engelage of Valley Water, Michel Jeremias and Robert Yamahe of the City of Palo Alto, Tanisha Werner of the City of Menlo Park and Glen March of the City of East Palo Alto provided updates on shoreline projects within each of their jurisdictions.

Executive Director's Report

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

**8) CLOSED SESSION**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS Property: 845 Oak Grove Avenue, Menlo Park, CA Agency negotiator: Margaret Bruce Negotiating parties: Nick Lycette on behalf of Richard Calcaterra & Melissa F. Freeman Under negotiation: Price and terms of payment

Adjourned to closed session at 4:53 pm.

Re-adjourned to open session at 5:13 pm.

Trisha Ortiz, SFCJPA legal representative stated that there was no reportable action or direction to report out.

Director Kremen left at 5:14 pm.

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

Ms. Bruce reminded the Board that there will be no meetings in July or August and that she will provide Board members with memos highlighting status updates on projects, grants, and operational activities.

Director Abrica congratulated Ms. Bruce on her second-year anniversary with the SFCJPA.

**10) ADJOURNMENT**

Adjourned at 5:18 pm.

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

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**August 11, 2022, Special Board Meeting Minutes**  
**DRAFT**

Director Abrica called the meeting to order at 12:00 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 Abrica, City of East Palo Alto  
Director Drew Combs, City of Menlo Park  
Director Pat Burt, City of Palo Alto  
Director Dave Pine, San Mateo County Flood and Sea Level Rise Resiliency District

Members Absent: Director Gary Kremen, Santa Clara Valley Water District (Valley Water) (Not present at roll call)

JPA Staff Present: Margaret Bruce, Executive Director  
Miyko Harris-Parker, Staff  
Tess Byler, Staff

Legal Present: Trisha Ortiz

**2) APPROVAL OF AGENDA**

ACTION: Motion and second (Burt/Abrica) to approve the agenda passed 4-0.

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

Director Kremen not present.

**3) ACTION ITEMS**

Consider adopting a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

ACTION: Motion and second (Pine/Burt) to adopt a resolution reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e)., passed 4-0.

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

Director Kremen not present.



**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**August 11, 2022, Special Board Meeting Minutes**  
**DRAFT**

Consider approval of Sublease Agreement for 750 Menlo Avenue, Menlo Park, for the Authority's administrative offices.

ACTION: Motion and second (Burt/Combs) to approve sublease agreement for 750 Menlo Avenue, Menlo Park, for the Authority's administrative offices. passed 4-0.

Roll call vote:

Director Abrica Aye

Director Combs Aye

Director Burt Aye

Director Pine Aye

Director Kremen not present.

Director Pine questioned what would happen at the end of the two-year lease. Ms. Bruce stated that the owners of the building are planning to do major renovations and that the SFCJPA would have to look for other accommodations and that a discussion would have to be agendized to discuss the future office needs of the agency which should include discussing the possibility of one of the member agencies housing the SFCJPA office at their locations. Director Burt expressed his support for exploring the SFCJPA offices being set up within one of the member agencies locations.

**4) ADJOURNMENT**

Adjourned at 12:12 pm.

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

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**September 22, 2022, Board Meeting Minutes**  
**DRAFT**

Director Combs called the meeting to order at 3:32 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 Drew Combs, City of Menlo Park  
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

Members Absent: Director Ruben Abrica, City of East Palo Alto

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 (Kremen/Burt) to approve the agenda, passed 4-0.

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

Director Abrica not present.

**3) PUBLIC COMMENT**

None.

**4) CONSENT AGENDA**

Consider adopting a resolution (22-09-22-A) reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).

Review and consider resolution (22-09-22-B) adopting the FY 22/23 Salary Schedule

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

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

Director Abrica not present.

**San Francisquito Creek Joint Powers Authority**  
**October 27, 2022, Regular Meeting of the Board**  
**Agenda Item 3**  
**September 22, 2022, Board Meeting Minutes**  
**DRAFT**

**5) INFORMATION ITEMS**

Executive Director's Report

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

Jerry Hearn shared that he attended the creek cleanup last Saturday. Mr. Hearn commended staff from the City of Menlo Park for recycling the metal that was picked up. Mr. Hearn stated that the amount of garbage and debris that was picked up was about the same as last year.

Naomi Goodman asked if the SFCJPA would be consulting and using the recommended options of California Fish and Game regarding what to use in the channel widening areas. Ms. Bruce explained that the material California Fish and Game would require taking up a significant amount of private property and is not feasible.

Dennis Parker complemented the presentation Ms. Bruce made at the East Palo Alto Public Works Transportation Commission on September 21, 2022. Mr. Parker appreciated Ms. Bruce's empathy towards the comments regarding noise pollution and debris.

Jim Wiley asked if the soil nail walls between Newell and Pope Chaucer be abandoned. Ms. Bruce explained that it depends on the results of Valley Water's analysis.

Director Combs asked for staff to reiterate the channel widening areas. Mr. Murray stated that the channel widening areas include the areas of Pope and Newell, downstream of Newell, and two sites at University Avenue.

Jim Wiley asked if staff could create a map showing the top-of-bank locations.

SFCJPA 2022 Comprehensive Plan Update – Planned Release for Public comment on Monday, September 26, 2022.

Ms. Bruce announced the release of the Comprehensive Plan update. Ms. Bruce stated that comments are due October 28, 2022 and will be agendaized for the Board adoption in November.

**6) CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Peter Joshua v. San Francisquito Creek Joint Powers Authority, et al. San Mateo County Court of Appeal Case No. A163294, San Mateo County Superior Court No. 19CIV06305

Adjourn to closed session at 4:08 pm.

Re-adjourn to open session at 4:15 pm.

Director Kremen left at 4:15 pm.

Trisha Ortiz, SFCJPA legal representative stated that there was no reportable discussion or action.

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

None.

**8) ADJOURNMENT**

Adjourned at 4:16 pm.

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

**Agenda Item 6.A.**

**The Vision and Mission Statements of the San Francisquito Creek Joint Powers Authority**

Background:

These Vision and Mission statements date back to 2014 and have not been updated since then. Chair Abrica has asked the Board to review and discuss the Vision and Mission statements of the SFCJPA. This discussion is closely related to the subsequent agenda item.

These are the existing Vision and Mission Statements of the SFCJPA -

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**San Francisquito Creek Joint Powers Authority**  
**VISION FOR SAN FRANCISQUITO CREEK**  
*Vision-foresight and image for the watershed*

The San Francisquito Creek, its tributaries and contributing land areas, are cooperatively managed to support and maintain a sensitive and healthy natural resource system that  
conveys flood waters,  
sustains healthy natural habitats,  
and offers opportunity  
for human respite and recreation.

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**San Francisquito Creek Joint Powers Authority**  
**PURPOSE STATEMENT**  
*Purpose-aim, goal, or assignment of the JPA*

The JPA's Mission is to  
plan, manage and coordinate flood management measures and  
contributions of common services of member agencies  
by establishing policy direction and central communications  
for all Creek activities.

The JPA's objectives are to  
provide relief from flooding,  
preserve and enhance the environment, and  
create public amenities for enjoyment  
while promoting community awareness and participation  
in these processes.

## Discussion

After the SFCJPA's founding after the flood of 1998, the organization rapidly transitioned from one operated through the direct staff contributions of its members, to one staffed by SFCJPA employees. The formation of the SFCJPA was significantly influenced by the Watershed Council and others, who viewed watershed stewardship as integral to the long-term success of the SFCJPA's mission. Through the long course of the Army Corps of Engineer's General Investigation, the SFCJPA decided to fund the the Reach 1 Project without the Corps. The SFCJPA's first major component of its overall flood risk reduction strategy was completed with funding from Valley Water, additional member contributions and grants from the California Department of Water Resources. Out of necessity, the SFCJPA focused attention and resources on capital projects, with little bandwidth remaining for watershed stewardship.

When the SFCJPA's was founded, the concept of climate change was just beginning to enter public awareness. The consequences of climate change, specifically the implications of sea level rise and the potential impacts to the SFCJPA member agencies, have become clearer and more pressing over time. The Reach 1 and Reach 2 projects incorporated rising seas into the project design. With Board approval, the SFCJPA has taken on a range of related shoreline collaborative and grant-funded work, including feasibility studies of sea level rise adaptation and flood risk mitigation for our Palo Alto, East Palo Alto and Menlo Park shoreline communities, and securing multiple grants to support preliminary planning, design and CEQA work. Additionally, as our shoreline, creek and upper watershed projects come to fruition, the need for long-term operations, maintenance and monitoring of restoration components will need to be addressed.

The Board has an opportunity to consider these two themes: the once prominent theme of longer-term watershed stewardship, and the emerging urgent theme of sea level rise, as they consider any potential updates or changes to the Vision and Mission statements of the SFCJPA.

The following suggested updates to Vision and Mission statements align with current nomenclature, practice, and suggested updates to the Members' Agreement.

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**San Francisquito Creek Joint Powers Authority**  
**VISION FOR SAN FRANCISQUITO CREEK**  
*Vision-foresight and image for the watershed*

The San Francisquito Creek, its tributaries and contributing land areas, flood plain, and shoreline are cooperatively managed to support and maintain a ~~sensitive and~~ healthy natural resource system that reduces the risk of flooding-conveys flood-waters,

sustains healthy natural habitats,  
and offers opportunity  
for human respite and recreation.

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**San Francisquito Creek Joint Powers Authority**  
**PURPOSE STATEMENT**

*Purpose-aim, goal, or assignment of the JPA*

The JPA's Mission is to  
plan, manage, and coordinate flood ~~risk reduction mitigation management~~ measures  
through the ~~and~~  
contributions ~~of common services~~ of its member agencies  
and by establishing policy direction and central communications  
for Watershed, Creek, and Shoreline activities.

The JPA's objectives are to  
~~reduce provide relief from the risk of~~ flooding,  
preserve and enhance the environment, and  
create public amenities for enjoyment  
while promoting community awareness and participation  
in these processes.

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**Recommendation**

Discuss and provide direction to staff.

## **Agenda Item 6.B. – SFCJPA Draft Second Amended Restated Members Agreement – One Issue for Clarification**

### **Background**

In 2020, the SFCJPA Members' Agreement was updated for the first time in the roughly 20-year history of the agency. Changes made at that time were required due the change in San Mateo County representation from the San Mateo County Flood Control District to the San Mateo County Flood and Sea Level Rise Resiliency District, otherwise known as OneShoreline. Substantive updates were deferred.

Over the past eighteen months or so, the text of the members agreement has been reviewed and discussed, multiple times, between member agency staff and legal counsels representing the SFCJPA member agencies, who each provided thoughtful and substantive suggestions to resolve outstanding questions.

### **Discussion**

The San Francisquito Creek floodplain encompasses the shoreline areas of our member cities. The floodplain as defined by FEMA encompasses both the creek and tidal floodplains. It was this recognition of the dual floodplains in 2011 that the project known as Strategy to Advance Flood Protection, Ecosystems Restoration and Recreation along San Francisco Bay (SAFER Bay) Project was envisioned.

Over the past decade, the SFCJPA board has approved multiple actions related to the SAFER Bay Project, including funding and creating feasibility studies for all three member cities, approving the acceptance of grants, approving a Master Service Agreement and subsequent Task Orders for a consultant team to work on the project, and adopting the Bay Adapt Principles for the SAFER Bay Project.

Some members have expressed concerns about the SFCJPA's role in the SAFER Bay project. It is staff's understanding that this may be a concern regarding fairness or allocation of resources, rather than specifically about the powers or purposes of the SFCJPA. **To clarify the issue and confirm the SCJPA's purposes, we ask the following question:**

**Shall the purposes of the SFCJPA include tidal flood risk reduction projects, and shall the SFCJPA continue its leadership role in the SAFER Bay project until OneShoreline is willing and able to assume that role?**

## Process followed for review of the Members Agreement

Reviewed 1<sup>st</sup> Restated agreement, identified outstanding questions. Created a table of items, by section, for easier review.



Consulted with each member agency's staff and legal counsels in series regarding every previously identified outstanding question, get their input on those priority items, solicit and discuss any additional recommended changes for clarity, brevity, or consistency.



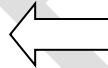
Integrated suggestions into a clean draft. Created a table of items, by section, describe consensus changes for easier review.



Consulted with each member agency's staff and legal counsels in series regarding the outcome of the first round of changes. Confer and confirm, questions or concerns have been addressed, and if not, incorporate additional changes.



**Issue for Board Consideration:**



**(We are here)**

**Confirm SFCJPA Purposes regarding shoreline**

*Next steps –*

Integrate all staff, legal counsel, and Board recommendation(s) and create a clean draft.



Consult with member agency's staff and legal counsels again (possibly multiple times) to verify that all questions and concerns regarding agreement language have been addressed. Create a clean Final Draft for Board consideration.



Bring Final Draft to the SFCJPA Board (ideally December)

## Recommendation

Discuss and provide direction to staff.



## **Agenda Item 6.C. Consultant Agreement for preparation of a Supplemental Environmental Impact Report**

### **Background:**

The Reach 2 project as defined in the 2019 EIR relies on existing top of bank structures to prevent flows from overtopping the banks when the channel capacity is increased from current capacity (5800 cubic feet per second) to the design capacity (approximately 7500 cubic feet per second). During field investigations, Valley Water staff identified several areas where the existing top of bank structures, most built in the 1960's, did not meet present engineering standards and would need to be repaired or replaced to ensure adequate protection. Valley Water, who has secured a professional engineering firm to develop the channel widening design, has added tasks and budget to the design contract to analyze and design the replacement structures.

### **Discussion:**

Adding the modification or replacement of existing top of bank structures will not require that the certified EIR be recirculated. Instead, CEQA specialists from the SFCJPA member agencies and legal counsel have advised that a Supplemental EIR is the most appropriate vehicle for covering the construction of the replacement structures under CEQA. A Request for Proposals (RFP) was issued on August 12, 2022, for a consultant contract to prepare the Supplemental EIR. On September 23, one responsive proposal was submitted, by EMC Planning Group. A review panel comprised of members representing the SFCJPA, Valley Water, East Palo Alto and Palo Alto reviewed the proposal and interviewed the consultant team. The panel concluded that EMC Planning Group has the experience and expertise needed to prepare the Supplemental EIR and recommended that the consultant contract be offered. Cost for this work is within our preliminary cost estimate range that was included in the FY22/23 operating budget.

### **Recommended Action:**

Authorize the Executive Director to negotiate a Consultant Agreement with EMC Planning Group to prepare a Supplemental Environmental Impact Report for the repair or replacement of existing top of bank structures along the creek downstream of Newell Road. The Executive Director will return to the Board with the final contract for approval.



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

RESOLUTION NUMBER 22-10-27-B

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN FRANCISQUITO CREEK JOINT POWERS AUTHORITY  
AUTHORIZING THE EXECUTIVE DIRECTOR TO  
NEGOTIATE AND ENTER INTO A CONSULTANT  
AGREEMENT WITH EMC PLANNING GROUP, INC.**

**BE IT RESOLVED** by the Board of Directors of the San Francisquito Creek Joint Powers Authority that the Board of Directors hereby authorizes the Executive Director to negotiate a consultant agreement with EMC Planning Group Inc., Monterey, CA for the preparation of a Supplemental Environmental Impact Report (SEIR) for the repair or replacement of existing top of bank structures along San Francisquito Creek.

Whereas, the SFCJPA Board of Directors certified an Environmental Impact Report for channel widening and bridge replacement along San Francisquito Creek on September 26, 2019; and

Whereas, SFCJPA and member agency staff concluded that modifications to the existing top of bank structures between Newell Road and West Bayshore Road are needed to support the project design; and

Whereas, inclusion of the needed top of bank modifications requires legal certification under the California Environmental Quality Act; and

Whereas, A Supplemental Environmental Impact Report has been identified as the appropriate vehicle to satisfy this requirement; and

Whereas, the SFCJPA has conducted a public search for a professional consultant consistent with State and Federal guidelines for procurement of professional services; and

Whereas, a qualified review panel has recommended negotiating and entering into a contract with EMC Planning Group Inc. to prepare the Supplemental Environmental Impact Report; and

Whereas, the recommended Not-to-Exceed cost of the contract is within the current fiscal year's operating budget.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Vice Chairperson

Date: 10/27/2022

\_\_\_\_\_  
Chairperson

Date: 10/27/2022



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

APPROVED AS TO FORM:

\_\_\_\_\_  
Legal Counsel

Date: 10/27/2022

## Agenda Item 7A

### Executive Director's Report, October 27, 2022

#### Project Updates

#### Reach 2 Project -

#### Replacement of Existing Top-of-Bank Features –

There are top of bank structures on both sides of the channel, downstream of Newell Road in East Palo Alto and Palo Alto. These include sacked concrete and concrete masonry unit (CMU) walls, primarily in Palo Alto, and a concrete gravity wall along Woodland Avenue in East Palo Alto. The map below shows the general locations of each of these structures.



Repair of these structures has been ruled out due to condition and structural concerns. These structures and their replacement(s) fall within the general scope of the existing EIR, but the details of the construction must be addressed in a Supplemental EIR.

The SFCJPA published a request for proposals on August 12, 2022, for a [Supplemental EIR](#), requesting proposals to be submitted by September 24, 2022. One responsive proposal was received from EMC Planning Group, Inc., of Monterey California. The proposal was reviewed for completeness and adherence to the RFP by a team of staff and colleagues from among our member agencies. A follow-up interview with the review team and EMC Planning Group, Inc was conducted on October 17, 2022. The review team concurred that this was a responsive proposal, and that the technical team at EMC Planning Group is qualified to perform the work.

The agenda includes an action item to authorize the Executive Director to negotiate a contract with EMC Planning Group, Inc. to develop a SEIR. This contract will be brought to the Board in November for approval. Performance of this contract and completion of the SEIR is anticipated to take approximately 6 months.

USACE CAP 205 – The USACE CAP 205 process continues to move forward. The Corps is working on their draft Integrated Feasibility Study/Endangerment Assessment (FS/EA) with public release planned for a late November timeframe. A meeting with the resource agencies was held October 12 at which the project in terms of the restoration elements (that would not typically be included in a Corps project) were discussed. The Corps is not averse to adding habitat features but needs to adhere to their process, including cost and schedule. The Corps will likely evaluate the incorporation of fish features between the draft and final Integrated FS/EA.

Channel Widening Sites – Our colleagues at Valley Water, together with their retained engineers at Mark Thomas and Associates, have been conducting additional channel widening design analysis on various wall type options for the widening sites. Because there are many variables, and because each channel wall type has pros and cons, the project team created a screening tool to evaluate and compare options. Additionally, more detailed information is now available regarding bank treatment suitability with local soil conditions, seismic safety considerations, geotechnical and potential hydraulic conditions.

Meeting with Project Neighbors – On October 13, 2022, we met with project neighbors from Edgewood Drive in Palo Alto, located in the vicinity of proposed channel widening, and from whom we may need to secure easements. The project neighbors prefer the option of widening on both sides of the creek to reduce impacts to their properties. The SFCJPA will be taking into account the neighbor's preferences along with engineering and environmental considerations.

Meetings with Regulatory Agency Representatives – On September 30, 2022, we provided project site tours for staff from National Marine Fisheries Service (NOAA Fisheries), California Department of Fish and Wildlife, and the San Francisco Regional Water Quality Control Board to share project design details, and discuss site specific constraints, and fish friendly features. A follow-up tour was held on October 21 for staff from these agencies and others agencies who were unable to attend the previous tour.

Our obligation to implement a project that minimizes impacts to special status species must be considered, along with public safety, hydraulic performance, constructability, and impacts to property owners.

Annual Maintenance Walk – The annual multi-agency maintenance walk, to identify items such as downed trees and other large debris in the channel that could obstruct flows, occurred on September 13 and 14. Although there were areas of trash and debris, this was no more than has been typical. Locations were noted and plans are in place to address what was found before anticipated winter rains. The County of San Mateo and the City of Menlo Park have completed their assigned work items.

**Summary of Reach 2 Project Elements and Status (new details in red)**

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
Status	50% - 90%	Work on potential optimization of widening sites to minimize impacts to trees, creek channel and property owners has been completed and recommendations have been reviewed and accepted by Valley Water.	Coordination ongoing between SFCJPA and Valley Water re. rights of way process.  Additional right-of-way work will be necessary for future repair/replacement of existing top-of-bank features in Palo Alto.  Letters to property owners have been mailed, and follow-up calls, and visits are underway.	Utility mapping underway. PG&E assigning a PM for coordination	The engineering cost estimates for the funding gap table have been updated by Valley Water.
This Month’s Update	Re. Top of Bank – We have selected a consultant to prepare a Supplemental EIR to cover top of bank improvements under CEQA.	Draft permit documents submitted on July 13. RWQCB has provided comments on the draft materials. These will be used to revise the final application packages.	No change from last month. Valley Water planning next steps for securing more PTEs.	No new information	The USACE has made a positive determination on federal interest. Upon completion of the draft integrated FS/EA Report, we will embark on development

San Francisquito Creek Joint Powers Authority  
 October 27, 2022, Executive Director's Report

Reach 2 Elements	Design	Permitting	Rights of Way	Utility Relocations	Construction Funding/costs
		Plan sets for top of bank structures will be provided when available but won't necessitate new applications.			of an agreement for final design and construction.  DWR Prop 1 Round 2 grant application was submitted on 10/10.
For Next Month (November 2022)	Top of bank and channel wall 30% design to be prepared.	Initiate field investigations for SEIR	VW will continue easement acquisition legal process for Santa Clara County parcels.	Continue coordination of utility relocation for overall project with PGE, not just Pope Chaucer Bridge.  Develop cost estimates with utility companies.	Staff will explore new funding opportunities from 10/19 CFCC funding fair.
Potential Issues (& opp's)	Exploring Site 5 designs w/ smaller project footprint. Widening on both sides at Site 3 being considered at request of property owners.	Addition of fish migration elements could increase project footprint and costs	Negotiating with many private property owners.	Overhead power lines – or other utilities - could impact construction methods and costs. Underground utilities may limit design options.	

Milestone	By Dec '22)	By Jan '23)	By Mar '23)	2023/2024 Construction/ Completion
Determination of Site 5 action (in progress)				
USACE FSCA and Feasibility Study				
Acquire land easements				
Permits acquired				
Funding agreement				
O&M agreement				
Final Design				
Bid and Award				
Construction of Newell Bridge				2023
Construction of Widening Sites				2024
Construction of Pope Chaucer Bridge				2025

**Reach 2 Funding**

Prop. 1 IRWM grant program - A request for funding from Prop 1 Round 2 was submitted on October 10, 2022, to the San Francisco Bay Estuary Partnership (SFEP). SFEP is acting on behalf of the Bay Area Integrated Regional Water Management coordinating committee, and will review and recommend projects for grant funding to the Department of Water Resources. As described last month, the SFCJPA was unable to accept \$2.8M of Round 1 funding due to the unresolved legal challenge. This funding was rolled over to Round 2. The funding request followed our previous successful grant request and included updated costs, schedule, information about benefits to disadvantaged communities, tribal outreach, and archaeological testing. The new funding request is for \$4.9M.

Funding Gap Update – The Reach 2 project funding gap has been updated based on recent project cost and project configuration assessments by Valley Water and the City of Palo Alto. These numbers are based on:

- The addition of top-of-bank work, and a re-scoping of the Site 5 channel widening work. This was based on updated hydraulic modeling and engineering analyses of this creek area, which indicated sufficient capacity without widening and opening the fourth bore at this time.
- If widening at Site 5 as originally envisioned is not conducted, an existing concrete masonry wall on the top of bank on the Palo Alto side will need to be replaced with a modern structure that can be accredited by FEMA. The cost of this wall replacement has been grouped with other top of bank work for funding discussions.



### Reach 2 Project Cost Estimate Update

Project Element	Construction Contract	Construction Management	Mitigation	Real Estate	Total
Newell Road Bridge	\$9,271,300	\$1,217,850	\$0	\$113,000	\$10,602,150
Pope/Chaucer Bridge	\$8,245,000	\$1,236,750	\$280,400	\$0	\$9,762,150
Channel Widening	\$12,400,000	\$1,860,000	\$421,600	\$5,700,000	\$20,381,600
Top of Bank Treatments	\$10,000,000	\$1,500,000	\$340,000	\$500,000	\$12,340,000
<b>Total Cost Estimate</b>	<b>\$39,916,800</b>	<b>\$5,814,600</b>	<b>\$1,042,000</b>	<b>\$6,313,000</b>	<b>\$53,085,900</b>

### Reach 2 Project Funding

Source	Newell Road Bridge	Pope/Chaucer Bridge	Channel Widening	Top of Bank Treatment	Total Contribution
Valley Water	\$1,158,424	\$1,954,550		\$6,374,026	\$9,487,000
Caltrans grant	\$8,941,176				\$8,941,176
FEMA HMGP*		\$8,758,500			\$8,758,500
Prop 1 IRWM*			\$4,900,000		\$4,900,000
CAP 205			\$8,200,000		\$8,200,000
<b>Currently Identified Funding</b>	<b>\$10,099,600</b>	<b>\$10,713,050</b>	<b>\$13,100,000</b>	<b>\$6,347,026</b>	<b>\$40,286,676</b>

\*Funding requested but not yet in contract

### Reach 3 Upstream Detention

Our consultant, Woodard & Curran, has prepared an evaluation of probable costs for a detention basin on Stanford land that could reduce peak discharge by 600 cfs under

future conditions. This analysis will be on the November board agenda for a brief presentation and discussion.

### **SAFER Bay**

CEQA - A [summary of comments](#) received on the Notice of Preparation (NOP) for an Environmental Impact Report has been posted to the SFCJPA website. A NEPA Scoping Report with brief responses to comments is nearing completion and will be posted to our website and distributed to key stakeholders in the next few weeks. Through our contracted Community-based Organization partners, Climate Resilient Communities and Nuestra Casa, the initial citizen's advisory committee will convene in November.

There is a tour for East Palo Alto commission appointees scheduled for November 17. Tours of and briefings about the project are being provided upon request.

The City of East Palo Alto and the SFCJPA have collaborated to create a draft Memorandum of Understanding for the implementation of the anticipated HMGP grant, as well as the San Francisco Bay Restoration Authority Measure (SFBRA) AA grant. Upon direction of the JPA Board the item will then be taken up by East Palo Alto's City Council.

### **SAFER Bay Funding**

On October 14, the San Francisco Bay Restoration Authority (SFBRA) board met and received recommendations for supplementary funding. The SAFER Bay project was recommended to receive the largest funding allocation of \$3,980,000.00 to augment the previously authorized \$1 million granted by the Authority in June 2022. The SFBRA board may vote to authorize this increase at their March 2023 meeting.

Staff is currently working on the Work Program and schedule for the \$1M SFBRA grant, and in November will begin the Work Program for the additional funding.

A National Fish and Wildlife Foundation grant application for ~\$3.7M was submitted at the end of June. We are still waiting on a decision.

The SAFER Bay HMGP grant kick-off meeting was held on October 13.

Neither East Palo Alto nor the SFCJPA has received any word regarding the PrepareCA grant for matching funds that had been applied for in February 2022.

### **Administration and Operations**

Resolution of Joshua Suit – October 3, 2022, was the deadline for Mr. Joshua to appeal his case to the California Supreme Court. There was no filing. This case is closed.

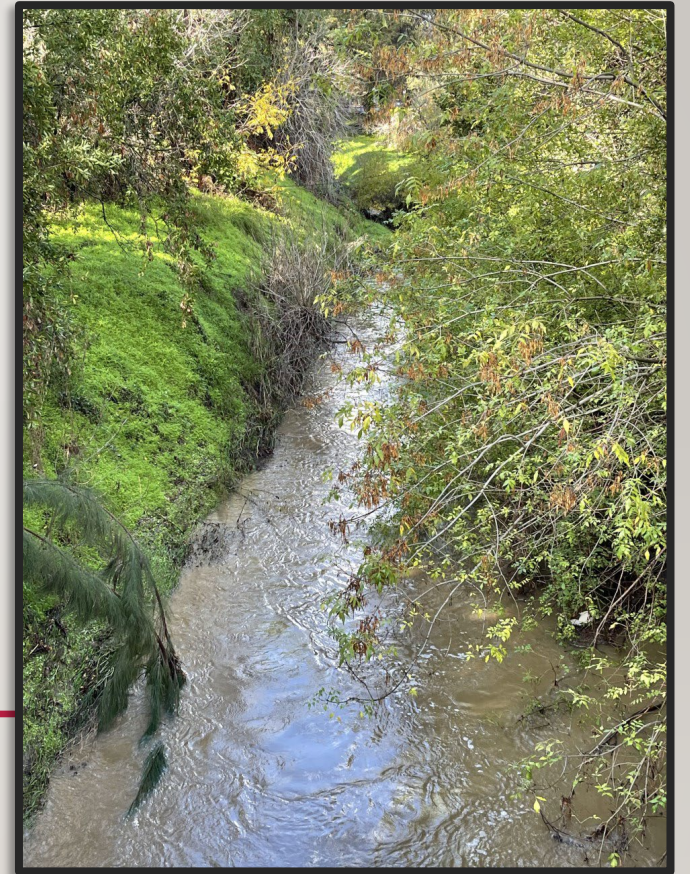
**Forward view of upcoming agendas**

November 2022	Acceptance of 2022 Comprehensive Plan Special Presentation on Upstream Detention Internal SFCJPA policy updates SFBRA Work Program via new Task Order
December 2022	Proposed Reach 2 Funding Plan (discussion)
January 2023	

# SFCJPA REGULAR BOARD MEETING

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OCTOBER 27, 2022



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

# AGENDA

**\*MEMBERS OF THE PUBLIC MAY SPEAK ON ANY AGENDA ITEM FOR UP TO THREE MINUTES\***

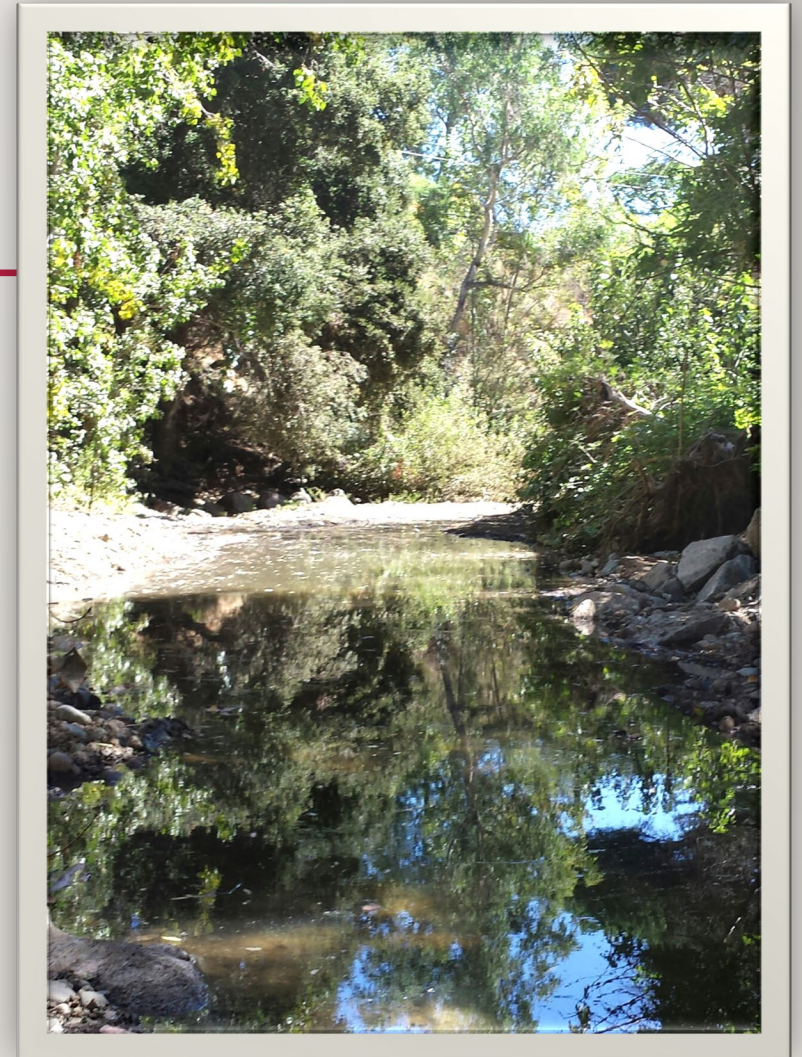
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1. ROLL CALL

2. APPROVAL OF AGENDA: CHANGES OR ADDITIONS TO THE AGENDA.

3. APPROVAL OF MEETING MINUTES: JUNE 23, 2022, REGULAR MEETING, AUGUST 11, 2022, SPECIAL MEETING, AND SEPTEMBER 22, 2022, REGULAR MEETING MINUTES.

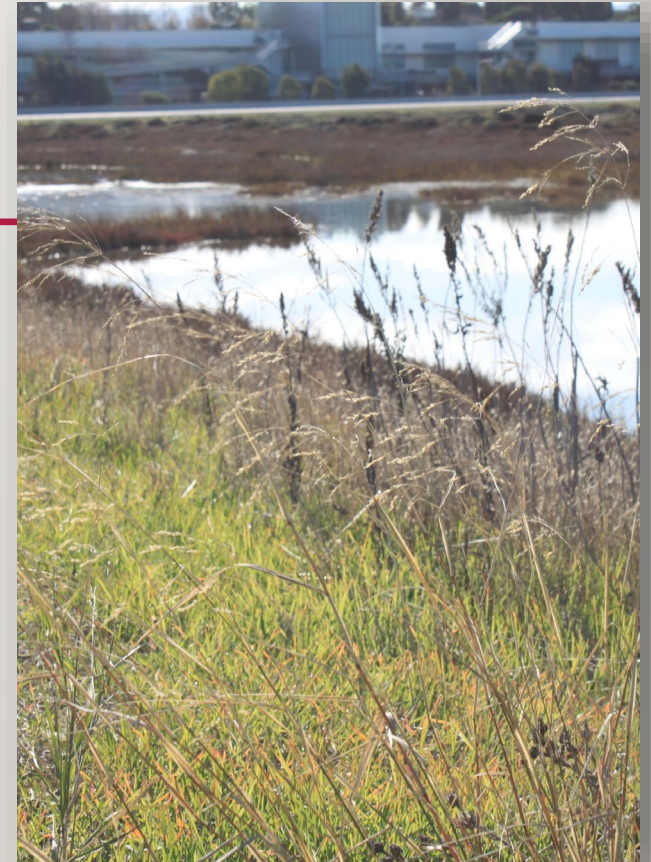
4. PUBLIC COMMENT: INDIVIDUALS MAY SPEAK ON A NON-AGENDIZED TOPIC FOR UP TO THREE MINUTES ON A TOPIC WITHIN THE SFCJPA'S JURISDICTION.



## AGENDA ITEM 5 – CONSENT AGENDA

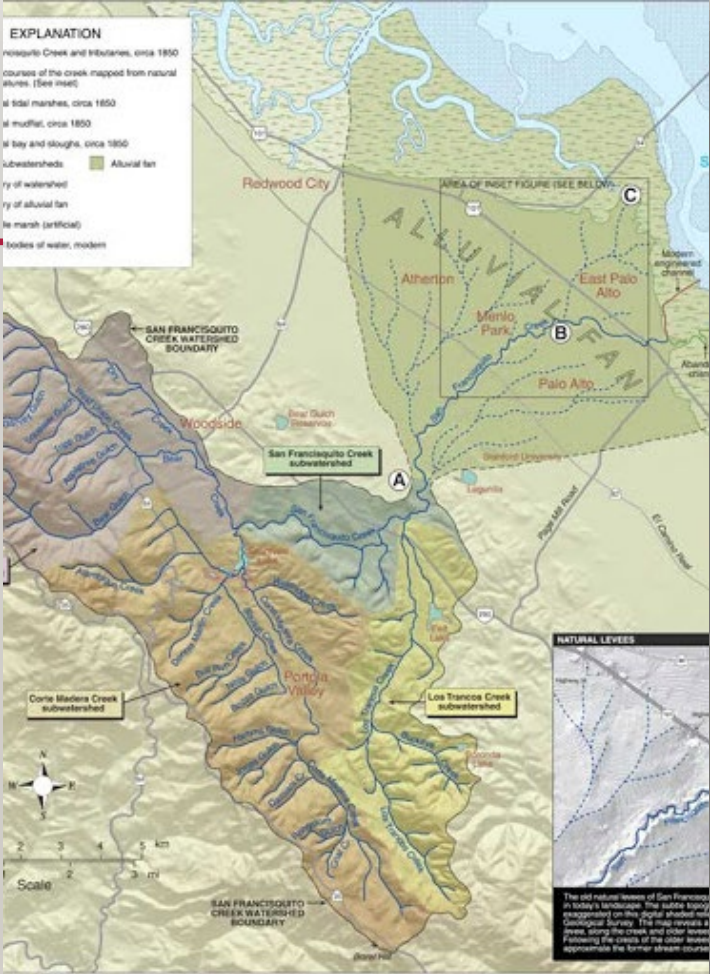
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**5.A.** Consider adopting a resolution (27-10-22-A) reconsidering the circumstances of the COVID-19 state of emergency and making findings to authorize public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e).



# AGENDA ITEM 6 – ACTION ITEMS

## 6.A. Discussion and possible action regarding updates to the SFCJPA Vision and Mission Statements



# VISION STATEMENT

## **(Existing) VISION FOR SAN FRANCISQUITO CREEK**

The San Francisquito Creek, its tributaries and contributing land areas, are cooperatively managed to support and maintain a sensitive and healthy natural resource system that conveys flood waters, sustains healthy natural habitats, and offers opportunity for human respite and recreation.

## **(Suggested update) VISION FOR SAN FRANCISQUITO CREEK**

The San Francisquito Creek, its tributaries and contributing land areas, flood plain, and shoreline are cooperatively managed to support and maintain a healthy natural resource system that reduces the risk of flooding, sustains healthy natural habitats, and offers opportunity for human respite and recreation.



# MISSION STATEMENT

## (Existing Mission Statement)

The JPA's Mission is to plan, manage and coordinate flood management measures and contributions of common services of member agencies by establishing policy direction and central communications for all Creek activities.

The JPA's objectives are to provide relief from flooding, preserve and enhance the environment, and create public amenities for enjoyment while promoting community awareness and participation in these processes.

## (Suggested Update to Mission Statement)

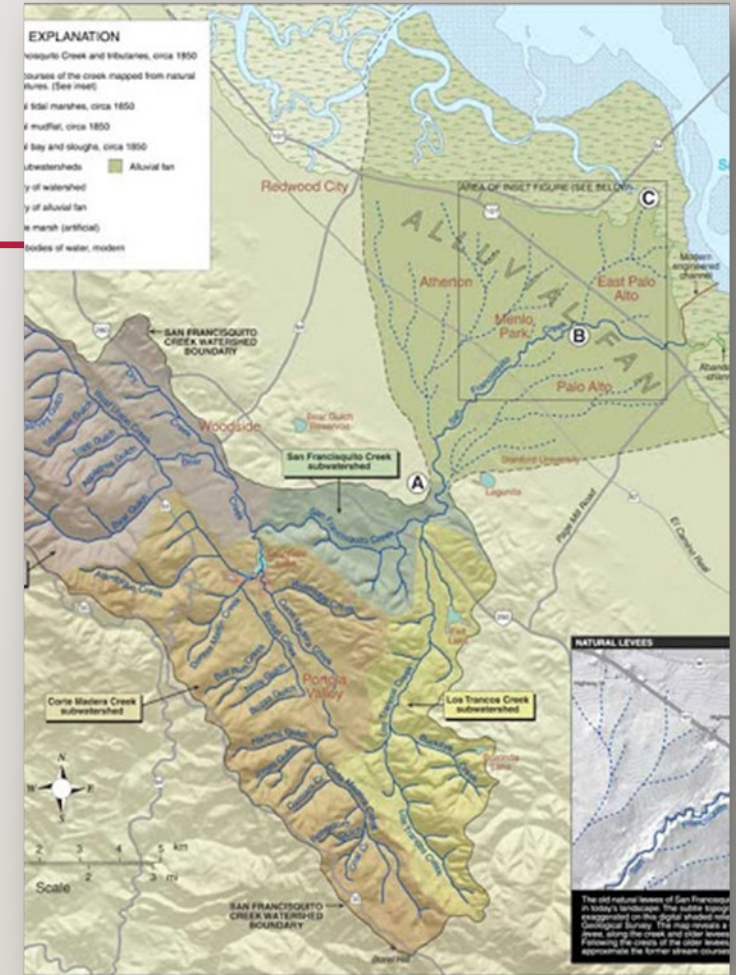
The JPA's Mission is to plan, manage, and coordinate flood risk reduction measures through the contributions of its member agencies and by establishing policy direction and central communications for Watershed, Creek, and Shoreline activities.

The JPA's objectives are to reduce the risk of flooding, preserve and enhance the environment, and create public amenities for enjoyment while promoting community awareness and participation in these processes.

# AGENDA ITEM 6 – ACTION ITEMS

## 6.B. The Second Amended and Restated SFCJPA Members Agreement

Discussion and possible action to direct staff regarding the addition of shoreline flood-risk reduction in the SFCJPA’s purposes



## **AGENDA ITEM 6 – ACTION ITEMS**

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**6.C. Discussion and possible direction to staff to negotiate and enter a contract with EMC Planning Group, Inc., in an amount not to exceed approved budget for this work, to perform a Supplemental Environmental Impact Report for top-of-bank features in the Reach 2 project area.**



# **AGENDA ITEM – 7 INFORMATION ITEMS**

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## **7.A. EXECUTIVE DIRECTOR’S REPORT**

# REACH 2 PROJECT UPDATES

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Top of Bank

CAP 205

Channel Widening Sites

Meeting with Project Neighbors

Regulatory Agency Meetings

Annual Maintenance Walk

Funding and Costs Update



# REACH 3 PROJECT UPDATES

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Staff is reviewing the Woodard & Curran cost/benefit analysis.

November's Board agenda will include a presentation on this item.



# SAFER BAY PROJECT UPDATES

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CEQA – The responses to all comments received on the Notice of Preparation have been published.

Funding – On October 7 we received word from the San Francisco Bay Restoration Authority that the SAFER Bay project had been approved for supplemental funding. On October 19 we learned that the SFBRA staff recommended an additional \$3,980,000. The SFBRA board votes to confirm this in March.



# **COMPREHENSIVE PLAN UPDATE**

## **REMINDER**

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**PLEASE PROVIDE COMMENTS BY  
FRIDAY, OCTOBER 28**



# **AGENDA ITEM 7.**

## **BOARD MEMBER COMMENTS and ANNOUNCEMENTS**

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Board members may share news, updates, and announcements and may request items for future agendas.





SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

## **Agenda Item 8**

## **Adjournment**

**Thank you, everyone.**

