

**Please note the
new 3:30 start time**



SAN FRANCISQUITO CREEK
JOINT POWERS AUTHORITY
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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
May 25, 2017 at 3:30 p.m.**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: April 27, 2017 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 activities and planning
 - b. Upstream of Highway 101 project update
 - c. Update on grant funding and grant applications
 - d. Approve Fiscal Year 2017-18 Salary Schedule
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 May 22, 2017 at sfcjpa.org -- click on the "Meetings" tab near the top.

NEXT MEETING: Regular Board meeting, **June 29, 2017 at 3:30 PM**, City of Palo Alto Council Chambers

San Francisquito Creek Joint Powers Authority
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Director Pine called the meeting to order at 4:05 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 Kremen, Santa Clara Valley Water District (SCVWD)
Director Abrica, City of East Palo Alto

Alternates Present: Director Carlton, City of Menlo Park (not present at roll call)

Members Absent: Director Keith, City of Menlo Park
Director Scharff, City of Palo Alto

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

Legal Representation: Trisha Ortiz

Others Present: Trish Mulvey, Palo Alto resident; Dennis Parker, East Palo Alto resident; Miranda Beasley, Grant & Smith LLC; Russell Chen, SCVWD; Ann Stillman, SMCFCD; Azalea Mitch, City of Menlo Park

2) APPROVAL OF AGENDA

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

3) APPROVE BOARD MEETING MINUTES: MARCH 23, 2017 REGULAR BOARD MEETING

Director Abrica made a motion to approve the March 23, 2017 Regular Board meeting minutes. Director Pine seconded. March 23, 2017 Regular Board meeting minutes approved 3-0. Director Carlton not present at time of vote. Director Scharff and Director Keith not present.

4) PUBLIC COMMENT

Trish Mulvey, Palo Alto resident spoke about her efforts to gather information on the SCVWD emergency response plan for San Francisquito Creek, and she requested that when that plan is available it be agendized for Board discussion.

Dennis Parker, East Palo Alto resident, thanked the SFCJPA for the informational flyer on its projects that was sent to residents. Mr. Parker provided the Board with the following list of questions his neighbors are seeking answers to: when will the two-way traffic be restored on West Bayshore; when will the levee construction be started and completed for 100-year flood protection in the gardens area; when will the community meetings regarding the Pope-Chaucer Bridge begin; in terms of the early warning system, did we learn anything from the recent flood disaster of San Jose's Coyote Creek; and what is the relationship between the creek construction and Caltrans work. Mr. Parker requested that a fast facts section be put on the SFCJPA website that provides quick access for the public to get answers to these questions.

Director Carlton arrived at 4:08 pm.

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5) REGULAR BUSINESS

S.F. Bay-Highway 101 project: discuss construction activities and planning
Mr. Materman provided an update on the Bay-101 project activities.

Chairperson Pine asked for additional information regarding ground vibration during installation of the floodwalls and how vibration will be monitored. Mr. Murray responded, explaining the type of work to be done and how the SCVWD contractor will monitor vibrations near the project site. Mr. Murray further explained that if vibrations exceeding allowable thresholds are detected by sensors installed at properties along the project site, construction would be halted until measures are put in place that reduce the vibrations.

Director Kremen asked if the cost of the fire hydrant removal was in the budget. Mr. Materman confirmed that fire hydrant removal cost was included within the category of real estate acquisition costs in the 2016 amended construction funding agreement.

S.F. Bay-Highway 101 project: approve a consultant contract with H.T. Harvey & Associates to support construction, and provide habitat monitoring and reporting, in the Faber Marsh
Mr. Materman stated that a public Request For Proposals (RFP) for professional services was advertised by the SFCJPA for the design and management of installing marsh restoration and predator deterrent features that are required as mitigation for project impacts to special status species. Mr. Materman briefly explained the RFP process that led to the preliminary selection of the preferred candidate, and asked the Board to approve a consultant contract with H.T. Harvey & Associates to complete design, support construction, and provide habitat monitoring and reporting, in the Faber and Laumeister Marshes. Mr. Materman stated that the contract is not-to-exceed \$226,192 and will be paid with DWR grant funds.

Chairperson Pine asked for clarification on areas shown in orange on a presentation slide and on the procedures to install the features. Mr. Murray explained that the areas represent the approximate location of high-water refuge mounds to be installed so that protected species have somewhere to escape during extreme tides. Mr. Murray further explained that these mounds are typically built using native materials, but soil amendments may be imported in these areas to increase the likelihood of success of plantings to be installed on the mounds. He continued saying that all soil relocation or import and plantings will be done by hand, and that workers will access the sites on foot by laying sheets of plywood down as they enter and then picking them up as they leave the site. Mr. Murray noted that there is limited time (September 1-January 31) for these installations, because of restrictions during the nesting period of Ridgway's Rail.

Director Carlton asked if work being done to protect the birds of the area. Mr. Murray explained that the biggest threat to the two protected species in the area is predation so the work that is being done around birds is to deter raptors from perching near the marsh. Mr. Murray stated that some of the pillars in the area will be capped, fences in the area are being made to be undesirable for perching, and we are in contract with the U.S. Department of Agriculture for predator management, which includes removal of raptor nests from PG&E electrical transmission towers near the marsh.

Ms. Ortiz, legal counsel filling in for Mr. Stepanicich, asked that the any motion made to approve the consultant contract allow for minor editing as needed upon final legal review.

Director Kremen made a motion to approve a consultant contract with H.T. Harvey & Associates to support construction, and provide habitat monitoring and reporting, in the Faber Marsh with minor editing as deemed necessary by SFCJPA legal. Director Carlton seconded.

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Motion to approve a consultant contract with H.T. Harvey & Associates to support construction, and provide habitat monitoring and reporting, in the Faber Marsh with minor editing as deemed necessary by SFCJPA legal approved 4-0. Director Scharff and Director Keith not present.

Approve the Fiscal Year 2017-18 Operating Budget

Mr. Materman presented the Fiscal Year 2017-2018 Operating Budget for approval.

Mrs. Mulvey expressed her delight that the budget includes a COLA (cost of living adjustment) increase for staff salaries and additional adjustments to bring salaries closer to appropriate levels. Mrs. Mulvey stated that she understood the need for a future (FY2018-19) budget increases and she questioned project maintenance would be funded. Mr. Murray responded that project maintenance would likely be provided through separate funding agreements between the SFCJPA member agencies and not be part of SFCJPA operational budgets.

Director Carlton made a motion to approve the Fiscal Year 2017-2018 Operating Budget. Director Abrica seconded. Motion to approve the Fiscal Year 2017-2018 Operating Budget approved 4-0. Director Scharff and Director Keith not present.

Approve a change to the start time of Regular Board meetings in 2017

Mr. Materman asked the Board to consider changing the start time of Regular Board meetings, explaining that this was requested last month by Chairperson Pine. Since last month's Board meeting, SFCJPA staff asked each Board member to provide input on potential alternative times, and a revised time agreeable to all was obtained.

Chairperson Pine made a motion to approve changing the start time of Regular Board meetings for the remainder of 2017 to 3:30 pm. Director Abrica seconded. Motion to change the start time of Regular Board meetings to 3:30 pm approved 4-0. Directors Scharff and Keith not present.

Accept the Fiscal Year 2014-15 Audited Financial Statements, audited by Grant & Smith, LLP

Mr. Materman presented the Fiscal Year 2014-15 Audited Financial Statements audited by Grant & Smith, LLP to the Board for approval.

Chairperson Pine noted the extensive information in the audit related to retirement benefits. Ms. Miranda Beasley, SFCJPA auditor, added that the additional documentation is required by the Governmental Accounting Standards Board, and she noted new information showing the SFCJPA's unfunded pension liability for the next four years. Mr. Materman noted that the four year projections were the outlook as of the end of FY2014-15.

Director Kremen made a motion to accept the Fiscal Year 2014-15 Audited Financial Statements, audited by Grant & Smith, LLP. Director Abrica seconded. Motion to accept the Fiscal Year 2014-15 Audited Financial Statements, audited by Grant & Smith, LLP approved 4-0. Director Scharff and Director Keith not present.

6) BOARD MEMBER COMMENTS

Mr. Materman noted that staff may request a Special Meeting of the Board to consider approving the fire hydrant relocation construction contract prior to the next Regular Meeting of the Board.

7) ADJOURNMENT

Chairperson Pine adjourned the meeting at 4:58 pm.

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

San Francisquito Creek Joint Powers Authority
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Executive Director's Report

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

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

Over the past ten months we have discussed construction activities for our project to improve public safety and recreation, and increase marsh habitat from the Bay to Highway 101. The following summarizes the progress of construction activities since the last Board meeting four weeks ago. The SFCJPA, Santa Clara Valley Water District (SCVWD), cities of Palo Alto and East Palo Alto continue to meet weekly with the SCVWD's levee and floodwall contractor (Teichert Construction) to coordinate construction activities, work sequencing and permit compliance. Additionally, the SFCJPA continues to coordinate utility relocation with those entities, the City of Palo Alto's Golf Course project, PG&E, and the East Palo Alto Sanitary District (EPASD).

Construction permits issued by regulatory agencies limit work in the channel to between June 15 and October 15. Recently, the SFCJPA submitted formal requests to these agencies to allow the dewatering of, and construction in, the channel beginning June 1 of this year. That is the same date that Caltrans can enter the channel to complete construction of the Highway 101 and East and West Bayshore bridge over San Francisquito Creek, and having the Bay-Highway 101 project enter the channel on that date would enable a single water diversion system for both projects and give the SCVWD contractor an additional two weeks to complete its work this year. The California Department of Fish and Wildlife (CDFW) have conditionally approved this request and the National Marine Fisheries Service (NMFS) has requested more information. Here is a summary of the construction activities underway or planned for 2017:

- Install floodwalls on Palo Alto side from East Bayshore Road to Geng Road and on the East Palo Alto side from East Bayshore Road to Daphne Way.
- Remove existing Palo Alto levee from East Bayshore Road to Geng Road, and build a bike and pedestrian trail/maintenance road behind the installed floodwalls.
- Utilize Caltrans' planned coffer dam upstream of West Bayshore Road, and install a coffer dam downstream near Geng Road, to dewater the creek between the two coffer dams.
- Install a diversion system that routes creek and groundwater to the City of Palo Alto Pump Station wet well, and carries these waters, along with water from stormdrains, to a discharge location downstream of the Geng Road coffer dam. The SFCJPA, SCVWD, and Teichert are working with the City of Palo Alto and Regional Water Quality Control Board on the terms of this use.
- Remove in-channel sediment on the East Palo Alto side, and build a trail/maintenance road from East Bayshore Road to Daphne Way behind the installed floodwalls.
- Design and build tie-in features from the installed floodwalls on both sides of the creek to existing levees that will remain in place this winter until construction begins again next season.
- Complete the installation and tie-in of the new cross-creek utility pipelines, including PG&E's new gas transmission line and EPASD's new cross-creek sewer line. The U.S. Fish & Wildlife Service and CDFW have approved an SFCJPA request of a site specific exemption to the Ridgeway's Rail buffer zone that will allow PG&E's work to proceed earlier than September 1.
- Build a portion of new Palo Alto offset levee in Palo Alto Golf Course.
- Degrade the existing levee between the Creek and Outer Faber Tract.
- Install upland refugia mounds and marsh mitigation plantings.

In addition to project contracts discussed at previous Board meetings, we are developing a contract with Keish Environmental for almost \$7,300 for stormwater permit support and worker environmental awareness training. Regarding the relocation of a fire hydrant at Public Storage in East Palo Alto discussed at the last Board meeting, we intend to advertise for bids soon with the intent of awarding the construction contract at the June 29 SFCJPA Board meeting.

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b. Upstream of Highway 101 project update

As discussed at previous Board meetings, the SFCJPA is moving forward with project planning and environmental documentation for a capital project upstream of Highway 101, and is currently partnering with the U.S. Army Corps of Engineers. Pursuing an EIR that is separate from, but coordinated with a Corps Feasibility Study/Environmental Impact Statement will preserve the opportunity to receive federal funding for construction and early input from federal regulatory agencies, as well as the option to construct improvements on our own or on our own schedule should there be delays to the federal process. SFCJPA staff are focused on moving forward with a project that is meaningful to our communities and achievable in the context of community interests and regulatory, land, and other constraints.

Weekly meetings with Corps and our respective consultants are focused on aligning alternatives and sharing information and establishing criteria to evaluate alternatives to ensure consistency and avoid duplication of work. We are currently working together on project definition, data gathering, and schedule development, which we will discuss at this Board meeting. Meanwhile, we continue close coordination with the Stanford University on the alternatives within the EIR related to upstream detention.

The SFCJPA will continue our robust public engagement process for this project that – just since November – included a tour for regulatory agencies, four community meetings, and presentations to a city commission and a city council. As was mentioned at the March 23 Board meeting, in early February I wrote to the Regional Water Quality Control Board requesting specific suggestions on how the Water Board would like to be engaged in this outreach process. Since that Board meeting, I received a response that recommended five key elements for this process: that we utilize a neutral facilitator who follows sensible ground rules at meetings on neutral ground, and encourage broad attendance by the public and public agency representatives. I agree with those suggestions and am moving forward with discussions regarding facilitation. We plan to engage the public again when we have something substantive to say in order to make the best use of public participation, and intend that this engagement to begin this summer and last a couple months as we develop the Draft EIR.

c. Update on grant funding and grant applications

This agenda item is an informational item only, and is intended to give Board members an overview of the status of current grant funding and future grant opportunities.

Current Grant Funding: The SFCJPA has been awarded and is managing several grants, and has secured independent quality control of its grant reporting and invoicing by a consultant firm specializing in this work. Current grant funding is summarized below:

- California Department of Water Resources (DWR) Proposition 1E: \$8 million for construction of flood protection features for the Bay-Highway 101 project. The grant is a cost share requiring the SFCJPA to demonstrate it has paid costs in excess of \$16 million. This project is midway through implementation, with to-date totals of about \$12.66 million billed by the SFCJPA and \$5.35 million reimbursed by DWR.
- California Department of Water Resources Proposition 84: up to \$4.1 million for the construction, operations and maintenance, monitoring, and reporting of Bay-Highway 101 project features that enhance habitat. This grant is managed regionally through the State Coastal Conservancy, from whom we expect to receive a draft contract this summer.
- California Department of Water Resources Local Levee Critical Repair: The SFCJPA was awarded just over \$1 million for design and CEQA documentation of project features to protect East Palo Alto and Menlo Park from Bay tides and Sea Level Rise. DWR funds are matched by the cities of East Palo Alto and Menlo Park, the State Coastal Conservancy, Facebook, and the U.S. Fish & Wildlife Service. The project features are included in the October 2016 SAFER Bay project Public Draft Feasibility Report, which I will bring to the SFCJPA Board to finalize soon. That report was prepared using funds primarily from a DWR Local Levee Evaluation grant. The SFCJPA is also managing the feasibility work for the SAFER Bay project along the Palo Alto shoreline, which is entirely funded by the City of Palo Alto.

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Grant Proposals: The SFCJPA has applied for funding from the U.S Environmental Protection Agency for watershed-level projects to design a creek bank stabilization project adjacent to the Children's Health Council, create a conceptual design to restore Buckeye Creek, develop green Infrastructure areas to mitigate flooding, evaluate the effects of climate change on stream flows, and update the SFCJPA's draft Comprehensive Watershed Plan. (On a related note, the SFCJPA has entered into a contract with Balance Hydrologics for an amount not to exceed \$5,150 for streamflow measurements along San Francisquito Creek. Our partner, San Mateo County will use this data to evaluate streamflow gains and losses along the creek as part of their groundwater assessment.) An announcement of grant awards by U.S. EPA is expected this summer.

Additionally, the SFCJPA is currently evaluating a grant opportunity for which proposals are due in mid-June to fund at least half of the costs to construct an inlet structure just upstream of West Bayshore Road to match the creek bank on the Palo Alto side to the Highway 101 and West Bayshore Road bridge that is currently being widened by Caltrans.

d. Approve Fiscal Year 2017-18 Salary Schedule

At the SFCJPA Board meeting on April 27, 2017, the Board approved the Fiscal Year 2017-18 Operating Budget. At that Board meeting, and at the Board meeting a month earlier, we discussed the key items within the Operating Budget, including the fact that I would propose annual salary increases for SFCJPA staff. The salary increases listed in the approved Operating Budget included a cost of living adjustment (COLA) and additional amounts to bring salaries more in line with comparable positions at other agencies and closer to a level commensurate with their responsibilities. At the April 27 Board meeting, I indicated that at an upcoming meeting I would ask the Board to approve an updated the SFCJPA Salary Schedule to reflect the salary adjustments approved within the FY2017-18 budget. The State requires that we make public a current, Board approved Salary Schedule and that we provide it to CalPERS.

Proposed Board action: Approve the enclosed SFCJPA Fiscal Year 2017-18 Salary Schedule.

Submitted by:



Len Materman
Executive Director



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Agenda item 5.d.

Fiscal Year 2017-18 Salary Schedule

Proposed May 25, 2017

<u>Position</u>	<u>Annual Salary</u>
Executive Director	\$165,600
Senior Project Manager	\$112,000
Finance & Administration Manager	\$96,750
Project Manager	\$100,000