



SAN FRANCISQUITO CREEK
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**Notice of Regular Meeting of the
BOARD OF DIRECTORS
City of East Palo Alto Council Chambers
2415 University Avenue, East Palo Alto, California
August 22, 2019 at 3:30 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. CLOSED SESSION: Conference with Legal Counsel — Initiation of Litigation
Government Code Section 54956.9(c), One Case
4. APPROVAL OF MEETING MINUTES: June 27, 2019 Regular Board meeting
5. PUBLIC COMMENT: *Individuals may speak on any topic for up to three minutes; during any other Agenda item, individuals may speak for up to three minutes on the subject of that item.*
6. REGULAR BUSINESS: Executive Director's Report
 - a. Upstream of Highway 101 Project update
 - b. Update by Stanford University on its potential project to modify the Searsville Dam & Reservoir
7. BOARD MEMBER COMMENTS: *Non-agendized requests or announcements; no action may be taken.*
8. CLOSED SESSION: Conference with Legal Counsel — Initiation of Litigation
Government Code Section 54956.9(c), One Case
9. ADJOURNMENT

PLEASE NOTE: This Board meeting Agenda and supporting documents related to items on the Agenda can be viewed online by 3:30 p.m. on August 19, 2019 at sfcjpa.org.

NEXT MEETING: Regular Board meeting, September 26, 2019 at 3:30 PM, City of Palo Alto Council Chambers

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Director Kremen called the meeting to order at 3:31 p.m. at the City of Palo Alto Council Chambers, Palo Alto, California.

DRAFT

1) ROLL CALL

Members Present: Director Kremen, Santa Clara Valley Water District (Valley Water)
Director Combs, City of Menlo Park
Director Pine, San Mateo County Flood Control District

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

Alternates Present: Director Cormack, City of Palo Alto

JPA Staff Present: Len Materman, Executive Director
Kevin Murray, Staff
Tess Byler, Staff
Miyko Harris-Parker, Staff

Legal Present: Tricia Ortiz

Others Present: Trish Mulvey, Palo Alto Resident; Dennis Parker, East Palo Alto resident; Arthur Keller, Palo Alto Resident; Brielle Johnck Menlo Park resident; Steve Schmidt, Menlo Park resident; Kamal Fallaha, City of East Palo Alto; Michel Jeremias, City of Palo Alto; Ann Stillman, San Mateo County Flood Control District; Fariborz Heydari, City of Menlo Park; Chris Lamm, City of Menlo Park; Alec Nicholas, Valley Water

2) APPROVAL OF AGENDA

Director Cormack made a motion to approve the agenda. Director Combs seconded. Agenda approved 3-0. Director Pine not present at the time of approval. Director Abrica and Director Kniss not present.

3) APPROVAL OF BOARD MEETING MINUTES: MAY 23, 2019 REGULAR BOARD MEETING

Director Cormack made a motion to approve the May 23, 2019 Regular Board meeting minutes. Director Combs seconded. May 23, 2019 Regular Board meeting minutes approved 3-0. Director Pine not present at the time of approval. Director Abrica and Director Kniss not present.
Director Pine Arrived at 3:34pm

4) PUBLIC COMMENT

None.

5) REGULAR BUSINESS

Upstream of Highway 101 project: update on Draft EIR and on Corps of Engineers partnership

Mr. Materman provided an update on the Draft EIR for the upstream of highway 101 project and the Corps of Engineers partnership. Mr. Materman presented a summary of the public comments received on the draft EIR, noting that about sixty verbal and fifty written comments were received.

Mr. Materman informed the Board that the Corps of Engineers sent a letter requesting to end the Corps Feasibility Study which started in November 2005. Mr. Materman explained that the Corps partnership may continue via another mechanism, section 205 of the Continuing Authorities Program, or CAP. SFCJPA and Valley Water staff are requesting a determination of federal interest through CAP, which does not require Congressional authorization but has a limit on the federal funding level.

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Director Pine asked what the anticipated timeline is for the CAP and what the expected level of funding is that we can receive. Mr. Materman responded that staff would be gathering information in July and that the program will provide up to \$10 million in total federal funding.

Director Combs asked who makes the decision about funding through CAP. Mr. Murray stated that the Corps of Engineers San Francisco District will be making the decision.

Director Cormack asked about the timeline that now states construction will begin in 2021. Mr. Materman explained that the goal is still to begin construction in 2020, but it is much more likely that we will not begin until 2021 due to the complexity of securing the necessary funding and permits.

Director Kremen asked when people could see the public comments that were submitted, and he asked if there were any comments that stood out. Director Pine asked if the Regional Water Board sent in comments. Mr. Materman responded saying that Water Board did supply a comment letter. He continued that overall there were some traffic comments that captured staff's attention and that the comments and our responses to them would be included in the Final EIR. Director Kremen directed staff to put the DEIR comments on the SFCJPA website.

Director Cormack asked if the comments regarding traffic were focused on during or after construction. Mr. Materman replied that those comments were related to traffic issues during construction. Director Cormack concurred with Director Kremen's directive to put the comments on the website.

Steve Schmidt, Menlo Park resident, commented that he was on the Menlo Park City Council when the SFCJPA was formed and he did not realize how disruptive the project would be to his neighborhood and before that disruption, the SFCJPA should get a commitment from Stanford.

Director Kremen responded saying that the Board has had many conversations about the importance of upstream detention, and that the SFJPA will continue to communicate with Stanford on this, and that the SFCJPA will not forget the importance of upstream detention.

Update on the City of Palo Alto project to replace Newell Road Bridge

Michel Jeremias, Senior Engineer for the City of Palo Alto, provided the Board with a presentation on the Newell Road Bridge replacement project.

Trish Mulvey, Palo Alto resident, spoke about the fact that the SFCJPA's plans for Pope-Chaucer have the objective of not precluding additional actions to achieve protection from a 100-year event. Mrs. Mulvey stated that it would be helpful if someone created a sheet that provides information on the 100-year event and different options for Newell Bridge replacement so that there is cohesive communication within in the project documents in terms of the levels of protection, wall heights and other variables, and whether the project will eventually meet the 100-year event objective.

Hamilton Hitchings, Palo Alto resident, discussed the impact of the 1998 flood on his immediate neighborhood, and that we have flooding because the bridges in the creek block capacity. Mr. Hitchings stressed the importance of completing both projects especially for the neighborhoods of Crescent Park and Duveneck-St. Francis. Mr. Hitchings stated that he and his neighbors are concerned about traffic issues during and after construction.

Director Cormack stated that the City's Newell Road Bridge project and the SFCJPA's project must be well-coordinated.

Director Kremen asked if the comment period for the Newell Road Bridge Draft EIR is closed and if any comments would hinder the SFCJPA project from moving forward. Ms. Jeremias replied that the comment period ends on July 30, and that she has not seen anything that could harm the schedule, but Palo Alto staff has not yet had the opportunity to review all of the comments received to date.

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Consider authorizing the Executive Director to execute an Agreement with the Santa Clara Valley Water District to fund design modifications to align the creek with the new West Bayshore Road bridge

Mr. Materman asked the Board to approve a Cost Share Agreement between the SFCJPA and Valley Water for Funding Design Modifications to the West Bayshore Road Inlet Structure, which will align the creek with the new West Bayshore Road bridge.

Director Cormack made a motion to authorize the Executive Director to execute an Agreement with the Santa Clara Valley Water District to fund design modifications to align the creek with the new West Bayshore Road bridge. Director Combs seconded. Motion to authorize the Executive Director to execute an Agreement with the Santa Clara Valley Water District to fund design modifications to align the creek with the new West Bayshore Road bridge passed unanimously 4-0. Director Abrica and Director Kniss not present.

Consider authorizing the Executive Director to execute contract Amendment No. 8 with HDR, Inc. to prepare design modifications to align the creek with the new West Bayshore Road bridge

Mr. Materman asked the Board to approve Amendment No. 8 to the agreement for design services for floodwater conveyance improvements on San Francisquito Creek between the SFCJPA and HDR Engineering, Inc. to be paid for with funds approved in the previous agenda item.

Director Kremen made a motion to authorize the Executive Director to execute contract Amendment No. 8 with HDR, Inc. to prepare design modifications to align the creek with the new West Bayshore Road bridge. Director Combs seconded. Motion to authorize the Executive Director to execute contract Amendment No. 8 with HDR, Inc. to prepare design modifications to align the creek with the new West Bayshore Road bridge passed unanimously 4-0. Director Abrica and Director Kniss not present.

SAFER Bay project: discuss the Public Draft Feasibility Report for the City of Palo Alto shoreline

Mr. Materman summarized the SAFER Bay project draft Feasibility report for the Palo Alto shoreline.

Author Keller, Palo Alto Resident, reflected on the time when SAFER was not listed in the City's Capital Improvement Plan (CIP). Mr. Keller expressed appreciation for Palo Alto City Council members and the SFCJPA for moving forward with SAFER. Mr. Keller commented that while things are moving forward for SAFER, the next phase of Valley Water's Shoreline Project with the Coastal Conservancy and Corps of Engineers may include Palo Alto. Mr. Keller commented that the SAFER project could be completed within ten years, and that as the SFCJPA will eventually sunset, he asked if the agencies will be prepared to define their roles and responsibilities for maintenance. Mr. Keller commented again on the importance of the project and thanked the SFCJPA for the project.

Mr. Materman thanked Mr. Keller for his comments and for being a consistent advocate for the SAFER Bay project. Mr. Materman explained that SFCJPA projects are planned, designed and built to last at least 50 years, and while we have many more years of projects ahead of us, he personally cannot comment on the life span of the SFCJPA. Mr. Materman said that if SFCJPA member agencies decided to sunset the agency, it would develop the necessary agreements to ensure all involved fulfill their responsibilities, particularly for project and watershed maintenance.

Director Kremen asked where future project funding would come from. Mr. Materman stated that SFCJPA, Valley Water and City of Palo Alto agreed to pursue funding from multiple sources, including the Shoreline Project with Corps. Mr. Materman noted that on the San Mateo County side of the creek, the SAFER project was able to take advantage of a grant opportunity to fund design and construction of important portions of the project in East Palo Alto and Menlo Park.

Director Combs asked if the City of Palo Alto or SFCJPA will be the lead agency moving forward. Mr. Materman replied that the SFCJPA has now delivered the Feasibility Report to the City, which will take the lead on the public process to move forward, and that the SFCJPA does not have the resources to take the lead role for the Santa Clara County side of the project at this time.

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6) BOARD MEMBER COMMENTS: Non-agendized requests or announcements; no action may be taken

Director Cormack commented that she hopes an update by Stanford on its Searsville project will be agendized for the SFCJPA Board soon. Mr. Materman replied saying that he had sent an invitation to Stanford to do that at today's meeting but staff was not available. Stanford representatives are scheduled to attend the August 22 Board meeting.

Director Kremen asked if the summer schedule was being worked on. Mr. Materman stated that Ms. Harris-Parker reached out to the Board to poll members availability for summer attendance, and that the next Board meeting is now scheduled for August 22 at 3:30 p.m. in East Palo Alto.

7) ADJOURNMENT

Meeting adjourned at 5:02 pm.

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

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Agenda Item 6
Executive Director's Report

With the help of Kevin Murray, Tess Byler, and Miyko Harris-Parker, I am pleased to submit the following:

a. Upstream of Highway 101 Project update

This agenda item will include a discussion of our project Environmental Impact Report (EIR), currently estimated project costs and funding, and brief announcements regarding winter preparedness.

This project's Draft EIR, available on the SFCJPA homepage, was released for public comments on April 22, 2019 and the comment period closed in late June. During that time, the SFCJPA hosted public meetings in each of our three cities, and we made presentations to City Councils of Menlo Park and East Palo Alto.

At the June 27 SFCJPA Board meeting, we discussed the volume and categories of the verbal and written public comments received. The most common subjects of commenters included trees, hydrology, erosion, the impacts of project construction, and support for pursuing both the preferred alternative and upstream detention.

Since the June Board meeting, we added the written comments received from agencies and individuals to the SFCJPA website, and have drafted responses to all comments. The Draft EIR is being revised, and those comments and responses will be included in a Final EIR that the Board will consider for certification at an upcoming meeting.

Early this summer, the SFCJPA submitted a proposal to the Bay Area Integrated Regional Water Management (IRWM) program for approximately \$3 million in Proposition 1 funding for this project. In mid-July, the IRWM notified us that our project is one of eight (out of 27) recommended for funding to the CA Department of Water Resources. From this effort, the SFCJPA expects to receive \$2,875,000 for construction and almost \$90,000 for our administrative costs. The other proposal recommended for funding is \$3 million from FEMA's Hazard Mitigation Grant Program to replace the Pope-Chaucer Bridge, and we are on a waitlist for (but are unlikely to receive) an additional \$5 million in FEMA funds.

This fall, we intend to apply for environmental regulatory permits, and we have begun the process to create the necessary biological assessments and the analyses to establish the Least Environmentally Damaging Practicable Alternative, a requirement of our water quality and federal permits. At the September 26 Board meeting, we intend to discuss our plan for applying and acquiring permits.

Finalizing the EIR, and securing necessary funding, permits, and easements to build the upstream project is the primary focus of SFCJPA activities over the next year.

b. Update by Stanford University on its potential project to modify the Searsville Dam & Reservoir

Our overarching objective for the Upstream of Highway 101 Project is to protect all areas against, at a minimum, a 100-year storm event. Achieving that objective requires work between Highway 101 and the Pope-Chaucer Bridge *and* the detention of floodwaters in the upper watershed west of Highway 280. The SFCJPA's Draft EIR discussed in the previous agenda item describes the potential construction of detention basins by the SFCJPA at Webb Ranch and/or a former plant nursery site, as well as a potential project of Stanford University at the Searsville Dam & Reservoir that is the subject of this agenda item.

In April of 2015, Stanford University released the *Searsville Alternatives Study Steering Committee Recommendations* report that called for the following next steps:

1. Develop and evaluate, in collaboration with resource agencies and the SFCJPA, two alternatives to achieving fish passage, providing habitat, and avoiding an increase in downstream or upstream flooding. The first of these alternatives, preferred by the University, would create an opening at the Dam's base.

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This alternative, which would back up – or detain – high flows behind the Dam, depends on the feasibility of stabilizing accumulated coarse sediment and transporting accumulated fine sediment from behind the Dam to San Francisco Bay via San Francisquito Creek. If this is not feasible, a second alternative would allow the Reservoir to fill completely with coarse and fine sediment, and fish passage would be provided by a fish ladder over or around the Dam or a fish way or rerouted creek around the Dam.

2. Develop and evaluate, in collaboration with the resource agencies and the SFCJPA, an approach that allows the natural annual sediment loads to flow downstream.
3. Create a replacement water diversion downstream, and relocate the Searsville water storage functions to an expanded Felt Reservoir.

The April 2015 report called on campus staff to:

- discuss these alternatives with resource agencies and local watershed interests;
- conduct more detailed engineering design and cost analyses regarding water supply and storage, sediment and flood-risk management, fish passage, and habitat restoration; and
- consider the sequence and timing of their implementation.

In the four years since Stanford released the *Searsville Alternatives Study*, the SFCJPA, our consultants, and our partner Valley Water, have discussed with Stanford many of the issues raised in the report. We looked most closely at the connections, in terms of flood protection and sediment deposition, between a Stanford project to modify Searsville and the completed SFCJPA project from S.F. Bay–Highway 101 and our potential project to increase capacity between Highway 101 and the Pope-Chaucer Bridge.

During this agenda item, representatives from Stanford, Jean McCown, Associate Vice President for Government & Community Relations, and Tom Zigterman, Director of Water Resources & Civil Infrastructure, will update us on Stanford's work to plan and design a project at Searsville and on the University's next steps towards implementing that project. We can also discuss how, during a major storm, the temporary detention of floodwaters at Searsville or at other sites west of Highway 280 is part of the SFCJPA's comprehensive flood protection effort.

Submitted by:



Len Materman
Executive Director