



SAN FRANCISQUITO CREEK  
JOINT POWERS AUTHORITY

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**Notice of Regular Meeting of the  
BOARD OF DIRECTORS  
March 26, 2020 at 3:30 p.m.**

**Due to the risk of COVID-19 transmission, this meeting will be held remotely.**

**To join the meeting, click on: <https://zoom.us/j/939577175?pwd=a25qV3Nqb2VIYUtsRkITM25rdml3Zz09>**

**Meeting ID: 939 577 175**

**Or by phone: 669-900-6833,,939577175#**

AGENDA

1. ROLL CALL
2. APPROVAL OF AGENDA
3. APPROVAL OF MEETING MINUTES: February 27, 2020 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. Brief informational update on the Upstream of Highway 101 Project
  - b. Brief informational update on discussions with Stanford regarding upstream detention
  - c. Brief informational update on the Fiscal Year 2020-21 Operating Budget
6. EXECUTIVE DIRECTOR RECRUITMENT PROCESS: additional opportunity for public comment
7. CLOSED SESSION: Pursuant to Government Code Section 54957 regarding public employee performance evaluation - title: Executive Director
8. 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 March 23, 2020 at [sfcjpa.org](http://sfcjpa.org) -- click on the "Meetings" tab near the top.

**NEXT MEETING:** Regular Board meeting, April 23, 2020 at 3:30 PM, location to be determined

**San Francisquito Creek Joint Powers Authority**  
**March 26, 2020 Regular Meeting of the Board**  
**Agenda Item 3**  
**February 27, 2020 Board Meeting Minutes**

Director Kremen called the meeting to order at 2:40 p.m. at the City of East Palo Alto Council Chambers, Menlo Park, California.

DRAFT

**1) ROLL CALL**

Members Present: Director Gary Kremen, Valley Water  
Director Drew Combs, City of Menlo Park (Not present at roll call)  
Director Dave Pine, San Mateo County Flood & Sea Level Rise Resiliency District  
Director Alison Cormack, City of Palo Alto  
Director Ruben Abrica, City of East Palo Alto

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

Legal Present: Trisha Ortiz

Others Present: Jerry Hearn, Portola Valley resident; Michel Jeremias, City of Palo Alto;  
Fariborz Heydair, City of Menlo Park; Mike Sartor, City of Menlo Park; Ann Stillman; San Mateo County; Alec Nicholas, Valley Water

**2) APPROVAL OF AGENDA**

Mr. Materman requested that agenda item 5d, "Consider approving Resolution 20.2.27 of the Board of Directors adopting the 2019 Update to the Bay Area Integrated Regional Water Management (IRWM) Plan", be removed and reagendaized at a later meeting. Director Pine made a motion to approve the agenda removing agenda item 5d. Director Cormack seconded. Agenda approved 4-0. Director Combs was not present at time of approval.

**3) APPROVAL OF January 23, 2020 REGULAR BOARD MEETING MINUTES**

Director Cormack made a motion to approve the January 23, 2020 Regular Board meeting minutes. Director Pine seconded. The January 23, 2020 Regular Board meeting minutes were approved 4-0. Director Combs was not present at time of approval.

**4) PUBLIC COMMENT**

None.

**5) REGULAR BUSINESS: EXECUTIVE DIRECTOR'S REPORT**

Board Organization

Director Abrica shared with the Board, that though the Vice-Chair usually takes on the Chair position, he will support another Board member serving as Chair, as he plans to reduce his workload.

Director Cormack nominated Director Kremen to remain Chair of the Board. Director Pine seconded. Motion to nominate Director Kremen to remain Chair of the Board approved 4-0. Director Combs was not present at time of approval.

Director Cormack nominated Director Abrica to remain Vice-Chair of the Board. Director Pine seconded. Motion to nominate Director Abrica to remain Vice-Chair of the Board approved 4-0. Director Combs was not present at time of approval.

Director Abrica made a motion to add Director Cormack to the Finance Committee. Director Pine seconded. Motion to add Director Cormack to the Finance Committee approved 4-0. Director Combs was not present at time of approval. No changes were made to the Personnel, Emergency Preparedness, and Roles and Responsibilities Committees.

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Director Kremen proposed that the Board create an *Ad Hoc* committee focused on the recruitment and hiring of a new Executive Director. Directors Pine and Abrica concurred.

Jerry Hearn, Portola Valley resident; thanked Mr. Materman for his commitment and contributions to the SFCJPA and its communities. Mr. Hearn commented that during the hiring of Mr. Materman, there was a role for community members to provide input on the candidates and Mr. Hearn asked that the Board consider allowing a similar process this time as well.

Director Pine nominated Director Kremen for the *Ad Hoc* Committee to Hire a New Executive Director. Director Abrica nominated Director Cormack. Motion to add Director Kremen and Director Cormack to the *Ad Hoc* Committee to Hire a New Executive Director approved 4-0. Director Combs was not present at time of approval.

Director Abrica nominated Director Combs to be the representative for the ACWA/JPIA Board. Mr. Materman informed the Board that staff is recommending that SFCJPA Project Manager Tess Byler be assigned as the ACWA/JPIA alternate. ACWA/JPIA vote deferred until arrival of Director Combs.

Consider for approval the draft amended and restated Joint Powers Agreement that created the SFCJPA  
Director Combs arrived at 2:54 pm.

Mr. Materman presented the draft amended and restated Joint Powers Agreement that created the SFCJPA to the Board for approval. Mr. Materman provided a summary of the two-phase approach to this process agreed to by member agency staff. Mr. Materman explained that the first phase, the part of the agreement being presented to the Board today, includes amending the agreement by replacing "San Mateo County Flood Control District" with "San Mateo County Flood and Sea Level Rise Resiliency District" on the signature page, as well as other changes that do not involve policy considerations. Mr. Materman explained that the second phase of updating and approving the agreement is expected to be completed by June 30, 2020 and will include policy-related changes so that the agreement matches current and desired SFCJPA activities.

Director Cormack asked for clarification regarding the insurance indemnification changes asking if SFCJPA contracts will require contractors to indemnify the SFJCPA and its member agencies. Trisha Ortiz, SFCJPA legal counsel, stated that SFJCPA attorneys review each contract and make sure contractors do indemnify all parties. Director Cormack stated that she would like member agencies to have an opportunity to make additional minor edits. Director Pine asked what phase two of this process would like. Mr. Materman commented that a group of senior staff from each member agency has agreed to meet to have the second phase completed by the end of the fiscal year. Director Pine commented that it's important that we complete the process in this timeframe.

Director Kremen commented on the fact that the 1998 flood is mentioned in the agreement and he asked if we should mention the more recent flooding in East Palo Alto. Director Abrica replied saying that the 1998 flood is the flood of record that led to the formation of the SFCJPA and therefore it's fine for it to be the event mentioned in the agreement.

Director Kremen asked if a capital budget would be defined in the agreement. Mr. Materman explained that the SFCJPA does not have a Capital Improvement Program; we have accounts that are pass through project accounts for the funds we receive. Mrs. Ortiz stated that this was something the attorneys reviewing the Joint Powers Agreement identified as needing more discussion and that if we go back with changes to this now there might be disagreement which could cause further delay in the completing the amendment. Director Kremen asked that the capital budget issue be included in the next phase of discussions.

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Director Cormack made a motion to approve the phase one changes to the draft amended and restated Joint Powers Agreement that created the SFCJPA with the potential for minor changes to be agreed to by member agency staff. Director Combs seconded. Motion to approve the phase one changes to the draft amended and restated Joint Powers Agreement that created the SFCJPA with potentially minor changes to be made by member agency staff was approved 5-0.

The ACWA/JPIA Board assignment re-visited. Director Combs agreed to the nomination.

Director Abrica nominated Director Combs to be the representative for the ACWA/JPIA Board. Mr. Materman informed the Board that staff is recommending that SFCJPA Project Manager Tess Byler be assigned as the ACWA/JPIA alternate. Director Cormack Seconded. Motion to assign Director Combs as the SFCJPA representative and Tess Byler as the SFCJPA alternate to the ACWA/JPIA Board approved 5-0.

Brief informational report on Biennial review of the Conflict of Interest Code and Notice of FPPC  
Mrs. Ortiz provided a brief explanation of the Biennial review of the Conflict of Interest Code and Notice from the FPPC. Director Pine asked if there were going to be any changes. Mrs. Ortiz replied that legal did a review and that there would be no changes made.

**6) CLOSED SESSION**

Director Kremen adjourned the meeting to closed session at 3:16 pm.

Closed session adjourned at 4:10 pm.

**7) CLOSED SESSION**

Closed session opened at 4:10 pm.

Closed session adjourned at 5:06 pm.

**8) ADJOURNMENT**

Regular meeting session adjourned at 5:06 pm.

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

**San Francisquito Creek Joint Powers Authority**  
**March 26, 2020 Board Meeting**  
**Agenda Item 5**  
**Executive Director's Report**

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

**a. Brief informational update on the Upstream of Highway 101 Project**

SFCJPA staff are working to advance the project upstream of Highway 101, with a focus on the following:

- obtaining construction permits for channel widening and bridge replacements to convey flows similar to the 1998 flood, and
- initiating planning for additional project elements to provide flood protection against the 100-year flood event and remove residents from the FEMA floodplain.

Construction of the Upstream of Highway 101 project will require regulatory permits from the U.S. Army Corps of Engineers (Corps), in consultation with the National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (USFWS), the California Department of Fish & Wildlife (CDFW), and Bay Area Regional Water Quality Control Board (Regional Water Board). Our environmental consultant has prepared draft permit applications to these regulatory agencies, based on Valley Water's current designs for the channel widening at five locations and its consultant's design for a new Pope-Chaucer Bridge. On March 30, Senior Project Manager Kevin Murray will discuss with Regional Water Board and CDFW staff the current project designs and adjustments that may be necessary to obtain construction permits within the year. Additionally, as soon as federal employees are able to physically return to work, our Senior Project Manager will conduct a site visit with staff from the Corps, NMFS, and USFWS.

To reduce the time needed to obtain construction permits, we have solicited Statements of Project Understanding and Cost Estimates from three well-qualified consultant firms respected by regulatory agency staff to update the existing designs by incorporating features recommended by regulatory agencies. (For consultant contracts under \$100,000, the SFCJPA may, at the discretion of the Executive Director, solicit statements of project understanding and cost estimates from three qualified consultants.) The costs of this contract would be paid for by the funding agreement between the SFCJPA and Valley Water for this project, as amended by the SFCJPA Board on September 26, 2019. We anticipate this consultant contract will be presented for Board approval at the April 23, 2020 meeting.

In addition to regulatory permits, the other items that are required to begin construction of this project are securing required funding and land rights, and the completion of the City of Palo Alto's project to replace the Newell Road Bridge, which must occur prior to the replacement of the Pope-Chaucer Bridge.

The SFCJPA's overall flood protection objective, against a 100-year storm, is greater than the protection afforded by the project discussed above (against the 1998 event a 70-year storm). Thus, on March 24, 2020, the SFCJPA released a Request for Proposals for Environmental Planning for 100-year Protection Upstream of Highway 101, which will be the next phase of work to provide enough flood protection and freeboard to remove properties in East Palo Alto, Menlo Park, and Palo Alto from the FEMA floodplain and flood insurance requirement. The work products of this contract will be an alternatives analysis and project level EIR for project features that would supplement bridge replacement and channel widening in the already-certified EIR. The alternatives to be analyzed include a combination of offline stormwater detention facilities on Stanford lands and additional bank height at strategic locations. We intend to receive proposals from prospective consultants prior to the next SFCJPA Board meeting.

**b. Brief informational update on discussions with Stanford regarding upstream detention**

In August of 2019, senior staff at Stanford University provided an update to the Board on the status of its preferred potential project to modify Searsville Dam and Reservoir, which would, among other benefits, temporarily detain stormwater upstream of the flood prone areas within our communities. At that meeting, Board members discussed with Stanford officials the issue of obtaining access to conduct the evaluations required by the California Environmental Quality Act (CEQA) to determine the feasibility of the SFCJPA constructing stormwater detention basins on Stanford land west of Highway 280.

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**Agenda Item 5**  
**Executive Director's Report**

In January of this year, SFCJPA Board Chair Gary Kremen wrote to Stanford's Vice President for Land, Buildings, and Real Estate to request access in order to comply with this CEQA requirement. In February, two SFCJPA Board members and I met with Stanford officials and later that month, Stanford sent a letter to the SFCJPA. This agenda item is intended to update the public on this process.

**c. Brief informational update on the Fiscal Year 2020-21 Operating Budget**

This agenda item is intended to provide Board members and the public a summary of the key issues related to the SFCJPA's current budget, and to enable the Board to provide direction to staff as we develop our next annual budget over the next month. Then, at its April 23, 2020 meeting, I will ask the Board to approve our Fiscal Year 2020-21 Operating Budget, which goes into effect on July 1<sup>st</sup>.

The primary issue to be discussed is the potential increase in each member agency's annual contribution. In March of 2018, when the Board approved the FY 2018-19 Operating Budget, I stated that the increase approved at that time would enable the SFCJPA to operate for the next two years without another increase. Now, consistent with that plan from two years ago, we are looking at our next increase in the annual contribution to cover the normal and relatively small increase in annual operating expenses such as personnel and administration.

On top of that, this year we are also looking to propose relatively large increases to the legal and project consultants account fields to cover the costs associated with both our Upstream of Highway 101 project Environmental Impact Report completed in September 2019, and our next EIR of a project to increase protection in that area to the 100-year level with FEMA freeboard through a combination of one or more stormwater detention basins west of Highway 280 and additional freeboard between Highway 101 and the Pope-Chaucer Bridge.

This Agenda item will be a general discussion of next year's Operating Budget to build a common understanding of the issues and receive direction from the Board. No action on the budget will be taken until the April 23 Board meeting.

Submitted by:



Len Materman  
Executive Director