

San Francisquito Creek Joint Powers Authority

July 23, 2009 Board Meeting

Agenda Item 2

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Chairperson Robinson called the meeting to order at 4:07 p.m. at the City of East Palo Alto Council Chambers, 701 Laurel Street, Menlo Park, CA

DRAFT

1) ROLL CALL

Members Present: Chairperson Robinson, City of Menlo Park
Director Kwok, Santa Clara Valley Water District
Director Drekmeier, City of Palo Alto
(Not present at roll call arrived at 4:09 pm)
Director Gordon San Mateo County Flood Control

Members Absent: Director Abrica, City of East Palo Alto

Alternates Present: Director Romero, City of East Palo Alto

Associate Members: Stanford

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; Kent Steffens, City of Menlo Park;
Trish Mulvey, Palo Alto resident; Anne Stillman, San Mateo
County Flood Control District; Mary Schafer, Palo Alto resident;
Art Kraemer, Palo Alto resident; Bill Springer, Santa Clara Valley
Water District; Kristen O'Kave, Santa Clara Valley Water District;
Jason Christie, Santa Clara Valley Water District;

2) APPROVAL OF SPECIAL MEETING MINUTES MAY 28, 2009

Minutes approved 4-0.

3) APPROVAL OF AGENDA

Agenda approved 4-0.

4) CONSENT CALENDAR

Consent Calendar approved 5-0

5) PUBLIC COMMENT

None.

6) REGULAR BUSINESS – EXECUTIVE DIRECTOR'S REPORT

2007-08 Audit Management letter follow-up

Mr. Materman briefly stated that staff will be developing a process to ensure that all deficiencies and recommendations reported within the FY 07/08 financial reports are eliminated/put into action.

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Updating JPA Policies

Mr. Materman presented Resolution 9-06-25 for Board approval. Mr. Materman briefly explained that the purpose of the resolution is to document JPA practiced policies of ensuring proper use of general contingency funds within the JPA budget, the Executive Director's authority of transferring funds up to \$10,000, and the Executive Director's authority to enter into contracts on behalf of the JPA not exceeding \$10,000. Mr. Materman reiterated that the JPA does currently practice the policies outlined within resolution 9-06-25, however they were never officially approved/adopted by the Board. Resolution 9-06-25 approved/adopted 5-0.

7) INFORMATIONAL ITEMS – DISCUSSION ONLY

Capital Projects update

Mr. Materman gave a presentation on updates to the JPA capital projects detailing the vigorous scheduling leading up to the July 23 JPA meeting by which the JPA Board will engage in the selection of an initial Capital Project alternative.

Director Drekmeier asked for an update on the conversations had with Stanford. Mr. Murray stated that the meeting primarily involved various staff members from various Stanford departments relating information that has since been submitted to PWA. Director Drekmeier asked for clarification of Stanford's position on the project. Mr. Murray replied saying that the meetings have been very cordial and that staff from Stanford does have questions and comments of concern. Director Drekmeier stated that the biggest question the JPA has is regarding cost benefit and that it looks like alternative 2 may be the best option however it is not clear that the benefit equals the expense and that in the next twenty-eight days we need to have as much information as possible in order to make a clear determination of the cost benefit.

Director Gordon asked if outreach has been made with the residents of the East Palo Alto regarding the downstream alternatives or is the scheduled JPA presentation for the East Palo Alto City Council meeting the segway for residents. Mr. Materman replied saying that it has been a difficult process trying to develop the outreach plan for the residents but we have been and we continue trying to create the right process.

Director Kwok followed up saying the communities of the JPA need to be involved more extensively. Director Kwok asked if there has been consideration for having a community task force to discuss the project alternatives. Mr. Materman replied saying that the Crescent Park neighborhood association had a community meeting and invited residents from East Palo Alto and Menlo Park for a presentation on the alternatives. Mr. Materman continued saying that staff has been making great effort to extend outreach to each community involved. Director Kwok asked if a cost benefit analysis will be provided to the Board before the Board makes a decision. Mr. Materman replied saying yes.

Director Romero asked how each member agency's council or Board would know what the other communities are discussing. Director Romero stated that each community is inextricably linked and that no one should be looking out for just their own community. Director Romero continued to say that each JPA member agency should have the comments made each of the community meetings as they will help us engage our citizens respectfully. Mr. Materman responded saying that staff will synthesize the information and have it available for the JPA Board.

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Director Gordon stated that the Board needed an analysis of a range of options and the benefits of what each option would be along with a cost estimate.

Chairperson Robinson one of the concerns of the preliminary cost of the upstream alternative is the cost of removing dirt and that an ideal project is one that has no net dirt. Chairperson Robinson continued saying that all three options are going to require moving a fair amount of dirt offsite and asked if one of the upstream alternatives be modified to keep the dirt on site. Mr. Materman responded saying we could ask our consultant to take a look at this issue however per the results of their study there are some limitations to the building of the basin in regards to building it up as the effort to minimize dirt removal could be weighed against the cost, but may impact the location of the basin. Mr. Murray said that this issue was brought up with the consultants and that they recognize some cost saving in keeping the dirt onsite but it would be a trade off with having to move the diversion channels farther upstream.

Director Romero stated that any downstream improvements would hopefully take on exploring the high tide issues. Mr. Materman replied saying that there are a lot of good questions about seal level rise and high tide and that with part of the Feasibility study we are looking at high tide and sea level rise but as of right now what we are building will not take into affect sea level rise, but it does open the door for more projects.

Trish Mulvey, Palo Alto resident, applauded and thanked Mr. Materman for doing a masterful job in his short time with JPA. Mrs. Mulvey thanked Director Kwok for fielding some tough questions from his fellow Santa Clara Valley Water District Board members at their last meeting regarding the JPA projects. Mrs. Mulvey encouraged the JPA Board to take a look at the SCVWD Board meeting online. Mrs. Mulvey continued to encourage Mr. Materman to reflect upon the comments made by Tom Rindfliesch at the Palo Alto City Council meeting that the JPA alternative projects presentation was made. Mrs. Mulvey stated that in Mr. Materman's list of to-do's it would be wise to meet with the regulatory agencies sooner than later. Mrs. Mulvey also commented on the idea of having community field trips as there are probably a large number of residents in Palo Alto alone who have never been over the Newell Bridge. Mrs. Mulvey stressed the importance of getting people out around the Creek so that so that they can see the importance of what we have. Mr. Materman stated that staff currently has two meetings scheduled to meet with the regulatory agencies and non-governmental stakeholders.

Jerry Hearn, Portola Valley resident, stated that he did not think the JPA would ever get this far. Mr. Hearn thanked staff for the wonderful job they are doing. Mr. Hearn commented that even though Portola Valley is not a member agency there should be consideration made for the project alternative's presentation to be made at a Portola Valley town meeting or community meeting. Mr. Hearn also stated that he had to express some disappointment in regards to the upper watershed alternatives in regards to the standard approach of having one big basin instead of many smaller basins. Mr. Hearn noted that dealing with Stanford is difficult and that there have been a lot of cordial conversations that have gone nowhere. Mr. Hearn asked if Director Drekmeier can check with the Palo Alto City Council and see if a connection can be tied to a public benefit for the hospital plans. Mr. Hearn urged the Board to keep in mind the idea of looking at smaller retention basins. Mr. Hearn said to meet the

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timeline proposed by staff the JPA should focus on the downstream right now as downstream is where the life-safety benefit is and keep plugging on the upstream for future projects.

Art Kraemer, Palo Alto resident, stated that the most important thing to do is go ahead with a downstream project as we are talking about actual loss of life.

Mr. Materman thinks there is a lot of value with giving residents the opportunity to keep the water on their property. Mr. Materman continued to say that there are a number of counties looking to redesign public areas to help with run-off. Mr. Materman said that the amount of water we need to retain upstream makes it difficult to have to look at 1000pts and that the consultant could not achieve the benefit we needed for them to achieve. Mr. Materman continued to say that if the Board does decide to pursue a downstream project, he would recommend getting as much capacity as we possibly can.

Director Romero stated that it is important to continue looking at upstream alternatives. Chairperson Robinson asked for a brief update on cal-trans. Mr. Murray replied saying that Caltrans needs to know to what capacity they need to build the fourth span and while we are working diligently to get the answer we do not have it right now.

Board August Meeting

Mr. Materman stated that historically the Board does not meet in August however if we do not have a decision made on a project at the end of the July Meeting we would need to have meet in August. Director Gordon stated that he believed it was imperative that we keep the August meeting on the schedule for now and that if we find that we do not need to meet we can always cancel it.

- 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. None*
Director Kwok thanked Mr. Materman for making the presentation at the SCVWD Board meeting. Mr. Materman thanked Director Kwok for his fantastic comments and great show of support for the JPA. Chairperson Robinson noted that he received a letter from Congresswoman Eshoo regarding the JPA Federal funding request.

10) ADJOURMENT:

Chairperson Robinson adjourned the meeting at 5:50 pm.

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