

San Francisquito Creek Joint Powers Authority

February 26, 2009 Board Meeting

Agenda Item 2

January 22, 2009 Board Meeting Minutes

Chairperson Abrica called the meeting to order at 4:09 p.m. at the City of Palo Alto Council Chambers, 250 University Avenue, Palo Alto CA

DRAFT

1) ROLL CALL

Members Present: Chairperson Abrica, City of East Palo Alto
Director Kwok, Santa Clara Valley Water District
Director Robinson, City of Menlo Park

Members Absent: Director Gordon, San Mateo County Flood Control
Director Drekmeier, City of Palo Alto

Alternates Present: Director Burt, City of Palo Alto

Associate Members: Tom Zigterman, Stanford Facilities

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

Legal Counsel Present: None

Others Present: Joe Teresi, City of Palo Alto; Trish Mulvey, Palo Alto Resident;
Art Kraemer, Palo Alto resident; Jerry Hearn, Acterra

2) APPROVAL OF SPECIAL MEETING MINUTES December 18, 2008

Minutes approved 4-0.

3) APPROVAL OF AGENDA

Agenda approved 4-0.

4) CONSENT CALENDAR-

None

5) PUBLIC COMMENT-

None

6) REGULAR BUSINESS – EXECUTIVE DIRECTOR REPORT

Board Organization - Appointment

Executive Director Len Materman opened his report by giving a brief description of the Board positions to be reorganized. Director Kwok moved to nominate Director Robinson as chair. Chairperson Abrica seconded. Board approved Director Robinson as Chairperson 4-0. Director Robinson nominated Director Kwok as Vice-Chair. Director Burt seconded. Board approved Director Kwok as Vice-Chair 4-0. Chairperson Robinson moved to have Director Kwok appointed (and Director Robinson reappointed) to the Finance Committee and Director Abrica appointed (and Director Drekmeier reappointed) to the Personnel Committee. Director Burt seconded. Board approved appointment of Director Abrica to Personnel committee and Director Kwok to Finance Committee 4-0.

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Finance Report through January 22, 2009: no action required

Mr. Materman presented the current financial standing of the agency's FY08/09 operational budget to the Board. Mr. Materman discussed several items that were either under/over budget and then explained to the Board that 49% of the budget has been spent to date. Mr. Materman stated that there was no action needed from the Board; staff just wanted the Board to have the updated numbers before salary discussions in February.

Director Kwok thanked Mr. Materman and staff for sticking to the budget and not going over. Director Kwok commended what staff has been able to accomplish this fiscal period especially with the office moves and the Executive Director change over.

Federal Funding for JPA Projects

Mr. Materman gave a brief update on the Federal Funding status for JPA projects. Mr. Materman stated that there is cautious optimism that the JPA will receive a small portion (not the full \$700,000 asked for) of Federal Funding. Mr. Materman informed the Board that the JPA will be submitting an appropriations request to Senator Feinstein's staff this year and that letters of support are highly recommended. Mr. Materman said that he will be contacting each Board member to have a letter of support drafted from each of their member agencies.

Director Abrica commented that submitting a package to Senator Feinstein is a very good idea. Director Abrica stated that he and Chairperson Robinson attended the National Conference of Mayors and that they were putting on a full court press on behalf of the JPA. Director Abrica informed the Board that Palo Alto and East Palo Alto use the same lobbying firm. Director Abrica stated that in early March the City of East Palo Alto City Council officials will make their rounds in DC and that it would be good have a discussion to strategize on the conversations to be had on the JPA's behalf. Director Abrica said that the feeling in DC is very positive, much different than the previous administration.

Chairperson Robinson stated that at the Mayors conference the one point that was clear among the Mayors was that the Federal government should send funding to the cities and not to state legislation. Chairperson Robinson told the Board that there will be a tighter system in regards to earmarks in the budget process and that he learned that there will be a Google website set up to track where funding is going. Chairperson Robinson said that the meeting was taking place while the draft House bill was being circulated. Chairperson Robinson stated that he met with Congresswoman Eshoo and noted that she has a staff person in the DC office focused on our project. Chairperson Robinson noted that the JPA has some work to do to bring Congresswoman Eshoo and her staff up to speed, and he stated that Congresswoman Eshoo said that she was very focused on shovel-ready projects. Chairperson Robinson said that we have to demonstrate that this project can get done within the timeline set forth within the stimulus bill funding. Chairperson Robinson said that he heard from Congresswoman Eshoo and others that the allocation of the stimulus project funds will be decided by the Corps and that one of the challenges we face is that the Corps will have to fund their backlogged projects first. Chairperson Robinson said that another challenge is that the Corps is scheduled to receive only \$4.5 billion in the house bill and only 2 billion of that funding is for construction. Chairperson Robinson stressed that we need to be in close contact with the Corps during this process, and agrees with Director Abrica that the JPA does need to take advantage the member agencies' lobbyists.

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Director Kwok asked if the Corps was spread too thin in regards to getting work done on their projects and whether or not this will affect the Corp staff taking our project less seriously. Director Kwok said that we need to emphasize to the Corp that we do not want our project left behind.

Mr. Materman stated that the more we can have correspondence from members of Congress to the Colonel the less likely we are to get put on a backburner. Mr. Materman continued to say that though we may not be in the Corps queue as a backlogged project the reality is that we are, as it has been 11 years (in two weeks) since the 1998 flood.

Director Burt said that this project deserves to be apart of the stimulus package and that there seems to be some recognition that Congress may have to explain their definitions of "shovel ready". Director Burt continued to say that within the past few weeks the City of Palo Alto rushed through a log of "shovel ready" projects and asked for modification of the list to have the JPA project added. Director Burt said that it is surprisingly disappointing that after all these years Congresswoman Eshoo is not up to date on the project. Director Burt continued by saying that we need to pull out all the stops. We need to see what we can do to put on a full court press to elevate the criticalness of this project with Congresswoman Eshoo. Director Burt said that we have a whole lot of people that can approach Congresswoman Eshoo that have known her for decades that can provide us the support.

Mr. Materman shared with Board that last night the Crescent Park Association had this very issue at the top of their list for Creek issues. Mr. Materman said that the association members will be working to get a hold of Congresswoman Eshoo and Senator Simitian for increased support for this project.

Art Kraemer, Palo Alto resident, told the Board that at this time of year Congresswoman Eshoo typically has a town hall meeting and that if we can find out when it is scheduled, he believes that we can fill the place up with concerned residents.

Director Abrica said that Congresswoman Eshoo has had issues with the Elephant in the room dynamic between SCVWD and SMCFCO. Director Abrica reminded the Board that Congresswoman Eshoo brought the issue to head last year when he and Chairperson Robinson met with the Congresswoman. Director Abrica said that as a result of that discussion the JPA set up a meeting with SCVWD to iron out these issues and we had a breakthrough which opened up the communication. Director Abrica continued to say that Congresswoman Eshoo needs some reassurance that some movement has been made toward establishing positive communication between our member agencies.

Chairperson Robinson stated that one of the challenges we face is that Congresswoman Eshoo's focus is on this stimulus bill and that she was very clear when he met with her in DC that if the project meets the requirements of the bill than it is in, if the project does not meet the requirements of the bill than its out. Chairperson Robinson said that we need to work with Congresswoman Eshoo's staff to make sure that there is clarification on questions regarding the project status and funding. Chairperson Robinson also said that we need to broaden our appeal to other key people (state and senate reps) as well as pressing Congresswoman Eshoo.

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RFP to engage a Consultant to Provide technical Analysis of Implementation Project Ideas

Mr. Materman presented the draft RFP for engaging a consultant to provide technical analysis of implementation project ideas. Mr. Murray gave the Board a brief background description of alternatives for the downstream and upstream projects. Mr. Murray said that the Board is being asked for comments and Board concurrence on the RFP.

Director Kwok said that the RFP looks good but that the schedule seems very tight. Director Kwok asked for clarification that the member agencies will be apart of the interview process. Mr. Materman replied saying yes the Management Team will be involved with the interview process. Director Kwok asked if the consultant who does the study could also do the construction project. Mr. Murray said yes, the consultant chosen to do the study could also do the construction however we would still have an open bidding process for future phases as we are doing for the study. Chairperson Robinson said that the schedule is an aggressive schedule and if necessary he would be willing to call a special meeting if needed.

Trish Mulvey, Palo Alto Resident, asked if on page three of the RFP can there be specification on what flow level of flooding we are talking about. Mr. Murray said that this is a very important question and that the consultant is going to want to have the answer to this question. Mr. Murray continued to say that we have key components that are still incomplete that will help us with this answer and that in our interviews with consultant we are going to let them know that we are looking for a relative comparison of what we can do. Mrs. Mulvey thanked Mr. Murray and stated that she is very comfortable with his response.

Jerry Hearn, resident of Los Trancos woods, asked the Board to think of the many different places that can hold water upstream. Mr. Hearn stated that the upper watershed retention does not have to be only large places; there are many smaller areas within the upper watershed that can be used as retention sites.

Director Burt recommended adding a second goal being the determination of the number of residents that could be affected by the loss of human life. Director Burt stated that he appreciates the criticalness of the project but one goal is not realistic and that placing property damage above loss of life is not realistic either.

7) INFORMATIONAL ITEMS –

Engaging a Consultant to Collect Preliminary Data Downstream of highway 101

Mr. Murray gave the Board a brief summary of the engaging of a consultant to collect preliminary data downstream of highway 101. Mr. Murray said that having this information will help the consultant's work. Mr. Murray stated that a private consultant can do this work but it would cost twice as much as what SFEI is charging us and that per legal this does not need to go out to bid.

Emergency preparedness and communication meeting follow-up

Mr. Materman provided the Board with a brief update on the status of the emergency preparedness and communication meeting follow-up. Mr. Materman stated that the JPA will be scheduling the next two follow up meetings within the next month.

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8) **BOARD AND ASSOCIATE MEMBER REPORTS** - *Agendized reports from Board and/or Associate Members requesting Board action.* – None.

9) **BOARD AND ASSOCIATE MEMBER MATTERS** - *Non-agendized comments, requests, or announcements by Board and/or Associate members, no action may be taken.*
Chairperson Robinson stated that it would be great if we can have a JPA Board member or at least one of our member agency Council members represent the JPA on the San Francisco Bay restoration Authority. Director Burt said that he would check with his fellow City council members on representing the JPA on this Board.

Mrs. Mulvey referred back to Congresswoman Eshoo and her staff needing to be more informed on the status of the San Francisquito Creek. Mrs. Mulvey stated that the Watershed Forum has a meeting coming up in February and she wondered if this would be a good time to invite Congresswoman Eshoo's staff for a briefing on the Creek. Mrs. Mulvey asked the Board if they know whether or not the Congresswoman's DC staff ever gets to come out to California and if so we have a number of community members who would be willing to give them a tour of the watershed.

Chairperson Robinson thanked Mrs. Mulvey and stated that she had a great question. Mr. Materman stated that he did ask the newest staff member in Eshoo's DC office if she was scheduled to come out to the Bay Area, she said that she was going to try but that usually only the Chief of staff does the California trip. Chairperson Robinson said that this is something to suggest to Congresswoman Eshoo. Mrs. Mulvey said that we should send the new staff member a care package with the Creek map and maybe some DVDs.

Director Abrica informed the Board that he had the opportunity to visit the SCVWD Board meeting on behalf of the JPA to keep the positive communication going and that the SCVWD Board was very welcoming.

Director Kwok reminded the Board that the Personnel committee is in the process of beginning the Executive Director's sixth month performance evaluation. Director Kwok said that this should be on the February agenda along with the COLA discussion for JPA staff. Director Kwok then informed the Board that Beau Goldie received a promotion. Director Kwok stated that Mr. Goldie's new position is Chief of Capital Relations. Director Kwok explained that Mr. Goldie will be working with capital projects and of course making sure that this project is at the top of the list. Director Kwok said that the SCVWD is in the process of accepting applications for Mr. Goldie's replacement and that hopefully by next Board meeting he will be able to report who the replacement is.

Chairperson Robinson gave thanks to Director Abrica for his outstanding leadership with the Board. Chairperson Robinson stated that from budgeting, to the hiring of the new Executive Director, Director Abrica's leadership has been instrumental in the current positive situation of the Board

10) **ADJOURNMENT:**

Chairperson Robinson adjourned the meeting at 5:57 pm.

Minutes prepared by: Miyko Ann Harris-Parker, Clerk of the Board