



CITY COUNCIL RAIL COMMITTEE

Special Meeting
March 17, 2011

1. Roll Call

Council Member Klein called the meeting to order at 8:13 a.m. in the Palo Alto Art Center Meeting Room, 1313 Newell Road, Palo Alto, California.

Present: Burt, Klein, Shepherd, Price

Absent: none

2. Public Comment

None

3. Approval of Minutes: December 2, 2010 and February 3, 2011

MOTION: Council Member Price moved, seconded by Council Member Shepherd that the Rail Committee approves the minutes of December 2, 2010 and February 3, 2011.

MOTION PASSED 4-0.

MOTION: Council Member Klein moved, seconded by Council Member Shepherd to pull Agenda Item Number 8 to become Agenda Item Number 3a.

3a. (Former No. 8) Status Reports

a. Caltrain, Valley Transportation Authority (VTA) Caltrain Funding Strategies Staff Report

Rob Braulik Assistant, Director of Administrative Services, spoke regarding a Palo Alto Town Hall meeting originally scheduled for April 21, 2011. He said it was now tentatively scheduled for April 26, 2011.

Richard Hackmann, Management Specialist, said it was tentatively scheduled for the Sheraton Hotel from 6:00 pm to 8:00 pm.

Council Member Price asked who was facilitating the meeting.

Mr. Braulik said that that City would facilitate the meeting, but representatives from the other organizations would be in attendance. He said Staff provided a memo from Valley Transportation Agency (VTA) regarding their review of Caltrain funding issues. The Metropolitan Transportation Commission (MTC) may release an interim funding strategy for Caltrain operations.

b. High Speed Rail (HSR)

Mr. Braulik said that the High Speed Rail Authority (HSRA) was continuing to focus their funding on the Central Valley component of HSR. The HSRA had indicated they were going to restart the working group meetings in March, but that had not happened yet.

Council Member Price requested that Caltrain provide a person with technical expertise for the Town Hall Meeting on April 26, 2011.

Mr. Braulik said they were attempting to get technical staff for the DMU EMU discussion.

Council Member Price said a critical meeting between the leaders of the three affected counties was scheduled to take place. She requested Staff update her on the meeting. She suggested they contact Jim Lawson, Executive Policy Advisor with VTA, if they did not have a update and needed more information.

Chair Klein said he had spoken with Mr. Lawson recently. There was a meeting two weeks previous with the leaders of the VTA, SamTrans, San Francisco Muni, and the executive director of the MTC. There was supposed to be another meeting that would produce a resolution regarding the short term funding needs of Caltrain, the following week.

Mr. Braulik asked if MTC hosted the recent meeting.

Chair Klein said he did not know.

Mr. Braulik said Staff would determine who hosted the meeting and gather the appropriate information.

Council Member Burt reported on the Peninsula Cities Consortium (PCC). In the last meeting a discussion took place regarding a memo to five counties written by the City of San Mateo. He said he had not received a revised draft yet.

Chair Klein said he had received the revised language a few days ago via email and would forward it on to the Rail Committee Members and to Staff.

Council Member Burt said that the content was supposed to indicate that if the High Speed Rail were to be built on the peninsula corridor that it must be built right. The memo was to further define "done right" as favored alternatives must be included in the Environmental Analysis. He said the cities of Pacifica and Foster City joined the meeting because of their support of the PCC efforts. He spoke regarding the current inability to issue bonds, the sale of which would be needed for the required matching funds for HSR.

Council Member Shepherd requested an update on the new organizations involved in San Mateo County.

Council Member Burt said the cities that had initially signed the memo he referred to were Redwood City, San Mateo, Burlingame, Millbrae, and South City. Additionally Belmont, Brisbane, Foster City, and Pacifica attended the meeting. Menlo Park and Atherton were opposed to the memo and may not have attended the meeting.

Council Member Shepherd confirmed this was exclusive to San Mateo County.

Council Member Burt confirmed that the memo was exclusively for San Mateo County. He said that the memo was driven by the City of San Mateo's senior staff. They had also discussed the ineffectiveness of the Policy Maker Working Group (PWG) and suggested a new entity.

Council Member Shepherd asked how Palo Alto should respond.

Council Member Burt said as part of a different county, they were not required to respond. Palo Alto's views are valued as a member of PCC.

Council Member Shepherd said that it would be ideal to have a consortium of the entire rail corridor.

Council Member Burt said the PWG would be the driver of that. However the process had been ineffective. He suggested the agenda and the process were

not what the elected officials wanted. He referred to a meeting with Terry Lightfoot where he explained his concerns, and Mr. Lightfoot agreed to take the information back.

Council Member Shepherd asked if they could discuss what they would like to happen next. She said if they could send a memo to the PWG suggesting a format it might give them a place to start.

Council Member Burt said the PWG was headed by the Peninsula Rail Program (PRP) which was headed by Bob Doty and supported by consultant staff. Mr. Doty was no longer there and there was no longer any leadership.

Council Member Price said that given the uncertainty, was there a method for the representatives on the PWG to write a statement outlining their concerns and visions of the future.

Chair Burt said this was what PCC was intended to do. Trying to solicit other member's opinions had been rejected. It would be impossible to get all cities along the corridor to agree and write a memo.

Council Member Price agreed but suggested that some level of consensus would still be beneficial.

Council Member Burt disagreed that the PCC was formed to do this. It was formed to publicly share information and as a forum for like minded cities. Taking an initiative to suggest the PWG structure was an effort Palo Alto could lead.

Council Member Shepherd asked what action could be taken.

Council Member Burt said it wasn't agendized so the Committee could not take action. In the future they could draft a letter and circulate it among the PWG representatives to get a few other cities to sign on.

Council Member Price asked Staff to agendize it for the next Rail Committee meeting.

Council Member Shepherd said because there was no Rail Committee meeting scheduled soon, this would not be discussed until May unless they schedule an additional meeting.

Council Member Burt suggested it could go to the full Council. He said Staff

changed the frequency of update reports to Council without policy direction from the Committee.

Mr. Braulik said Staff would schedule a Council update. He spoke regarding updates at the PCC meeting regarding the status of the Rail Corridor Study. He said there was no policy direction at the PCC. He said that Staff would speak to them to determine if that status had changed.

Chair Klein said he would work with Staff to determine a date to agendaize this.

NO ACTION REQUIRED.

4. Discussion of Caltrain Proposal to Close San Antonio Station in Mountain View.

Rob Braulik, Assistant Director Administrative Services, spoke regarding the request from the City of Mountain View for the City of Palo Alto to officially oppose the proposal to close the San Antonio Caltrain Station. He said the two cities enjoy a good relationship, so Staff wanted to bring this before the Rail Committee for discussion.

Council Member Price asked if the proposal to close the station accompanied a distress plan. She said it was premature for Palo Alto to take a position on a project with a moving target date, no information regarding rider ship, and limited information regarding the urban design in the area.

Council Member Shepherd said there had been many development plans along the entire corridor. She said she would prefer a statement linking the various cities with proposed transit oriented investments that have assumptions the trains would stop in their cities.

Council Member Burt stated that the prior Caltrain curtailment program included number of stops and number of trains. He studied the rider ship at various stations. San Antonio had a higher rider ship than some of the other proposed closure stations.

Mr. Braulik said Staff would bring the current data on all the stations to the next Rail Committee meeting.

Council Member Burt said the information was available on the Caltrain website.

Chair Klein suggested they may need a meeting prior to the April 14th

regularly scheduled meeting.

Council Member Shepherd asked Staff to report on how much transit oriented development was relying on the train stations.

Mr. Braulik said the biggest was the Hayward Park Station, and one in the City of San Mateo.

Council Member Price said it wasn't just rider ship. The cost implications were critical and encouraged through legislation yet discouraged through station closures.

NO ACTION REQUIRED.

5. Report Out From Recent Washington, D.C. Trip meeting with Congressional Representative.

Council Member Klein spoke regarding his recent trip to Washington, D.C. He said he met with ten Congress Members and their Staff. He said the information was received positively. Staff and Congress Members were well informed and aware of the actual information. For example they were aware of the actual cost of \$65-\$66 billion not the \$43 billion being discussed by the High Speed Rail Authority (HSRA). The Republicans were adamant there would be no new funding. There was much conversation about whether or not the Federal Government could reclaim the High Speed Rail (HSR) money. A new bill was being written to authorize the Secretary of Transportation to move monies authorized by HSR to other transportation uses. He said there had been three lobbying sessions over the last year. They were regularly told they should be in Washington more not less. He said that anytime any Council Members were in Washington they should consider visiting the representatives.

Council Member Price said that if Council Members go on business they should visit representatives. She suggested the City should also have a more central strategy regarding these sessions and set up meetings in their local offices when possible.

Chair Klein agreed, but added that there were non-locals that they needed to meet with as well.

Council Member Burt said regarding Congressional discretion on the funds being allocated to HSR, he suspected the legislature was not familiar with

milestones, conditions, and the requirement of matching funds. The Federal Rail Administration (FRA) had a perspective of these conditions being local issues. They need help understanding these influential elements.

Chair Klein said there was a January 12, 2012 forecast. We visit them to provide education and to learn. He said he assumed the new head of the Transportation Authority did not have the same level of information.

Council Member Burt said Congress Member Mica has spoken of California's project, while advocating the north east corridor. He said that under the allocations that had been made there were conditions that had suffered some breeches that Members of Congress and the FRA are not likely aware of.

Council Member Shepherd said the City of Sunnyvale thought the Central Valley build was a pilot for the Peninsula build. She said she disagreed with that statement. Pilots don't cost that much money.

Council Member Klein said the Central Valley corridor was considered a joke in Washington.

Council Member Price asked if Council Member Klein had provided an information packet to the Federal Legislatures he was not able to meet with.

Council Member Klein said that was a good idea and he would follow through on getting them the information.

Morris Brown agreed that much focus should be on the Federal level at this point and suggested the City hire a Federal Lobbyist.

Chair Klein said the City retained **Van Scoyoc Associates** as their Federal Lobbyist.

Mr. Brown suggested other regional cities should join that effort.

Council Member Burt stated that the Daily Post had been critical of the City of Palo Alto for not taking a more forceful position on HSR and doing more lobbying and then critical of expenditure of funds to travel to do the lobbying effort. Council Members take time from their personal and professional lives to do these trips. The Post should reconcile their views.

NO ACTION REQUIRED

6. Reconsideration of Previously Approved High Speed Rail Letter

Chair Klein some letters the Committee had approved at the last meeting. One was directed to the High Speed Rail Authority (HSRA) regarding the cost of the project. No response to the letter had been received.

Richard Hackmann, Management Specialist, stated that he spoke with the HSRA that day and they had received the letter.

Chair Klein asked about the second letter which was directed at Joint Powers Board.

Mr. Braulik confirmed a letter requesting an independent rider ship review had been sent.

Chair Klein asked about the third letter regarding the Environmental Impact Report Peer Review. The letter written by Staff was focused toward legislators. He believed the letter was not focused on what the real concern was.

Mr. Hackmann said there was insufficient rider ship forecast which did not allow the City to accurately proceed. The letter was focused on the lack of a review committee to address the flaws and advocate for change.

Chair Klein said that a rider ship per review study was part of the original operation.

Council Member Price said the issue was they could not be accurate with the inherent conflict-of-interest. She wanted to know if the goal was to reiterate the importance of having a peer review or if it was to comment on the composition and technical abilities of the members of the peer review committee.

Council Member Burt said it was difficult to know if the current draft embodied the goals without a copy of it.

Council Member Price suggested agendaizing this item for the next meeting so the Committee may have a more focused conversation.

Council Member Burt agreed saying they could not discuss this without the letter in front of them so they could work on the language. He said it would

be valuable to be more detailed in the letter, including specific quotes from Mr. Van Ark.

Chair Klein said the Committee should focus on the main goals of the letter and allow Staff to word-smith it.

NO MOTION REQUIRED.

7. Committee Meeting Schedule.

Herb Borock spoke regarding the meeting schedule. He suggested the second Thursday of the month did not provide enough time for Staff to prepare the reports from the various meetings they have to report on. The third Thursday of each month would provide a better time frame.

Council Member Price agreed, stating that she had conflict the second Thursday of each month.

Morris Brown stated that there had not been enough emphasis put on the status of the Central Valley project. The current proposal was not actually a High Speed Rail proposal and would not be unless more money was poured into the project. More emphasis should be put on what to do with the Prop 180 funds.

Chair Klein spoke regarding upcoming meeting dates. He stated that the only date County Supervisor Liz Kniss was able to meet in Palo Alto to discuss the role of the Caltrain Joint Powers Board (JPB) was April 13, 2011.

Council Member Burt said that week was Spring Break and the Committee had discussed not holding meetings that week. He asked for confirmation that was the only date she was available.

Richard Hackmann, Management Specialist, said that he had offered multiple dates to Supervisor Kniss and that was the date that was returned. He said he would check other dates.

Council Member Burt said the meeting was important and should continue without him if it must be on April 13, 2011.

Council Member Price said they should keep the date, as the meeting was important.

Council Member Shepherd suggested Staff double check the schedule and see if Supervisor Kniss can attend on another date, otherwise keep the April 13, 2011.

Council Member Price said she had conflicts on April 20th or 27th. She asked Staff to check availability on April 6, 2011.

Chair Klein asked for presentations on electrification by an engineer, and how much money was presently available.

Council Member Burt said that Caltrain had three main components excluding grade separations; new train sets, positive train control, and electrification. He said there was money set aside for each of those. The conversation should not be framed solely around electrification. The electrification Caltrain was going to do, absent HSR, was more expensive which might explain some of the different financial information being distributed.

Chair Klein said that it would be good to hear five or ten minutes from people who disagree with Caltrain's plan, at least someone not on Caltrain's payroll. He also requested a presentation on the alternatives to electrification.

Council Member Shepherd requested clarification on why they would want to hear opposing points of view.

Chair Klein said they were controversial issues.

Council Member Shepherd agreed but said they had not received accurate information from Caltrain on many issues.

Chair Klein asked how they would know whether or not Caltrain was giving them an accurate answer without opposing views being voiced.

Council Member Shepherd asked how they would vet the person with the opposing view.

Chair Klein said he did not have a position on electrification and wanted to hear both sides so he could have all the information.

Council Member Shepherd said that would come forward during oral communications.

Chair Klein said that was not an appropriate vehicle.

Council Member Shepherd asked how much time would be allotted for the meeting and how would it be prepared for.

Chair Klein said the City did not have an official position regarding electrification and this meeting should be arranged to provide information to help the City determine the best position to take.

Council Member Shepherd confirmed the meeting was not intended to have an informational on Caltrain exclusively.

Chair Klein said it was a way for the Committee to learn more about what was happening and be better positioned to formulate positions.

Council Member Burt advocated hearing alternative positions. He said Caltrain had sided with HSR saving them and they had no alternate plan. He said learning what their alternate plan was would be a main goal of the meeting. If electrification was not fully funded, they need a plan.

Council Member Shepherd said the meeting was turning into a summit versus an update with Supervisor Kniss. She wanted to focus on understanding their perspective and bringing other perspectives to the table.

Council Member Price said different perspectives were important and they would probably have many more discussions such as this. Managing the meeting was important.

Council Member Shepherd asked if it was focused only on electrification and Caltrain's allegiance to HSR or was it informational about their budget crisis.

Chair Klein said short term solutions would occur with or without the City of Palo Alto's opinion. Taking a position would be beneficial if something made it to the ballot. This was one step in gaining the knowledge to determine what that position should be.

Council Member Price asked if Supervisor Kniss had a clear expectation of the meeting.

Mr. Braulik confirmed that she did.

Chair Klein said he spoke with Supervisor Kniss and she felt this would be an educational experience for her as well.

Council Member Burt said the meeting was intended to be informative for both the Committee and Supervisor Kniss. He would like an update regarding Caltrain's relationship with HSR and the modernization of Caltrain with or without electrification at the meeting.

Mr. Hackmann suggested the current budget issues of Caltrain.

Chair Klein said they would get a status on that. He added another issue to cover would be the status of Environmental Impact Report (EIR).

Council Member Shepherd said that was a big priority with the community. She said if the EIR was still viable that it was a concern.

Mr. Braulik said he wasn't sure they would provide an answer on that.

Council Member Shepherd said that CAARDs information was that they would certify the EIR if HSR fell through.

Mr. Braulik said he would speak to Supervisor Kniss to clarify her agenda at the meeting. He said he would outline the discussion, send it to the Committee, and then forward it to Supervisor Kniss. They also needed to determine if they could even get the technical staff from Caltrain at the meeting.

Council Member Burt referred to the electrification EIR as the Caltrain EIR. He said there were three requests on policy direction for Caltrain. He said they needed to frame the questions carefully so they would get answers regarding the relationship with HSR and the future of PRP, the electrification EIR and their intention of what they would do absent HSR, and lastly the HSR EIR. Supervisor Kniss might be interested to know that the City wanted Caltrain to take a firm position that the HSR EIR should not go forward without an independent rider ship review.

Chair Klein said he wanted the focus to stay on Caltrain not HSR.

Council Member Burt said that if Caltrain's position was to endorse the HSR EIR as currently defined the prospects for electric would be different.

Council Member Price said these were valid points, but they should be very specific at this first meeting.

Chair Klein said that he was concerned with Mr. Braulik's plan to prepare Supervisor Kniss.

Mr. Braulik said he just wanted to let her know that Caltrain would be there.

Council Member Price requested Staff capture the goals set at the meeting, review them with the Chair, and show them to Supervisor Kniss so she understood what the meeting was.

Council Member Shepherd said she was concerned about having the time for the opposing opinions.

Mr. Braulik suggested they increase the meeting to two hours.

Chair Klein said asked the Committee if they wanted to schedule a meeting on April 7, 2011 or possibly one in March.

Council Member Shepherd said she was out of town at the end of the month.

Council Member Burt said he was out of town at the end of the month as well and suggested the first week in April, Monday or Tuesday.

Chair Klein said he was agreeable to Monday, April 4, 2011.

Council Member Price said she preferred the 4th as well.

Chair Klein confirmed there would be a Rail Committee meeting on April 4, 2011.

~~8. Status Reports: Status Reports~~

~~a. Caltrain, Valley Transportation Authority (VTA) Caltrain Funding Strategies Staff Report~~

~~b. High Speed Rail~~

9. Contracts Update: Capitol Advocates 6 Month Contract Expenditures Summary.

Chair Klein said the Committee needed to take action on whether or not they wanted to extend the contract for Capitol Advocates.

Herb Borock stated that there was a summary of payments made. He recalled the contract amount was up to \$5,000 not a flat fee. He didn't understand how they managed to bill \$5,000 when the legislature was not in session.

Rob Braulik, Assistant Director Administrative Services, said the contract said \$5,000 plus expenses. That is what the consultant had been charging.

Council Member Shepherd said she remembered that it was a maximum monthly retainer.

Richard Hackmann, Management Specialist, said it was presented that was as the invoices received had the language "minimum monthly retainer".

Mr. Braulik said he had not charged more than \$5,000 for the monthly retainer. He agreed to have the invoice state the contract language.

Council Member Burt asked Staff if they had the contract as he remembered it being a maximum. He wanted Staff to review the motion to make sure the contract was consistent with the motion. He also wanted to know what the break down of the monthly invoice was.

Mr. Braulik said he did not have the contract with him. He recalled that a breakdown of he expenses was included.

Chair Klein said that the Consultant had updating him stating that hearings had been set for one of their bills. A Palo Alto representative should be present to back that up.

Council Member Price said she needed to see the contract and the amount authorized.

Mr. Braulik said it was a six month contract expiring at the end of February and could be terminated with 30 days notice. The total amount planned for was \$32,000.

Council Member Price said inner city rail was funded by the State. She wasn't sure how the current strategy fit into that. She said it could fit into the late April meeting.

Mr. Hackmann clarified Council Member Price was looking for a comparison between their model and Palo Alto's.

Council Member Price said it was relevant for them to understand that corridor.

Chair Price said they would try to agendize that on the next meeting.

10. Legislative Update: Capitol Advocates Legislative Update – 3/3/2011.

None

11. Meeting Updates

None

12. ADJOURNMENT: Meeting adjourned at 10:19 p.m.