

**San Francisquito Creek Joint Powers Authority**

**May 28, 2009 Board Meeting**

**Agenda Item 2**

**April 23, 2009 Board Meeting Minutes**

Chairperson Robinson called the April 23, 2009 meeting to order at 4:31 p.m. at the City of Palo Alto Council Chambers, 250 Hamilton Ave, Palo Alto, CA

**DRAFT**

**1) ROLL CALL**

Members Present: Chairperson Robinson, City of Menlo Park  
Director Drekmeier, City of Palo Alto  
Director Kwok, Santa Clara Valley Water District  
Director Abrica, City of East Palo Alto  
Director Gordon, San Mateo County Flood Control

Alternates Present: None

Associate Members: Mike Goff, Stanford  
Nona Chiariello, Stanford

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

Legal Counsel Present: Not Present

Others Present: Joe Teresi, City of Palo Alto; Trish Mulvey, Palo Alto Resident; Art Kraemer, Palo Alto resident; Jerry Hearn, Acterra; Robin Gossinger, San Francisco Estuary Institute.

**2) APPROVAL OF SPECIAL MEETING MINUTES March 26, 2009**

Minutes approved 5-0.

**3) APPROVAL OF AGENDA**

Agenda approved 5-0.

**4) CONSENT CALENDAR-**

None

**5) PUBLIC COMMENT-**

None

**6) REGULAR BUSINESS – EXECUTIVE DIRECTOR REPORT**

Amendment 1 to the JPA Six Party Agreement

Mr. Materman presented to the Board a draft of Amendment 1 to the JPA Six Party agreement. Mr. Materman explained that the amendment is needed to allow the JPA member agencies the ability to provide advanced funding for the JPA/Corp project which will help expedite the project process. Mr. Materman stated that he and JPA Project Manager, Kevin Murray, along with Jason Christie of the Santa Clara Valley Water District have been working on finalizing the amendment.

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Jason Christie, SCVWD, stated that during the amendment drafting process he also proposed removing tidal option number two within the Feasibility Study as it overlaps with the South Bay shoreline project.

Chairperson Robinson stated that this is a big moment for the history of the JPA. Chairperson Robinson gave thanks to all the parties who have worked hard to get the JPA to this point.

Mr. Materman noted that in an upcoming JPA meeting he will present to the Board a proposal to create a JPA capital project agreement and capital budget.

Highway 101 Bridge Project

Mr. Materman gave the Board a brief update on the Caltrans 101 bridge project. Mr. Materman told the Board that as of now Caltrans has construction scheduled to take place in 2012 and that the new design will increase the cfs from 4,700 to 6,000. Mr. Materman continued to say that Caltrans has agreed to construct an additional barrel to further increase cfs but that the West Bayshore portion of the highway is the missing link as it is a county and city road Caltrans will not touch it. Joe Teresi, City of Palo Alto, explained that the East Bayshore Bridge is physically connected to the highway where the West Bayshore portion is physically removed from the highway.

Mr. Materman told the Board that as a result of the new Caltrans design JPA staff will propose expanding the planned environmental documents for a downstream project to include areas of the Creek immediately upstream. Director Kwok asked if the proposed areas include private property. Mr. Materman replied yes.

Director Abrica stated that per the last conversation that took place regarding the Caltrans project, Caltrans had no intention of increasing cfs because of possible liability factors. Director Abrica asked for clarification as now based off of the new Caltrans design there will be an increase in the cfs which is contradictory to what was originally planned. Director Abrica questioned if the JPA is driving Caltrans to increase the flow capacity because it appears that Caltrans is not willingly agreeing to increase the cfs without a commitment of a downstream project from the JPA. Director Abrica expressed his concern regarding this issue as if the JPA does not do a downstream project, which has not yet been decided by the Board, then the result of the Caltrans project is that the City of East Palo Alto will be flooded. Chairperson Robinson agreed with Director Abrica comments.

Mr. Materman replied saying that we are all in agreement that increasing the flow capacity without doing a project downstream is not logical. Mr. Materman stated that Caltrans big question to the JPA is; what does the JPA need Caltrans to build to. Mr. Materman continued to say that we do not know yet what we need Caltrans to build to and we will not know until early summer when Phillip Williams & Associates completes their study and present their findings.

Chairperson Robinson asked if the West Bayshore portion is owned by the City of Palo Alto or the City of East Palo Alto. Mr. Teresi said the he believed it is co-shared between the cities. Mr. Materman stated that the projects coincide as the JPA is looking to have a project done by 2011 while Caltrans, as stated earlier, is looking to begin construction by 2012.

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Mr. Materman continued saying that if the JPA can have the cfs increased by 2011 before the Caltrans construction begins than the projects will work well together. Director Abrica asked who would be paying for the additional cost of the Caltrans project. Mr. Materman replied saying Caltrans; however Caltrans did not make any type of commitment to the West Bayshore side of the highway but the Caltrans director did say he would take the discussion back to his superiors and try to secure some additional funding. Director Gordon stated that we need to iron out the West Bayshore road issues making sure that the Cities of Palo Alto and East Palo Alto are at the table. Director Gordon continued saying that we might be able to acquire some funding from the San Mateo County Transportation Authority. Chairperson Robinson thanked staff members from the JPA, its member agencies and Caltrans for their hard work. Chairperson Robinson suggested that a letter of thanks be sent to Caltrans.

Robin Grossinger, San Francisco Estuary Institute – A Historical Ecology Report of the Down Stream Area of San Francisquito Creek

Kevin Murray introduced Robin Grossinger who gave a brief presentation of the Historical Ecology report of the downstream area of San Francisquito Creek. Trish Mulvey, Board member of the San Francisco Estuary Institute, thanked the SCVWD for their continuous funding. Mrs. Mulvey, continued saying that Mr. Grossinger's presentation is just a small amount of the available information regarding the history of the San Francisquito Watershed. Mrs. Mulvey stated that she would like to see the JPA have a better understanding of the Creek alluvial fan and that she hopes at some point there can be an in depth discussion of the alluvial fan at Board level. Chairperson Robinson requested that a copy of the Historical Ecology report be put online.

Director Kwok requested that a copy of the Caltrans PowerPoint also be put online. Director Kwok departed at 5:46 pm.

**7) INFORMATIONAL ITEMS –**

Early Warning System Update

Mr. Materman provided the Board with a brief update on the early warning system, now known as the West Union rain gauge. Mr. Materman stated that installation is expected to be completed by the end of May (2009).

Phillip Williams and Associates Upstream and Downstream Alternatives Analysis update

Mr. Materman told the Board that the final report from Phillip Williams & Associates (PWA) will be presented to the JPA Board at the May 28, 2009 special meeting. Mr. Materman shared with the Board that PWA provided a progress report to JPA staff on April 16, 2009 that indicated significant opportunity to reduce flood risk to East Palo Alto and Palo Alto in the reach of the stream between highway 101 and the San Francisco Bay.

City of Menlo Park / JPA Proposal for Federal Economic Stimulus Funding

Mr. Murray provided the Board with a brief outline of the City of Menlo Park/JPA grant proposal to the National Oceanic and Atmospheric Administration (NOAA) Coastal and Marine Habitat Restoration Project Grants Program for Federal Economic Stimulus funding.

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Mr. Murray stated that funds were being requested to modify the Bonde Weir to help improve the adult and juvenile steelhead migration as well as to improve bank stability, vegetative habitats. Mr. Murray said that the funds would also look to provide resting areas for fish migrating through the channel. Mr. Murray noted that this is a City led initiative.

Kent Steffens, City of Menlo Park, stated that City staff is optimistic as the project is shovel ready. Mr. Steffens told the Board that there is already a completed design and that Fish and Game permits are already in. Chairperson Robinson stated that our State and Federal elected officials should be notified about this request for funds.

Art Kramer, Palo Alto resident, asked if this project will be affected by the high speed train project. Director Gordon responded saying that staff should forward the information to the Caltrain Joint Powers Board.

Mr. Materman informed the Board that Congresswoman Eshoo put in a \$750, 000 request for the Feasibility Study in the 2009/2010 Federal budget. Mr. Materman stated that while there has not been word given about the Senate request yet there has been dozens of e-mails sent to the Senator Feinstein, Senator Boxer and Congresswoman Eshoo from residents being led by members from the Three for the Creek group. Mr. Materman stated that Senator Feinstein and Congresswoman Eshoo contacted him saying that have received the e-mails and they are on notice.

**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.***

Director Drekmeier and Joe Teresi, City of Palo Alto, gave brief presentation on the grand opening of the new City of Palo Alto pump station. Director Abrica thanked Director Drekmeier, Mr. Teresi and the City of Palo Alto for working with the City of East Palo Alto staff during the planning and construction of the new pump station.

**10) ADJOURNMENT:**

Chairperson Robinson adjourned the meeting at 6:11 pm.

Minutes prepared by: Miyko Ann Harris-Parker

Clerk of the Board