



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  
February 22, 2018 at 3:30 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: January 25, 2018 Regular Board meeting
4. 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.*
5. REGULAR BUSINESS – Executive Director’s Report
  - a. S.F. Bay-Highway 101 project: discuss construction plans, costs, and Creekside trails
  - b. Upstream of Highway 101 project update
6. BOARD MEMBER COMMENTS – *Non-agendized requests or announcements; no action may be taken.*
7. 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 February 19, 2018 at [sfcjpa.org](http://sfcjpa.org) -- click on the “Meetings” tab near the top.

**NEXT MEETING:** Regular Board meeting, March 22, 2018 at 3:30 PM, City of Palo Alto Council Chambers

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Regular Meeting of the Board**  
**Agenda Item 3**  
**January 25, 2018 Board Meeting Minutes**

Director Pine called the meeting to order at 3:36 p.m. at the City of Menlo Park Council Chambers, Menlo Park, California.

**DRAFT**

**1) ROLL CALL**

Members Present: Director Pine, San Mateo County Flood Control District (SMCFCD)  
Director Abrica, City of East Palo Alto  
Director Kremen, Santa Clara Valley Water District (SCVWD)  
Director Keith, City of Menlo Park (not present at roll call)

Members Absent: Director Scharff, City Palo Alto

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

Legal Present: Greg Stepanicich

Others Present: Jerry Hearn, Portola Valley resident; Arthur Keller, Palo Alto resident; Trish Mulvey, Palo Alto resident; Dennis Parker, East Palo Alto resident; Jerry Hearn, Portola Valley resident; Jim Wiley, Menlo Park resident; Tom Zigterman, Stanford; Michel Jeremias, City of Palo Alto; Anne Stillman, SMCFCD.

**2) APPROVAL OF AGENDA**

Director Kremen made a motion to approve the agenda. Director Pine seconded. Agenda approved 3-0. Director Keith and Director Scharff not present at time of vote.

**3) APPROVE BOARD MEETING MINUTES: DECEMBER 14, 2017 REGULAR BOARD MEETING**

Chairperson Pine made a motion to approve the December 14, 2017 Regular Board meeting minutes. Director Abrica seconded. December 14, 2017 Regular Board meeting minutes approved 3-0. Director Keith and Director Scharff not present at time of vote.

**4) PUBLIC COMMENT**

Trish Mulvey, Palo Alto resident, informed the Board that she spoke to a representative from SCVWD involved in FEMA's Community Rating System (CRS) who offered to be a resource to residents and to speak to the City of Menlo Park about joining the CRS. Mrs. Mulvey expressed a desire for the Board's Emergency Preparedness and the Purposes and Policy Committees to meet more often, and her interest in the outcomes of the San Francisquito Creek Multi-Agency Coordination December 2017 table top. Mr. Materman provided a short debrief of the tabletop.

Jerry Hearn, Portola Valley resident, spoke about the Silicon Valley Water Awards on March 22, a March 30 City/County Association of Governments of San Mateo County (C/CAG) water event, and the Acterra annual Party for the Planet on April 19, where Director Pine will be honored.

Arthur Keller, Palo Alto resident, spoke about the Palo Alto portion of the SFCJPA's SAFER Bay project, and the Rockefeller Foundation's Resilience by Design project that includes Palo Alto and East Palo Alto; noting that it would be good to have SAFER Bay included.

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Regular Meeting of the Board**  
**Agenda Item 3**  
**January 25, 2018 Board Meeting Minutes**

Mr. Keller expressed his interest in seeing the tidal flooding efforts move forward. Director Pine noted that ten teams are connected to the Resilience by Design competition and that he and Mr. Materman are close to the project and the South Bay team will be working with Mr. Materman.

Director Keith arrived at 3:39 pm.

**5) REGULAR BUSINESS**

Board Organization: select officer positions and membership committees

Director Pine opened the discussion on Board organization by providing a summary of the current Board positions and committees.

Director Keith made a motion to nominate Director Kremen for Board Chair. Director Abrica seconded. Motion to approve the nomination of Director Kremen as Board Chair approved 4-0. Director Scharff not present.

Director Keith made a motion to nominate Director Abrica for Vice-Chair of the Board.

Director Kremen seconded. Motion to nominate Director Abrica for Vice-Chair of the Board approved 4-0. Director Scharff not present.

Director Keith made a motion to keep the Purposes Committee and the representation for ACWA JPIA the same. Director Abrica seconded. Motion to keep the Purposes Committee and ACWA JPIA representation the same approved 4-0. Director Scharff not present.

No change in Finance and Emergency Prep committees' assignments. Director Kremen commented that the Emergency Preparedness Committee would meet more often.

Director Pine handed the meeting over to Chairperson Kremen.

Chairperson Kremen, Director Abrica and Director Keith gave their thanks and appreciation to and for Director Pine and his leadership of the Board in 2016 and 2017.

Resolution 18.1.25 of the Board of Directors, approving the Third Amendment of the Employment Agreement with the Executive Director and amending the SFCJPA Salary Schedule

Mr. Stepanich provided a brief review of the amendment to the Executive Director's employment agreement, which includes a 4% salary increase retroactive to July 1, 2017. Chairperson Kremen asked if salary adjustments were also being presented for SFCJPA staff. Mr. Materman explained that salary changes for SFCJPA staff would take place as part of the 2018-19 operating budget.

Director Keith made a motion to approve Resolution 18.1.25 of the Board of Directors, approving the Third Amendment of the Employment Agreement with the Executive Director and amending the SFCJPA Salary Schedule. Chairperson Kremen seconded. Resolution 18.1.25 of the Board of Directors, approving the Third Amendment of the Employment Agreement with the Executive Director and amending the SFCJPA Salary Schedule approved 4-0. Director Scharff not present.

S.F. Bay-Highway 101 project: discuss construction activities and planning

Mr. Materman provided the Board with an update on the Bay-Highway 101 project activities, including progress on construction, project costs, and the status of trail closures.

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Regular Meeting of the Board**  
**Agenda Item 3**  
**January 25, 2018 Board Meeting Minutes**

Director Keith expressed her concern about the soil costs expense. Director Keith asked if the claims with merit include those regarding the corrugated floodwalls. Mr. Materman explained that the claims with merit are claims made by the contractor that the SCVWD says are reasonable and justified.

Director Abrica asked about the process used to resolve disputes. Mr. Stepanicich explained that the normal process would include negotiations, mediation and other resolution sources; but if no agreement is met it could lead to litigation.

Chairperson Kremen requested that a breakdown of the change orders and claims be agendaized for a future meeting, and mentioned that SCVWD staff will be able to speak to this.

Director Keith asked about the plan on handling any shortfall of funds. Mr. Materman stated that SFCJPA staff is working with member agency senior staff on funding issues. Director Keith stated that the discussion of funding shortfall for this project needs to be linked to the upstream project funding shortfall.

Director Pine asked which entity had responsibility for trail liability prior to construction activities. Mr. Materman stated that, for most of the trails being discussed, the responsibility belongs to the City of Palo Alto. Michel Jeremias, City of Palo Alto Public Works, spoke about the City's willingness to assume its normal responsibility for trails when construction is not present.

Director Abrica left at 4:22 pm

Upstream of Highway 101 project update

Mr. Materman provided the Board with an update on the project upstream of Highway 101. Items highlighted included consultant progress on the EIR and the letter received from the Regional Water Quality Control Board that was mentioned in local press and widely distributed.

Director Keith asked if, in replying to the Regional Water Board, we should mention when Stanford was developing the options to modify Searsville Dam, two SFCJPA Board members were actively engaged in the process? Mr. Materman noted that the letter asks to keep their comments in mind and does not invite a response. Director Keith suggested we send a response.

Tom Zigterman, Stanford University, gave a summary of Stanford's status in the process for making decisions about Searsville, and he shared that a few years ago Stanford had received a letter on a related topic from the Regional Water Board.

Chairperson Kremen asked about the status of Stanford's response to the letter the SFCJPA sent to Stanford. Mr. Zigterman responded that he and others at the campus will meet with Mr. Materman next week.

Mr. Hearn thanked Mr. Zigterman for his comments. Mr. Hearn reflected on the timing issue that could occur if the SFCJPA finishes before Stanford starts then there is the potential of impacts that Stanford will need to mitigate for. Mr. Hearn noted that some of the goals outlined by the Regional Water Board are going to be very hard to meet and could be costly. Mr. Hearn also noted that the Buckeye Creek hydrology study was approved and there could be relief of sediment loads. Mr. Hearn stated that he and Mr. Murray are planning to do a site visit.

Jim Wiley, Menlo Park resident, stated that increased sediment could increase erosion potential and he wants to make sure the JPA's Draft EIR fully studies the erosion impacts.

Director Keith requested that the Draft EIR and soil issues be agendaized at an upcoming Board meeting.

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Regular Meeting of the Board**  
**Agenda Item 3**  
**January 25, 2018 Board Meeting Minutes**

**6) CLOSED SESSION: Performance Evaluation of Executive Director pursuant to Government Code Section 54957**

Chairperson Kremen adjourned to the Executive Director performance evaluation closed session at 5:09 pm.

**7) BOARD MEMBER COMMENTS**

None.

**8) ADJOURNMENT**

Chairperson Kremen adjourned the meeting at 5:30 pm.

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

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Board Meeting**  
**Agenda Item 5**  
**Executive Director's Report**

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

**a. S.F. Bay-Highway 101 project: discuss construction plans, costs, and Creekside trails**

Since construction began in 2016, we have discussed plans and activities for our project to improve public safety and recreation, and increase marsh habitat, along San Francisquito Creek from the Bay to Highway 101. By October 2017, the majority of the floodwalls were installed and connected to existing levees; thus, even with the new levees still to be built, this area has much greater protection against flows and tides.

The SFCJPA, Santa Clara Valley Water District (SCVWD), and cities of Palo Alto and East Palo Alto continue to coordinate with the SCVWD's levee and floodwall contractor (Teichert Construction) on construction planning and permit compliance. SFCJPA coordination with PG&E and the East Palo Alto Sanitary District (EPASD) is now complete. The following summarizes activities since the last Board meeting:

- On February 1, 2018, regulatory restrictions related to the breeding season of the endangered Ridgways' Rail went into effect, and thus construction was stopped within 700 feet of Rail habitat area within the Faber marsh. SCVWD is currently conducting surveys in accordance with U.S. Fish & Wildlife Service (USFWS) protocols to identify locations of nesting Rail pairs to avoid until the end of nesting season on August 31. Upon acceptance of the survey results by USFWS in 2-3 months, a more defined buffer zone will be drawn so the contractor can plan adjacent work.
- SFCJPA marsh restoration contractor Hanford ARC has completed its work until September 1<sup>st</sup>, when the Rail breeding season restriction concludes for the year. Per our permits, Hanford's work has consisted of: constructing five high tide refugia islands in the outer Faber marsh near the Bay; removing non-native invasive plants and installing native plants along the berms running along the south, east and north perimeters of Faber; installing an irrigation system and erosion control measures over certain areas disturbed by the project. Future Hanford work includes: installing native plants near the Friendship Bridge where Teichert will place rock slope protection in the Creek; installing deterrents to predators of sensitive species; and installing city ordinance, wayfinding and interpretive signage.
- In compliance with environmental permit restrictions to protect the migration of steelhead, in-channel work, including replacing the remaining old levees, is paused and will resume in June 2018.
- Caltrans is winding down a three-year project to rebuild the bridges over San Francisquito Creek at Highway 101 and East Bayshore and West Bayshore frontage roads. Caltrans reports that it will complete all work on East Bayshore Road this month, all work on West Bayshore Road by early March, and its work on Highway 101 this spring.
- As discussed at previous Board meetings, costs associated with claims and change orders from Teichert Construction have the potential to significantly increase construction costs beyond the amount established in the six-party Construction Funding Agreement plus new grant funds. In order to reduce costs, SFCJPA and member agency staff have continued to seek locations to temporarily and permanently store or export unusable soil material and find additional areas for cost savings.
- Following a January 31 project notice to extend the closure of Creekside trails, on February 5 SFCJPA Board member Greg Scharff, Board Chair Gary Kremen, and I met with SCVWD and City of Palo Alto staff to discuss options to temporarily reopen trail sections not adjacent to construction. On February 12, the Friendship Bridge and trails heading north, east and west from it were reopened until early May. On February 13 at the YMCA in East Palo Alto, that city's mayor and SFCJPA vice chair Ruben Abrica and vice mayor and SFCJPA Board alternate Lisa Gauthier, as well as staff from the SFCJPA, City of East Palo Alto and SCVWD, attended a trails-focused meeting hosted by local residents. Over 50 members of the public attended, the vast majority of whom bike the trails and had not attended any previous SFCJPA public meetings; thus, we discussed overall project construction and trail access relative to it, as well as the USFWS required work mentioned in the second bullet above to restore Faber's north berm separating it from the Laumeister marsh.

**San Francisquito Creek Joint Powers Authority**  
**February 22, 2018 Board Meeting**  
**Agenda Item 5**  
**Executive Director's Report**

At that February 13 community meeting, I and the SCVWD's project manager and City of East Palo Alto staff committed to work with our partners to evaluate options to further open or improve trails and city streets during construction, and in March to attend another public meeting to provide an update on these options and construction plans. We have already begun looking at these options.

**b. Upstream of Highway 101 project update**

At the last Board meeting, we discussed a letter received from Regional Water Quality Control Board Executive Officer Bruce Wolfe on January 19, 2018, regarding our planning for a flood protection, ecosystem restoration and recreation project upstream of Highway 101 (copies of the letter were also sent to State legislators, other regulatory agencies, and Stanford University). The letter restated the Regional Water Board's position that in planning our project, the SFCJPA needs to account for changes at Searsville Dam and Reservoir that will alter the watershed's sediment regime. We decided that the SFCJPA should respond to this most recent letter from the Regional Water Board after we had a chance to evaluate it and to discuss with Stanford additional opportunities to develop information on this topic.

Towards that end, on February 14, 2018, staff from the SFCJPA and SCVWD met with our consultants developing the upstream of Highway 101 project EIR, and with Stanford University staff and their hydrology and sediment consultants, to discuss our collective work on these issues. This meeting was the most recent and most detailed of our ongoing discussions to share information that will assist both the SFCJPA and Stanford with the analyses our respective potential projects. More specifically, our objective in these discussions is to create a mutually agreed upon set of technical information and scenarios to evaluate potential SFCJPA projects under the future conditions of Stanford either taking action or doing nothing to modify Searsville Dam. Following additional technical work by consultants over the next few weeks, we will meet again and expect to be able to update the SFCJPA Board at its March 22 meeting.

Submitted by:



Len Materman  
Executive Director