

**San Francisquito Creek Joint Powers Authority**

**August 27, 2009 Board Meeting**

**Agenda Item 2**

**July 23, 2009 Board Meeting Minutes**

Chairperson Robinson called the meeting to order at 4:07 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 Kwok, Santa Clara Valley Water District  
Director Abrica, City of East Palo Alto  
Director Gordon, San Mateo County Flood Control

Members Absent: Director Drekmeier, City of Palo Alto

Alternates Present: Director Burt, City of Palo Alto  
Director Romero, East Palo Alto (audience)

Associate Members: Stanford

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

Legal Counsel Present: Greg Stepanicich

Others Present: Joe Teresi, City of Palo Alto; 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; Cynthia D'Agosta, Committee for Green  
Foothills; Anna Blanco, EPA.net/Menlo Park resident; Kathleen  
Bailey, Ladera resident; Steve Plume, Ladera resident; Jean  
McCowan, Stanford

**2) APPROVAL OF SPECIAL MEETING MINUTES JUNE 25, 2009**

Minutes approved 4-0. Director Burt Abstained.

**3) APPROVAL OF AGENDA**

Agenda approved 5-0.

**4) CONSENT CALENDAR**

None.

**5) PUBLIC COMMENT**

None.

**San Francisquito Creek Joint Powers Authority**

**August 27, 2009 Board Meeting**

**Agenda Item 2**

**July 23, 2009 Board Meeting Minutes**

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

Phillip Williams and Associates Final Report-Board Acceptance

Mr. Materman gave a brief presentation on the background of the Phillip Williams and Associates final report.

Anna Blanco of EPA.Net and a resident of Menlo Park questioned the Board on the equality of the proposed alternative project plans. Miss Blanco asked why there seemed to be a difference in not only the funding of the project alternatives per member agency but also the result of the protection for residents in the alternative project plans. Miss Blanco stated that she, her fellow co-workers and fellow residents of Menlo Park and East Palo Alto believe that the future project conditions seem to favor Palo Alto Residents more than the East Palo residents. Chairperson Robinson responded by clarifying that the project alternatives that the JPA are currently looking at will greatly help the residents of East Palo Alto. Miss Blanco concluded her comments saying that whichever project alternative the JPA chooses all funding for the project should be equally divided among each member agency. Chairperson Robinson explained that the funding for whichever project that is to be selected is coming mostly from the two counties and that the bulk of the funding may probably be coming from the SCVWD.

Director Kwok stated that the JPA is looking only for projects that will promote a benefit to all member agencies of the JPA. Director Kwok continued saying that funds that are being provided by the SCVWD are funds from Measure B, a bond passed by voters. Director Kwok asked if accepting the PWA report precludes looking at other alternative options that were brought forth during the study. Mr. Materman responded saying that acceptance of the Report only affirms that PWA satisfied the tasks that we asked of them in the contract, and does not preclude our analysis of any of the options.

Director Abrica stated that there are specifics of the project that still need to be worked out like the discussion regarding tidal flooding. Director Abrica stressed that the JPA needs to ensure that we are looking after everyone affected by flooding within this Watershed. Director Abrica continued saying that just because the PWA report does not include a significant project alternative for tidal flooding does not mean that the project is not compatible to the bigger project.

Director Burt asked for clarification regarding the tidal flooding aspect of the project. Mr. Materman stated that the PWA report does not include a study on tidal flooding as the project alternative study was not designed to specifically protect against tidal flooding with the exception of the colliding effect of what comes down from the hills. Mr. Materman continued saying that whatever project the JPA and its member agencies decide to proceed with, tidal will be conducted the same way. Director Abrica said that overdesign of the project is the key. Director Abrica continued saying that the JPA has to look at the whole community while proceeding with this project and that he is confident the Board is doing just that. Director Abrica stressed the importance of participation from Stanford as Stanford is a major landowner within the watershed and it is imperative that Stanford stays engaged in the idea of the whole community need.

**San Francisquito Creek Joint Powers Authority**

**August 27, 2009 Board Meeting**

**Agenda Item 2**

**July 23, 2009 Board Meeting Minutes**

Katharine Bailey, resident of the Ladera community, addressed the Board stating that whatever direction this project goes the Ladera community needs to be brought to the table. Mrs. Bailey stressed her disappointment with the fact that the Ladera community had not been informed of the proposed plans until days before this JPA Board meeting. Mrs. Bailey requested that the project presentation be given to the Ladera Community Association.

Director Gordon moved acceptance of the Philip Williams and Associates final report. Director Burt seconded. Motion passed 5-0.

Options Regarding Capital Projects-Discussion and Action

Mr. Materman and Mr. Murray presented and briefly explained a list of questions and answers to the Board regarding the project alternatives study that were gathered from the outreach meetings that occurred over the past few months.

Director Gordon suggested that as the JPA looks at proceeding with a downstream project, we also look at the development of the project needs to include the maintenance aspect of the project as well. Chairperson Robinson agreed saying that he would worry that if we did not have an annual maintenance schedule we could fall into BCDC stopping us from removing what needs to be removed. Mr. Murray responded saying that the overdesign element of the project will take the maintenance issue into account.

Director Abrica asked what certainty can be made that the residents of East Palo Alto will not now be inundated if more water will be going into the Faber Tract; how will it not flood.

Mr. Murray responded saying that the volume of water being added by this project is not enough to impact the sea level and that if the more sophisticated hydraulic analysis finds that the impact is going to be a negative impact than we have to mitigate for this negative impact and find a solution.

Chairperson Robinson stated that seeing the modeling data would be helpful for these discussions. Chairperson Robinson asked staff to see if there was a way to take some of the modeling data and transmit it for presentation at Board level for better understanding for members of the Board and the public.

Mr. Materman continued the discussion by reviewing the various project alternative options available for the Board to pursue.

Director Kwok asked if the upstream retention options include the cost of land. Mr. Materman replied saying that the cost estimate does not include land cost. Director Kwok asked if the upstream alternatives are compatible with the downstream options. Mr. Materman replied saying that the upstream project alternatives and the downstream alternatives are compatible per the PWA report.

**San Francisquito Creek Joint Powers Authority**

**August 27, 2009 Board Meeting**

**Agenda Item 2**

**July 23, 2009 Board Meeting Minutes**

Director Burt stated that we need to be sure we are realistic on the use or amount of time the retention basins for the upper watershed alternatives are used. Director Gordon stated that he is very much interested in upstream retention, however the discussion with Stanford regarding the use of Stanford property will be a lengthy and a longer process. Chairperson Robinson stated that by the time the JPA is ready for an upstream retention project Stanford will be at the point of having to make a decision regarding Searsville.

Director Abrica said that Stanford has to take an ethical responsibility toward the JPA sooner rather than later otherwise we are just sort of pretending to be collaborating. Director Abrica continued saying that we have to move the political communication forward in order to move forward with a project.

Jean McCowan, Government relations office Stanford, stated that Stanford believes there are a number of issues that need to be looked at regarding the upstream retention project alternatives. Mrs. McCowan said that Stanford does not want conversations between the JPA and Stanford to end and that Stanford is pushing to find answers to some important questions before decisions can be made on upstream retention. Mrs. McCowan stressed that Stanford is not trying to stonewall issues. Mrs. McCowan asked what the tradeoffs were of spending the money upstream versus spending the money on Pope Chaucer Bridge or other areas in the middle stretch of the watershed as anything done at Web Ranch will have a significant impact to all the residents in the upper watershed. Mrs. McCowan stated that a good candid discussion needed to be had on how realistic the upper watershed alternatives really are.

Steven Plume, Ladera Resident, voiced his concern on the fact that the Ladera community has been kept out of the loop regarding the JPA proposed projects and that he encourages the Board to encourage the JPA staff to become engaged with the Ladera community as the upstream project alternatives will greatly affect the Ladera community.

Art Kramer, Palo Resident, commented that if the Pop Chaucer Bridge was totally removed there would have to be floodwalls on the creek somewhere in the height of six feet. Mr. Kramer continued saying that if there is not some degree of upper retention the only alternative left would be to create concrete walls which are clearly not an acceptable approach for this watershed.

Mary Schaffer, Palo Alto resident, stressed her desire of seeing Stanford be a representative on the Board as Stanford has the ability to help. Mrs. Schaffer stated that we may have a Katrina like incident someday and that she wants to see help for East Palo Alto residents before this occurs. Mrs. Schaffer stated that there had to be something done for East Palo Alto residents before Palo Alto residents and that if that takes a little bit of help from Stanford the JPA should see to it that it happens.

Chairperson Robinson briefly shared the letter written by Stanford regarding the PWA final report. Chairperson Robinson reminded the Board that a few years ago the JPA received a letter from Stanford stating that there was not going to be a discussion regarding upper watershed retention on Stanford property and that the message received by Stanford today is a lot more cooperative.

**San Francisquito Creek Joint Powers Authority**

**August 27, 2009 Board Meeting**

**Agenda Item 2**

**July 23, 2009 Board Meeting Minutes**

Mr. Materman wrapped up the discussion with requesting that the Board authorize staff to draft a letter to the City of Palo Alto requesting that the Palo Alto City Council seek to work with Stanford to pursue the opportunity for upstream retention. Director Kwok asked if the Board can have some input regarding the letter. Mr. Materman replied saying yes, the letter will be written to the Palo Alto City Council from the JPA Board.

Director Burt moved to authorize JPA staff to draft a letter to the Palo Alto City Council requesting that council seek to work with Stanford to pursue the opportunity for upstream retention. Director Kwok seconded the motion. Motion approved 5-0.

Mr. Materman presented a brief outline for the JPA regarding the implementation of a capital project that reduces flooding downstream of Highway 101. Chairperson Robinson stated that pursuing the downstream option provides the opportunity to provide further outreach to the upper watershed communities.

Director Gordon moved to pursue a capital project that reduces flooding Downstream of Highway 101. Director Burt seconded. Motion passed 5-0.

Request for Qualifications for consultant services for design and environmental planning on a Capital Project that reduces flooding Downstream of Highway 101 - Board Authorization

Director Gordon moved to authorize JPA staff to send out request for qualifications for consultant services for design and environmental planning on a capital project that reduces flooding Downstream of Highway 101. Director Kwok seconded. Motioned passed 5-0.

Director Kwok asked for clarification of whether or not PWA would be excluded from this process as they were hired to do the study. Greg Stepanicich, Legal Counsel for the JPA, stated there are not any known provisions within state law for local government agencies that would prevent PWA from participating in this phase of the project. Chairperson Robinson stated his concern about the accuracy of the financial estimates and stressed that the next phase has to have rock solid financial numbers.

- 7) **INFORMATIONAL ITEMS** – None.
- 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.
- 10) **ADJOURNMENT:**  
Chairperson Robinson adjourned the meeting at 6:18 pm.

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