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Adjournment: The meeting was adjourned at 11:56 P.M.327

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:06 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

Study Session

1. Presentation From Caltrain Staff on the Peninsula Corridor Electrification Project Final Environmental Impact Report.

Richard Hackmann, Management Analyst, advised that Caltrain staff would present information regarding the Caltrain Peninsula Corridor Electrification Project including both historical and current aspects. City of Palo Alto (City) and Caltrain staff planned to work together to address Council Member comments, questions, and recommendations. Caltrain's 2014 average weekday ridership was more than 52,000. Caltrain's 2004 average weekday ridership was 24,000. The Downtown Palo Alto Caltrain Station continued to be Caltrain's second busiest station, averaging more than 6,000 weekday riders. Caltrain was vitally important to the Palo Alto transportation network and was the key reason the City supported Caltrain. Issues had been raised which both the City and Caltrain were attempting to address.

Marian Lee, Executive Officer Caltrain Electrification Modernization Project, reported that Caltrain was investing in the Corridor so that ridership could increase. Caltrain anticipated demand would continue to grow. The Early Investment Program included an advanced signal system, called Positive Train Control, which was a safety project focused on performance attributes mandated by the Federal Railroad Administration to ensure a smart system activated in case of human error that resulted in the potential for trains colliding. Positive Train Control included performance attributes that would allow Caltrain to run trains closer together and increase capacity for growing ridership. Positive Train Control was being installed and scheduled to be completed by the end of 2015. Caltrain anticipated the Peninsula Corridor Electrification Project would begin revenue service in the 2020-2021 timeframe. Caltrain would modernize its system to be compatible with High Speed Rail (HSR) service. HSR was financially contributing to the Electrification Project and the advanced signal system project. The Early Investment Program had specific utility for Caltrain. In the future, Caltrain would also have utility for HSR. Caltrain was attempting to meet commuter ridership needs by improving train performance.

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Caltrain wanted to grow capacity and offer the type of quality service customers desired. Caltrain also wanted to increase revenue by collecting more fares from growing ridership and reduce costs by reducing dependence on diesel. Caltrain would also reduce its footprint on the environment by converting from diesel to electric trains. All improvements would need to be compatible with an electrified infrastructure that would support HSR in the future. Caltrain would electrify 51 miles of the Caltrain Corridor without moving tracks or changing stations. Caltrain would install an overhead contact system and traction power facilities to pull electricity from the electric grid into the Corridor and run Electric Multiple Unit (EMU) trains. Electrification would accommodate a speed bracket up to 70 miles per hour. The current speed was 79 miles per hour. Speed would further increase with the implementation of HSR. Caltrain planned a service increase from five to six trains per direction per peak hour. Additionally, trains converted from diesel to EMUs would have the capability to either make more stops at stations throughout the Corridor or reduce travel time along the Corridor. As part of the Project, Caltrain would restore weekday service to Atherton and Broadway Stations. Caltrain would operate a combination of electric vehicles and diesel vehicles until remaining diesels reached the end of their service life. Caltrain completed the environmental review process with Joint Powers Board (JPB) approval the prior week. Caltrain completed conceptual design of the Electrification Project in 2002 and released a draft Environmental Assessment/Environmental Impact Report (EA/EIR) in 2004. The EA/EIR received a Finding of No Significant Impact (FONSI) from the Federal Transportation Administration. State clearance was postponed due to the unknowns of HSR. Next, Caltrain worked with stakeholders and committed to prepare a new State environmental document. That effort began in 2013 and the JPB certified the Final Environmental Impact Report (FEIR) the prior week.

Rich Walters, Caltrain Electrification Modernization Project/ICF, indicated a notice of preparation was released in late January 2013. Caltrain scheduled 45 days for comment and held four public meetings. The Draft Environmental Impact Report (DEIR) was released in late February 2014. Caltrain scheduled 60 days for comment, held four additional public meetings, and circulated the DEIR widely. The FEIR was released on December 4, 2014. The JPB's Resolutions adopted on January 8, 2015 certified the FEIR, adopted California Environmental Quality Act (CEQA) findings and statement of overriding considerations, adopted a mitigation monitoring reporting program, and adopted the Project. If the FEIR was challenged legally, the JPB reserved the right to argue in court that the Surface Transportation Board (STB) had identified that there was a preemption of State environmental law for rail projects under STB jurisdiction.

MINUTES

Throughout the CEQA process, Caltrain conducted additional stakeholder coordination beyond the minimum required by CEQA. Long-term benefits included full funding for electrification of San Jose to San Francisco service by 2040, utilizing 100 percent EMUs, reducing greenhouse gas emissions by nearly 180,000 metric tons annually, reducing Vehicle Miles Traveled (VMT) by approximately 620,000 miles, and reducing engine noise. In most locations, engine noise would decrease primarily because EMUs were quieter than diesel locomotives. Criteria air pollutants would be reduced up to 97 percent. Daily ridership was projected to increase up to 111,000. Key EIR issues were visual aesthetics of new facilities, traction power facilities, tree removal and its effects on aesthetics, dust and noise, localized traffic, bicycles on board, freight and its compatibility with electrification, consideration of alternatives, and the CEQA issue regarding HSR and segmentation. Some people were of the opinion that the Project could not be analyzed in its own EIR, separate from the HSR analysis between San Jose and San Francisco. CEQA had longstanding rules about whether projects could be analyzed together or in separate documents. Tests include whether a project required the next project in order to operate; whether there were different proponents; whether the project had logical endpoints; and whether all impacts would be disclosed and could be fully disclosed. The Caltrain Electrification Project could operate with or without HSR. Obviously there were different proponents for the two different projects. The Project had endpoints of San Jose and San Francisco, and no endpoint would be electrified for some purpose other than Caltrain electrification. The EIR covered HSR's conceptual impacts at a rough level in the cumulative analysis. HSR would have to comply with all processes required by law for full service. Caltrain's EIR did not clear the construction of additional facilities to accommodate HSR beyond what was necessary for Caltrain electrification. Under those rules, Caltrain opined that the Electrification Project could be analyzed in a separate document. The JPB adopted mitigations to screen traction power facilities with vegetation and to place poles carefully to ensure they did not affect historic structures. The EIR did not find a significant health effect from electrification, but there was some concern about interference with freight signals. Proper management could mitigate those effects. Hydrology and water quality were a concern primarily during construction. The EIR contained mitigations for localized traffic effects and some pedestrian and bicycle effects. Construction mitigation concerned managing temporary effects on air quality, cultural resources, erosion, sedimentation, noise control, utilities, traffic control plans. Because HSR intended to utilize the Corridor, Caltrain considered it in cumulative mitigations, as well as increases in freight and other passenger rail. Noise was a cumulative impact that would be significant. One of the primary ways to reduce noise was to fully electrify operations.

MINUTES

Caltrain could contribute fair share to cumulative noise mitigation at significant locations. Those mitigations could consist of quiet zones, possible grade separations, or building insulation. Caltrain committed to a suite of mitigations determined to be feasible at certain roadways. Those mitigations consisted of signals and geometric configurations which would address some but not all impacts. Caltrain would support local and regional efforts for grade separations at numerous locations. On its own, Caltrain could not commit to grade separations for all locations because of the cost. Some significant unavoidable impacts were identified in the FEIR. During construction at some locations, Caltrain might not be able to effectively control all noise. There would be a need for nighttime and daytime construction. Caltrain did not believe it would be 100 percent successful in planting trees at all locations to compensate for the aesthetic change. Sea level rise was a long-term concern that existed with or without the Project. At some locations Caltrain could not identify a feasible traffic mitigation or the only mitigation was a grade separation, which resulted in unavoidable impacts. As CEQA required, Caltrain made a statement of overriding considerations when significant unavoidable impacts were identified. The City submitted a comment letter that raised five issues related to the EIR. The City was concerned about traffic impacts at Churchill Avenue, E. Meadow Drive, and Charleston Road vehicle crossings. Due to geometric constraints, Caltrain did not find any feasible mitigation other than grade separation which Caltrain was not financially capable of doing. The City was also concerned about the location of one paralleling station, number 5. The FEIR included three options; two were contained in the DEIR and a third was added in response to comment. The City was most concerned about paralleling station number 5, Option 1 located at Green Meadow Way and Alma because of aesthetic impacts and potential impacts to the historic district in that neighborhood. Caltrain reviewed both impacts and did not find a significant impact to the cultural resources of the historic district primarily because the district did not abut Alma. The City was concerned about the process for selecting Overhead Contact System (OCS) poles. Caltrain committed to mitigation in the EIR to reduce tree and right-of-way impacts by moving poles in or using alternative designs. The City was concerned about El Palo Alto tree and requested coordination between the City's arborist and Caltrain in protecting El Palo Alto. Caltrain adopted a specific design at El Palo Alto to avoid putting wires outside the bridge. Caltrain would need to trim El Palo Alto for safe rail operations, but trimming should not increase. Case law supported preemption rulings of the STB concerning CEQA. The JPB reserved the right to assert preemption. The Resolution committed Caltrain to all mitigations identified in the EIR regardless of the STB preemption.

MINUTES

Council Member Kniss requested additional comment regarding the electrification aspect of the blended system and the height of trains and platforms.

Ms. Lee stated the environmental document did not clear HSR.

Council Member Kniss hoped the press would report that statement.

Ms. Lee reported HSR was funding approximately half of the Project because HSR could utilize electrification infrastructure. In order for HSR to run that service, they would have to prepare a separate environmental document. That process would need to clear all of the added investment that HSR would need to make in the Corridor. HSR would need to construct HSR stations at Milbrae and Diridon and passing tracks. HSR would be required to follow a planning process with all communities and an environmental process to clear the project. Platforms were not at the same level as the floors of rail cars. With purchase of new cars, Caltrain could achieve level boarding or Caltrain could raise platforms to match the floor height of electric trains. Level boarding was not included in the current project. Because HSR rail cars were twice the boarding height of Caltrain trains, Caltrain was searching for a technical solution that did not preclude compatible boarding heights with HSR.

Council Member Kniss inquired about the role of Caltrain in altering at-grade crossings in San Mateo.

Ms. Lee explained that Caltrain liked grade separations even though they were very expensive. Caltrain attempted to partner with cities to accomplish grade separations. The sales tax measure for San Mateo County dedicated funding to grade separations. Santa Clara County had no dedicated funding for grade separations.

Mr. Walters added that the 2014 business plan for HSR called for service between San Jose and San Francisco to begin in 2026-2027.

Council Member Berman remarked that the City supported Caltrain electrification; however, it was concerned about some negative impacts. Caltrain's position was that electrification would have a negative impact on three at-grade crossings in Palo Alto. He asked if Caltrain would not attempt to mitigate impacts because full mitigation was cost prohibitive.

Ms. Lee advised that Caltrain was required by CEQA to identify a feasible mitigation for significant impacts.

Council Member Berman clarified that Caltrain indicated CEQA did not apply.

MINUTES

Ms. Lee reported that the JPB directed Caltrain staff to work outside CEQA to identify methods to address significant impacts. Caltrain was committed to identifying ways to work with cities.

Council Member Berman stated that the City had no guarantee that mitigations would occur because Caltrain claimed CEQA preemption.

Mr. Walters explained that the three intersections were constrained by crossings and traffic lights. Caltrain identified mitigations that could address the impact at some locations. At constrained locations, the only mitigations were to widen the roadway or construct grade separations, both of which were cost prohibitive for Caltrain.

Council Member Berman inquired whether Caltrain could provide partial mitigation for impacts, such as funding of planning and engineering costs for possible grade separation.

Ms. Lee indicated that the JPB adopted the mitigation as identified. Where Caltrain could establish an effective relationship between the JPB and the City, Caltrain would work with the City to address issues.

Council Member Berman recalled that the City had worked with Caltrain for years and worked with other agencies in Santa Clara County to obtain funding for Caltrain.

Council Member DuBois asked about the frequency of connections between electric and diesel trains traveling south of San Jose.

Mr. Walters advised that currently three trains travelled north and three trains travelled south. In 2020 Caltrain would operate both electric and diesel on the route, some would continue to San Francisco. When fully electrified, riders would likely transfer at Diridon. Caltrain owned the Corridor to just south of the Tamien Station.

Council Member DuBois referred to a recent study that indicated the cost of trenching would be halved if Caltrain would agree to a 2 percent slope. He inquired whether Caltrain would agree to a 2 percent slope if Palo Alto could fund a trench.

Ms. Lee stated the general standard was 1 percent. When cities requested a variance from 1 percent, Caltrain considered them on a project-by-project basis.

Council Member DuBois asked if Caltrain had approved a 2 percent slope in the past.

MINUTES

Ms. Lee explained that changing the slope would have impacts. Caltrain would need to determine if the impacts were material or significant.

Council Member DuBois noted the EIR discussed trenching and having to relocate electrical supply if a train entered at grade and then moved to a trench. The EIR did not comment on costs or construction challenges. He asked if electrification prevented future trenching and if Caltrain staff had an idea of the cost.

Mr. Walters remarked that any project would have to figure out how to relocate an operating railroad. If trenching occurred subsequent to electrification, then at-grade electrification costs would be lost. Trenching subsequent to electrification was technically feasible, but it could be financially infeasible.

Ms. Lee was aware that cities along the Corridor were interested in grade separation. With the Electrification Project, traffic problems at crossings would worsen because of projected growth in the region.

Mr. Walters added that the cause of traffic issues was not electrification, but the increased number of trains and riders.

Council Member Scharff commented that an extra train per hour and the resulting backup queue was causing traffic problems at grade crossings.

Mr. Walters remarked that congestion also resulted from more riders accessing stations.

Council Member Scharff inquired whether there were other traffic impacts on Alma Street.

Mr. Walters answered no.

Council Member Scharff asked if Caltrain wanted to partner with the City outside the EIR.

Ms. Lee replied yes. Caltrain partnered with the City of San Mateo to work out technical issues, because the City of San Mateo had dedicated sales tax revenues. The partnership with the City of San Mateo was not formalized in a Memorandum of Understanding (MOU).

Council Member Scharff expressed concern regarding the location of Paralleling Station (PS) 5. Palo Alto residents opposed the primary location and the City proposed use of alternative locations. However, the primary location remained in the EIR.

MINUTES

If Caltrain wished to partner with the City, a good first step would be to choose one of the locations supported by the City and its residents.

Ms. Lee noted the City made clear its preference for a paralleling station. Staff added a recommended option to the environmental document. All locations remained in the environmental document because they were all feasible locations. A second layer of due diligence was needed to ensure the preferred location was feasible. If there were no fatal flaws in the second level of due diligence, Caltrain staff would return with a recommendation of the preferred location. Caltrain needed time to complete the second layer of due diligence.

Council Member Scharff inquired about the amount of time needed.

Ms. Lee hoped to have the information in the next two to three weeks. The location would need to be identified in a Request for Proposal (RFP), and Caltrain would need to select locations for traction power facilities.

Council Member Scharff asked when Caltrain staff anticipated breaking ground.

Ms. Lee reported construction would begin in approximately 2016 with revenue service projected in 2020-2021. Construction timeframes would not be secure until Caltrain executed contracts with builders. Caltrain anticipated having a contract by the fall of 2015.

Council Member Scharff asked if Caltrain's statement that it would contribute fair share to noise mitigation meant it would contribute funds to a quiet zone, which the City was considering.

Mr. Walters explained that the EIR identified locations where Caltrain would contribute to noise mitigations. Caltrain would be obligated to contribute to mitigations at locations identified as cumulative impacts.

Council Member Scharff indicated traffic mitigations other than grade separations or trenching would not be helpful at the Alma Street crossing. He inquired whether the City wanted some other mitigations.

Jaime Rodriguez, Chief Transportation Officer, advised that other than significant grade separation, not much was possible. The City could partner with Caltrain to determine if other solutions were feasible.

Vice Mayor Schmid noted late night noise from diesel trains would continue through 2040 and inquired whether Caltrain had a long-term solution.

MINUTES

Mr. Walters did not believe there was a need to temporally separate freight and electrified trains. They could operate at the same time on the route. Typically freight trains started their outbound runs in the early evening and returned late at night. That would not change; therefore, the noise would remain about the same.

Vice Mayor Schmid asked if Caltrain had a permanent agreement that freight would continue to move by diesel.

Ms. Lee answered yes. Caltrain had a trackage rights agreement with Union Pacific (UP) separate from the Electrification Project. Caltrain was obligated to support UP's service.

Vice Mayor Schmid reported that the County of Santa Clara (County) did have a transportation tax, but the majority of those funds supported Bay Area Rapid Transit (BART). He requested reasons for Caltrain not being an active partner in negotiating funding with the County.

Ms. Lee explained that the Santa Clara Valley Transportation Authority (VTA) as representative of the County was a member of the JPB. Caltrain could join negotiations and coordinate with VTA if that would be helpful.

Vice Mayor Schmid commented that if Caltrain was committed to helping with grade crossings, then it would have an incentive to negotiate for those funds.

Ms. Lee recalled that Caltrain was discussing grade separations for Santa Clara County with VTA and the Silicon Valley Leadership Group was working on a ballot measure. Caltrain was open to engaging in a different way.

Vice Mayor Schmid recalled the statement that there would be a cost if grade crossings occurred after electrification. He asked if Caltrain was committed to helping the City with that cost.

Ms. Lee clarified that Caltrain's fair share would be determined with other people contributing to the impact. That commitment was formalized within the environmental document.

Mr. Walters added that the cumulative mitigation for traffic and possibly noise noted fair share when sufficient funding could be identified.

Vice Mayor Schmid was disturbed by Caltrain reserving the right to claim exemption from CEQA.

MINUTES

Council Member Filseth believed the problem was sufficient funding to upgrade trains but not sufficient funding to fix traffic problems. He inquired about the outlook for increasing the number of trains.

Ms. Lee reiterated that Caltrain would increase the number of trains to six. The next strategy under consideration was adding more cars to trains to increase capacity. There would be four HSR trains in addition to Caltrain's six trains. The number of trains could not increase beyond that, because the capacity was capped at that level.

Council Member Burt remarked that the City supported electrification but had significant concerns regarding the EIR. The FEIR was released in early December 2014 and adopted by the Board one week ago. City Staff requested the JPB delay certification of the EIR to give local partner entities ample time to discuss comments with their governing bodies. The JPB declined the request. Now the City had 30 days to determine whether it had any recourse regarding its concerns. The City would prefer to reach a better agreement on other mitigation alternatives it believed could be more effective than mitigation measures contained in the EIR. He inquired whether the EIR identified seven intersections where impacts were significant and treated those impacts as unavoidable.

Mr. Walters replied yes for project direct impacts. The number was higher for cumulative impacts.

Council Member Burt wanted Caltrain to recognize as a policy that there were different physical settings at different grade crossings throughout the system. Those different settings and conditions could involve different solutions. That recognition would be crucial for subsequent conversations to be meaningful and successful. The level of train service affected the amount of traffic on parallel arterials. The demand for service at the California Avenue station was huge. Demand at the San Antonio Avenue station was large and growing. Additional trains at those stations would have their own mitigations to impacts created by the system. Caltrain had plans to increase train service with electrification. He wanted the impacts of electrification to be included in consideration of the level of additional service. Improved service did not need to wait until 2021. Between 2015 and 2021, Caltrain's commitment to begin the process of improving service at California Avenue and San Antonio could help mitigate impacts. Safety and security of the tracks would be compounded by additional trains and by faster trains. A commitment toward improved track security and safety could occur prior to electrification. It was not certain whether HSR would come up the Peninsula or reach San Jose; however, those trains travelled at 120 miles per hour.

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Ms. Lee clarified that in the Caltrain Corridor HSR would not exceed 110 miles per hour.

Council Member Burt asked if Caltrain trains would travel at 79 miles per hour.

Ms. Lee explained that trains would travel 79 miles per hour until they reached the Corridor and then would function within the bracket of 110 miles per hour for both systems.

Council Member Burt asked if Caltrain modeled the difference between 110 mile an hour trains and 79 mile an hour trains in noise analysis.

Mr. Walters reported the cumulative analysis did include that model.

Council Member Burt believed that if HSR did not reach the Peninsula, then presumably Caltrain would expand the number of trains to meet demand. Demand would continue to grow. If HSR did reach the Peninsula, then there would be a demand crisis. Lengthening trains would be important and would buy a good number of years but not decades. If HSR did not occur, he assumed Caltrain would increase the number of trains. He inquired whether increasing the number of Caltrain trains to eight or ten would trigger a new or revised EIR.

Mr. Walters advised that CEQA contained an exemption for increasing train service. The National Environmental Policy Act (NEPA) contained categorical exclusions for improvements entirely within a disturbed right-of-way.

Council Member Burt asked if the report contained the CEQA exemption.

Mr. Walters responded no. Caltrain had to make physical improvements in order to provide its current service, and CEQA did not cover that.

Council Member Burt felt the public and most public agencies were not aware that increasing trains would be exempt from CEQA analysis. He did not believe that had been disclosed.

Mr. Walters stated it was not applicable to the project. All train agencies in the State of California employed that categorical exemption.

Council Member Burt understood that an increase of up to ten trains per hour would not result in mitigations.

Ms. Lee advised that tests demonstrated current facilities could accommodate up to eight trains. Caltrain would have to build additional tracks to increase the number of trains to ten.

MINUTES

Those tracks would be outside the right-of-way and would likely trigger some type of environmental review.

Council Member Burt did not know if that would trigger any obligation for mitigations at those grade crossings.

Ms. Lee indicated that Caltrain would have to go through the environmental process and analyze it to determine impacts first. Wherever mitigations were appropriate and applicable, Caltrain would recommend them.

Council Member Burt referred to Ms. Lee's statement that individual cities had identified grade separations and Caltrain was a willing partner. Caltrain should accept a shared responsibility in the preliminary design of a system that would eventually have grade separations and not treat grade separations as city responsibilities. Caltrain should accept a shared ownership of the responsibility, because the increase in Caltrain service levels was a primary driver in the need for grade separations. He wanted a greater commitment from Caltrain toward the planning and design in collaboration with cities.

Council Member Wolbach believed there was a growing consensus that grade separation was going to be necessary. The demand would continue to increase even if the City did nothing and electrification did not proceed. He requested Caltrain staff articulate steps the City could take to ensure it built an effective and collaborative partnership with Caltrain regarding planning and timing and funding for grade separation if the community wished to proceed.

Ms. Lee understood the City wanted a stronger, proactive approach from the JPB and a more formal partnership. She could not commit to a blanket approach for all cities. The JPB committed to mitigation. In terms of any additional joint efforts, City Staff would need to identify topics and then have policymakers determine how to formalize the process. Caltrain was willing to explore formalizing the planning process.

Council Member Wolbach commented that constructing grade separations simultaneously with electrification would be logical and cost effective. He inquired about disadvantages to constructing both simultaneously and advantages to constructing them separately.

Ms. Lee explained that Caltrain searched for construction windows that would allow a project to occur given the 2020-2021 completion date. If projects could be included, Caltrain would proceed with grade separations. If projects could not be accommodated, then Caltrain would hold a policy-level discussion to determine which project was more important.

MINUTES

Council Member Wolbach inquired about the amount of flexibility with respect to construction windows. Grade separations or trenching along the Caltrain Corridor in part or all of Palo Alto would likely have significant impacts on traffic during construction.

Ms. Lee reported the original target completion date was moved out 8-24 months because of the lack of construction windows.

Mayor Holman inquired about a timeframe for determining that one of the alternative locations for PS-5 was equally adequate.

Ms. Lee indicated Caltrain staff was attempting to return in two to three weeks with a determination of whether an alternative location was feasible. They were awaiting the final due diligence.

Mayor Holman asked if the City and Caltrain could explore entering an MOU or something of that nature when the decision was made.

Ms. Lee advised that the February 2015 JPB meeting would include a discussion regarding the RFP for the Electrification Project. Assuming due diligence was complete and provided no fatal flaws and Caltrain chose the City's preferred site, that site would be included in the RFP. Caltrain anticipated having some sort of customized MOU with each of the 17 cities and three counties.

Mayor Holman requested that the Minutes of this meeting be placed in a formal document as a formal communication to the Caltrain Board to represent the City's views.

Stephen Rosenblum felt Caltrain should construct a grade-separated, electrified system that resembled BART. Comments from Caltrain staff gave him hope that the City could reach some conclusions regarding grade separation. Caltrain staff should work with City Staff to identify methods to mitigate grade-crossing impacts.

Herb Borock did not believe the City could have meaningful and successful solutions unless it was equal partners with Caltrain. The City would not be an equal partner if Caltrain had a certified EIR and project approval. The Council should meet in Closed Session and determine a strategy that fulfilled the City's needs.

Adina Levin, Friends of Caltrain, stated that Caltrain service was complementary to the Council's goal of moving residents to public transit. Working as partners with other cities could create funding for grade separations and create additional capacity.

MINUTES

Marty Zack indicated Caltrain electrification and modernization was a priority. He urged the Council to proceed with all possible speed.

Vanessa Warheit appreciated that greenhouse gas emissions would be reduced by the Electrification Project. She encouraged the Council to ensure that issues of grade separation did not delay the timeline of implementing electrification of Caltrain.

Robert Moss advised that increasing the number of trains would increase traffic congestion. Caltrain should pay for grade separations as Caltrain trains were causing traffic congestion.

Stephanie Munoz suggested not all intersections have grade separations. Grade separations would be necessary for HSR.

Rita Vrhl remarked that the Caltrain Electrification Project would impact everyone. Most traffic studies underestimated the impacts on traffic. She encouraged the Council to ensure grade separations occurred.

Special Orders of the Day

2. Presentation Regarding the Community Services Department's Summer Programs.

Rhyena Halpern, Assistant Director of Community Services, reported the Community Services Department (CSD) held 300 summer camps in 2014, served 4,400 campers, and raised more than \$1.1 million in revenue. Palo Alto pools served 1,500 general admission swimmers. More than 8,000 people attended the Chili Cook Off. Forty percent of the 1 million annual visits to parks and open space occurred during the summer. CSD was staffed with 75 full-time employees and 300 part-time employees. Volunteers provided more than 35,000 hours of service valued at more than \$900,000.

Rob De Geus, Acting Director of Community Services, advised that CSD offered an array of summer programs. Staff and volunteers were responsible for the success of summer programs. Participation in programs had increased along with customer satisfaction.

3. Resolution 9485 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Greg Betts Upon His Retirement."

Council Member Kniss read the Resolution into the record.

MINUTES

Greg Betts thanked the Council for the many opportunities to serve the community. He appreciated his colleagues for their hard work and creativity and Council Members for reading all Staff Reports and asking thoughtful questions.

Piper Holland thanked Mr. Betts for supporting the Children's Theatre.

Nicholas Tachibana appreciated Mr. Betts' support of Children's Theatre. One of his favorite things about Children's Theatre was the sense of community.

Alison Williams thanked Mr. Betts for his support and kindness over many years.

Khashayar Alaee, Senior Management Analyst worked with Mr. Betts from 2001 to 2009 in the Community Services Department. He learned a great deal from Mr. Betts during that time. Mr. Betts was an excellent public servant and solid administrator.

Joe Hirsch acknowledged Mr. Betts' support for the Cardiac Therapy Foundation. Mr. Betts was always kind and helpful.

James Keene, City Manager, advised that Mr. Betts had contributed to the community and was well received by the community. Mr. Betts had been a stellar member of the leadership team.

MOTION: Council Member Kniss moved, seconded by Council Member Berman to adopt the Resolution expressing appreciation to Greg Betts upon his retirement.

MOTION PASSED: 9-0

City Manager Comments

James Keene, City Manager, deferred his comments until later in the meeting.

Oral Communications

Lynn Krug advocated for the hiring of women. Diversity helped enhance the quality of a workplace.

Stephanie Munoz recalled Ms. LaDoris Cordell's public comments regarding the prohibition of living in vehicles and referred to an article in the *New York Times* regarding the lack of social services in the United States. She urged

MINUTES

Council Members to consider whether they were paying obeisance to the ideology of capitalism.

Dr. Martell advised that her informal hearing was a travesty. She requested the Council reprimand the City Attorney and order the City Attorney to provide her with information regarding an administrative appeal. The City Attorney had withheld her rights.

Cybele Lavuolo-Bhushan believed the community wanted affordable housing and economic and ethnic diversity.

Deb Goldeen supported Animal Services.

Lois Salo requested Mayor Holman join Mayors for Peace. Mayors for Peace proposed diverting Federal funding from the Defense Department to social services, jobs, infrastructure, and education. The City should consider building low-income housing.

Consent Calendar

MOTION: Council Member Scharff moved, seconded by Vice Mayor Schmid to approve Agenda Item Numbers 4-11.

4. Approval and Authorization for the City Manager to Execute an Electric Fund Construction Contract with Pacheco Line Builders, Inc. for a Not-To-Exceed Amount of \$3,000,000 for Three Years, \$1,000,000 per year, for Electric Construction Services, Including Maintenance and Minor System Improvement Work on the City's Overhead Electric Distribution System, and Adoption of a Related Budget Amendment Ordinance 5295 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto for Fiscal Year 2015 to Provide Appropriation in the Amount of \$500,000."
5. Approval of a Contract With Spencon Construction, Inc. in the Amount of \$1,458,610.30 for the FY 2015 Sidewalk, Curb and Gutter Repairs Project.
6. Approval of Contract No. C15156020 With CH2M HILL in the Total Amount Not to Exceed \$2,301,221 to Provide Design & Environmental Consulting Services for Sludge Dewatering and Load Out Facility at Regional Water Quality Control Plant - Capital Improvement Program Project WQ- 14001; and Adoption of a Budget Amendment Ordinance 5296 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto in the Amount of \$1,942,651 to Provide Additional Appropriation for the Biosolids Facility Project, WQ-14001."

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7. Approval of a Contract with Innovative Interfaces Incorporated For Sierra, a Hosted Integrated Library System For the Palo Alto City Library For a First Year Cost Not to Exceed \$188,814, and Full Contract to Last Not More Than Seven Years (2015-2022) For a Total Amount Not to Exceed \$950,301 (CIP Project TE-11001).
8. Request for Authorization to Increase Legal Services Agreement with the law firm of Goldfarb & Lipman LLP by an additional \$150,000 for a total not to exceed amount of \$380,000 and Adoption of a related Residential Housing In-Lieu Fund Budget Amendment Ordinance 5297 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto."
9. Approval of a Short Form Agreement for Revenue Contracts between the City of Palo Alto and the Cardiac Therapy Foundation of the Mid-Peninsula, Inc. Concerning The Use of the Gymnasium Facilities and Associated Fees for the Facility Use at the Cubberley Community Center for Jointly Supported Cardiac Therapy Programs.
10. Review and Acceptance of Annual Status Report on Development Impact Fees for Fiscal Year 2014.
11. Adoption of an Ordinance Governing Public Art for Municipal Projects

MOTION PASSED: 9-0

Action Items

12. Council Action on Preliminary Matters Regarding the Application to Close the Buena Vista Mobile Home Park: (1) Determination of the Owner's Request to Dismiss the Residents Association's Appeal of the Hearing Officer Decision; (2) Adoption of Procedures to Govern the Appeal; and (3) Direction to Staff regarding Scheduling the Appeal.

Molly Stump, City Attorney, reported Buena Vista Mobile Home Park (Park) was a 4 1/2-acre mobile home park in south Palo Alto. Approximately 100 mobile homes, housing approximately 400 people, were located in the Park. In 2012, the Park owner applied to close the Park. In 2013, the owner submitted a Relocation Impact Report and completed the process in 2014. The item was scheduled for hearing before an independent Hearing Officer who spent three evenings in May 2014 hearing comments from parties, Park residents, and the public. The Hearing Officer issued a final decision in September 2014. The decision was appealed to the City Council in October 2014.

MINUTES

The closure application must be approved if the owner proposed a package of mitigation measures or a package of mitigation measures were established that were adequate to mitigate adverse impacts on mobilehome park owners from closure of the Park, provided those measures did not exceed the reasonable costs of relocation. That legal requirement acted as a cap on mitigation measures that could be required for a property owner to close a mobilehome park. The attorney for the Park owner requested the appeal be dismissed on the grounds that it was improperly brought by the Residents Association (Association). If the Council did not dismiss the appeal, then it would need to set some simple procedures that would govern the proceeding and to direct Staff to schedule the appeal. Staff proposed scheduling the appeal for late February 2015. The Council would need to review in detail the extensive record prepared for the Hearing Officer. If the Council allowed the appeal to continue, Staff would provide to the Council and attorneys for both sides a list of documents Staff believed comprised the appropriate and essential documents. The attorneys could provide comments and include additional key documents within a specific time period. Staff could provide the Council with all relevant documents the following week; however, a certified transcript of the hearing would require additional time.

Margaret Ecker Nanda, Attorney for Park Owner Joe Jisser, advised that the Residents Association filed a notice of appeal on October 14, 2014. Six days later, she wrote a letter to the City Attorney raising an objection to the filing of the appeal. From the Hearing Officer's perspective, an aggrieved person would be either the Park owner or a resident. The City Attorney stated that there was no definition of aggrieved person within the Palo Alto Municipal Code. According to the City Attorney, the people at the Park were so similarly situated that apparently one person living at that address was sufficient to trigger an appeal on behalf of everyone who was "similarly situated." The City Attorney was legally incorrect in her opinion. The issue of standing was critical to the appeal process. If the Association or an individual lacked standing to appeal, then the appeal could not proceed. The Residents Association's attorneys continued to ignore a pertinent fact: the Association had acknowledged from the beginning that the Association represented approximately 80 percent of the people who lived at the Park, which meant the Association did not represent 20 percent of residents. An association, when it could represent its members, could not represent nonmembers. As to residents who were not members of the Association, the Hearing Officer's decision was final. The Park owner asked the Residents Association to state who was not a member of the Association. The Association refused to provide a list, because it believed the Park owner was requesting a membership list. A three-pronged test determined whether an association was representing its members.

MINUTES

The most important prong was whether the claims of members of the association were different and distinct. If claims were different and distinct, then the association could not represent those members. The residents of the Park were very different, particularly because no one would receive the same amount of mitigation assistance. It was legal error for the Council not to dismiss the appeal. The residents of the Park had been represented since the inception of the proceeding. In every Relocation Impact Report, the Law Foundation and other attorneys opposed every aspect of proposals. The Council did not need to hold a complete, new adversarial proceeding. Given the structure of the Ordinance, it was reasonable to assume that further witness testimony and more evidence was not intended.

Nadia Aziz, Law Foundation of Silicon Valley for Park residents, stated that the majority of Park residents were low income, Latino, homeowners. The Park was an important source of affordable housing in Palo Alto. Any procedures adopted by the Council should be of the highest level of fairness, transparency, and openness. Mobile homes were often the only source of home ownership for low-income families. Moving a mobile home was expensive. Locations for mobile homes were almost impossible to find. Buena Vista Mobile Home Park was one of three mobile home parks set for closure. State law required specific procedures if a park owner wished to close a park. The park owner had to mitigate any negative impacts. Those negative impacts had to be reviewed by a legislative body. The Conversion Ordinance gave the Council the final decision of whether mitigation assistance was adequate. Park residents requested the Council allow the appeal to go forward, to follow the quasi-judicial hearing procedures described in the City's policies and procedures, and to schedule the hearing in April 2015. The Association represented the vast majority of residents in the Park and took an active role in the closure process. No individual resident represented himself during the administrative hearing. The Association made several offers to purchase the Park, which the Park owner did not accept. As stated in the Staff Report, the Association was considered an aggrieved party under the Ordinance and municipal law. If the Association was not allowed to represent Park residents, then individual residents would request appeals. The Council should require testimony from all parties and any experts. The hearing should be held at a time and place that allowed residents and the public to attend.

Cybele Lavuolo-Bhushan did not believe the City should take homes from residents of the community. The Park represented economic and ethnic diversity.

MINUTES

Robert Moss urged the Council to schedule a full hearing at a time convenient to everyone. He doubted compensation offered to Park residents was adequate. The Council should review the compensation package in light of legal requirements.

Sea Reddy felt negotiations were needed to reach fair terms for all parties. Ethnicity was irrelevant to obtaining equivalent housing for Park residents.

Stephanie Munoz stated there was no affordable housing for Park residents. The Park should never have been zoned R-15.

Lois Salo wanted the City to buy the Park property and allow residents to remain on the property. An adjacent parcel could be purchased for low-income housing and shelters.

Guadalupe Fonseca reported the maximum amount proposed for residents would not purchase a comparable home. Residents needed help to find replacement housing.

Blanca Fonseca advised that the least expensive mobile home for sale in the area was more than three times the amount offered for her home in the Park. In addition, she would lose the good services offered by the City.

Dianne Jenett believed it was important to keep Park residents in Palo Alto. The Council should hold a full hearing on all issues to reach a solution.

Melodie Cheney stated the Council needed to hear from the parties and community in order to make an informed decision. Alternatives to closure of the Park were available.

Mary Kear indicated the Park was affordable, safe, and secure. A hearing was needed to discuss solutions to the issue.

Nancy Krap felt working together to find a way to preserve the Park would promote Dr. Martin Luther King's dream. She hoped the Council would allow the appeal to proceed. All residents of Palo Alto were aggrieved persons.

Amado Padilla wanted the closure process to be just and respectful for Park residents. If the Park closed, Park residents would lose their homes, jobs, quality schools, and medical attention. Any solution should be fair to the Park owner and residents.

Maria Martinez stated the compensation being offered to Park residents was not equal to the value of homes.

MINUTES

Roberta Ahlquist believed the City was suffering a housing crisis. Housing had been replaced by commercial development, and rental rates were increasing rapidly. The Park was critical to providing racial and class diversity.

Sue Eldredge advised that Park families and students were a special and important part of the community. Palo Alto Unified School District (PAUSD) and area Parent Teacher Associations (PTA) supported retaining Park residents in Palo Alto. The Council should hold a hearing to hear from all parties and the public.

Jeff Greenfield felt most Palo Alto residents were not familiar with Buena Vista Mobile Home Park. The Park was an important component of the community. He supported the Council holding a hearing.

Ken Dauber, speaking as an individual, reported the Hearing Officer excluded the value of schools from compensation. The Council should instruct attorneys to provide information it needed to assess fairly the value of schools to Park residents. Real property values reflected the high value of Palo Alto schools.

Winter Dellenbach, Friends of Buena Vista, did not believe the Council would deny Park residents due process by denying the appeal. Staff's draft appeal procedures were intended to provide general guidelines for conducting the appeal and could be modified by the Council.

Ruth Lowy urged the Council to allow the appeal and hoped the Council could find a reasonable balance between the rights of the Park owner and Park residents.

Samina Faheem related her story of finding rental housing in Palo Alto and volunteered to coordinate a fundraising effort to save the Park.

Jeff Rensch felt the community as a whole would be damaged by the closure of the Park. An appeal was an opportunity to discuss the issues at length.

George Irwin was proud of the diversity provided by Park residents. The City should find a way to keep the Park open.

Don Anderson was disappointed by the technical nature of discussions when Park residents were losing their homes. The Council and community could do more than review technicalities.

MINUTES

Raines Pithan agreed with Mr. Anderson's comments. The City or Palo Alto Housing Corporation could provide gap funding for purchase of the property, and then sell the property to Park residents.

Aram James believed it was critical to retain the Park. He read from a Supreme Court opinion regarding the importance of open proceedings. The community would have confidence in a final decision if a full hearing was held first.

Eddie Keating noted the Mobilehome Park Ordinance had never been tested. The Council had an opportunity to use its discretion in determining the process going forward.

Lenore Cymes sympathized with Park residents' distress at the possibility of losing their homes. She hoped the Council allowed the appeal.

Mark Weiss stated there was enough for all needs but none of the greed.

Ms. Nanda noted the Ordinance required the Park owner to prepare a Relocation Impact Report. The previous hearings were public and held at a time and place convenient to residents. The Hearing Officer's decision spoke to the compelling testimony provided at those hearings. Park residents and the public had provided their input, and the Hearing Officer carefully considered that input. The Council should enforce its Ordinance.

James Zahradka, Law Foundation of Silicon Valley, advised that the Council needed to hear from the people affected and have that in the record. Reading testimony was not the same as hearing it. The City Attorney proposed that the record was closed. The issue was too important for the Council to take that approach. The standing of the Residents Association was legally supportable.

Mayor Holman noted the time was 10:00 P.M., and the Council had three remaining items on the Agenda.

Ms. Stump added that special counsel was present for the Closed Session.

Mayor Holman asked if Agenda Item Numbers 14 and 15 were time sensitive.

James Keene, City Manager, advised that Agenda Item Numbers 14 and 15 pertained to Council endorsement of legislative policy. Bills were introduced into the State Legislature during January. Perhaps the Council could hold brief discussions and take action with the idea of amending any action in the future.

MINUTES

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to continue Agenda Item Numbers 14 and 15 to a date uncertain.

Council Member Scharff did not believe the Council could prepare legislation prior to the third week in January. A brief discussion at the current time would accomplish nothing. The Council should consider legislation in June or July prior to introduction in January. The Council could react to legislation after it was introduced or schedule a Special Session to discuss legislation.

Council Member Kniss added that the Council was less productive at 11:00 P.M. or 11:30 P.M. The current discussion would take quite some time. Members of the public and Staff were waiting.

Council Member Wolbach asked if Staff was requesting the Council's guidance regarding activities in Sacramento.

Mr. Keene replied yes. Staff would present a Policy and Services Committee recommendation to the Council. Staff could operate under existing directions and return to the Council on a case-by-case basis.

Valerie Fong, Utilities Director, reported new elements in the Utilities Legislative Guidelines for fiber could provide Staff with guidance regarding current issues.

Mayor Holman asked if Agenda Item Numbers 14 and 15 could be continued one or two weeks.

Mr. Keene felt one week might be better.

MOTION PASSED: 7-2 DuBois, Wolbach no

Council Member Burt asked if the Council would receive 80 requests for appeal as Ms. Aziz suggested.

Ms. Stump advised Council Member Burt to ask Ms. Aziz about her conceptualization of the Ordinance. There was not an issue of judicial standing. The question was the meaning of the Ordinance. The Council would need to make a reasonable and appropriate interpretation. The appeal sentence in the Ordinance was straightforward. The Ordinance, when read with the definition of person contained in the Municipal Code, intended a liberal right of appeal. An appeal by some number of residents would put at issue those conceptual determinations for the whole group. The Ordinance intended mitigation measures be applied consistently to similarly situated individuals in the Park. The Park owner's counsel did not dispute that the Association did represent some residents.

MINUTES

Council Member Burt inquired about the City Attorney's rationale for not allowing testimony and cross-examination.

Ms. Stump reported the Council had discretion in setting procedures. She could not identify any type of Council proceeding held during her tenure that proceeded as proposed by the Association's attorneys with witnesses, cross-examination, etc. Even the Hearing Officer used a more relaxed administrative approach, which was typical. Under the proposed procedures, every member of the public would have an opportunity to speak. Staff proposed providing real-time Spanish translation and holding an appeal hearing in the evening. Evidence presented to the Hearing Officer was fully heard and transcribed; therefore, the Council did not need to go through that process again. If the Association could identify new areas of evidence, then the Council could allow that to be presented.

Council Member Burt understood one distinction to be formal courtroom-type testimony versus statements made by the public.

Ms. Stump concurred. Staff suggested the Council give the parties' lawyers an opportunity to summarize evidence and to argue their positions. Public comment had to be taken at every Council meeting and would be taken at an appeal hearing.

Council Member Burt inquired whether Council would decide whether a topic was new and appropriate for additional testimony.

Ms. Stump remarked that that question illustrated the challenge of this type of appeal proceeding before a multimember body. The Council would need to hear the attorneys' arguments for whether a topic was new, evaluate that, and make a decision. If the Council decided to allow additional witnesses or additional tangible information, it could continue the hearing to allow that to occur.

Council Member Burt asked if the Council would vote on secondary issues.

Ms. Stump answered yes.

Council Member DuBois believed the Association should be allowed to appeal as it handled the previous hearing. He inquired whether concerns about the standing of the Association should have been raised during the previous hearing.

Ms. Stump advised that there were some questions about representation. The Hearing Officer made a reasonable and appropriate judgment to allow the Association to represent the interests of Park residents.

MINUTES

He successfully convened a hearing that presented a great deal of information. Issues were fully briefed and argued by the parties. When reviewing the decision and the underlying record, the Council would see that the hearing was thorough. She agreed with Council Member DuBois.

Council Member DuBois felt a quasi-judicial procedure would be appropriate. The Council could not rehear three days of testimony but should hear new information. He suggested the Council discuss whether to allow expert testimony regarding inferences to be drawn and weight to be given to evidence as well as moving the date to March and providing translation services.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss that Council reject the Mobilehome Park Owner's request to dismiss the Residents Association's Appeal of the Hearing Officer's decision on the closure application and will hear the appeal; Council accepts proposed Appeal procedures with the following changes:

Section 2.e continued with added sentences: "each party may have one expert testify regarding the inferences to be drawn and the weight to be given to the evidence in the record. Each expert will be allotted 10 minutes; in Section 2.g "hearing will be scheduled on or about April 2015."

Council Member Kniss felt the Motion was a good direction. The public indicated a desire for the Council to hear the matter. She hoped someone would summarize the 900 pages of documents from the hearing.

Council Member Berman inquired whether the previous hearing was videotaped and, if so, whether the Council could review it.

Ms. Stump stated the hearing was videotaped and transcribed.

Council Member Berman asked if the video was publicly available.

Grant Kolling, Assistant City Attorney, reported the video was available through the Media Center website.

Ms. Stump would add to the record that a video was available so that Council Members could review the hearing through the video or the record.

Council Member Berman would support allowing the appeal. The public would be allowed to speak at the appeal hearing for a specified amount of time. He requested the process for appeal be clearly explained in the Ordinance. He was concerned that presentation of new evidence and resulting Council discussion would delay the appeal hearing.

MINUTES

Perhaps the City Attorney's Office could review potential new evidence and make recommendations to the Council. The Council could then discuss potential new evidence prior to the appeal hearing.

Ms. Stump felt that was reasonable. If the Council set the hearing in April, the parties would have sufficient time to propose new evidence. Staff could set a preliminary date for parties to submit potential new evidence. The City Attorney's Office could review submissions and make a series of recommendations for the Council.

Council Member Berman inquired whether the Council would discuss new evidence on a date prior to the hearing or on the date of the hearing.

Ms. Stump could not answer that until she had reviewed submissions of potential new evidence. If the submissions were few and lacking in complexity, the Council could discuss them on the date of the hearing.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that any requests for new evidence shall be submitted to the City Attorney's Office, who will analyze the proposed evidence and prepare a summary for Council.

Council Member Berman requested clarification of the proposal "that one or both parties submit a proposed decision consistent with its determination for the Council's review and adoption."

Ms. Stump explained that the Council would need to issue a written decision with findings in the matter. The Council could direct Staff to prepare the written decision or ask the parties to prepare that. The parties would exchange their proposed decisions for comments. Staff would have a recommendation after the appeal hearing.

Council Member Berman asked if the Council would decide which procedure to follow at the time of the appeal hearing.

Ms. Stump would suggest that. The Council would make the final decision regardless of who drafted the decision.

Council Member Berman was unsure whether he could support the parties drafting a proposed final decision.

Ms. Stump was prepared to write a decision for the Council.

Council Member Berman asked if members of the public or counsel for the parties could submit written prehearing statements.

MINUTES

Ms. Stump responded counsel for the parties. Staff suggested the Council allow a very short prehearing statement from the lawyers.

Council Member Berman inquired about the reason for limiting statements to three pages.

Ms. Stump advised that three was chosen simply to keep the statements brief. The Council could revise the number of pages.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Appeal Procedures, Section 2.f. sentence Number 3- "not to exceed 3 pages" to "not to exceed 10 pages".

Council Member Scharff felt the prehearing statements would provide the summary requested by Council Member Kniss. He inquired whether the Motion needed to include a statement that the Council denied the Park owner's request to dismiss the Association appeal.

Ms. Stump answered yes. A denial of the Park owner's request would be reflected in any final written findings and decision adopted by the Council.

Council Member Scharff asked if the Motion should direct Staff to identify an initial appeal hearing date in April.

Ms. Stump believed it was included in the Motion. Staff should have some flexibility in scheduling the hearing with respect to competing Agenda Items.

Council Member Scharff inquired whether the City Attorney preferred to hold the hearing in March rather than April.

Ms. Stump indicated scheduling the hearing in April was reasonable given the length of the record. The Council should discipline itself not to continue the hearing past April. Timeliness was a standard of fairness to all parties.

Council Member Scharff asked when the Council would receive the record. The prehearing statements were due 14 days prior to the hearing date. Perhaps the 14 days should be changed to allow the Council more time to review the record.

Ms. Stump advised that Staff would provide the record to the Council within the next two weeks except for the prehearing statements. The Council could request the parties submit prehearing statements three weeks in advance of the hearing rather than two weeks.

MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that prehearing statements are to be submitted 21 days in advance of the appeal hearing date.

Council Member Wolbach inquired whether the hearing should be announced well in advance of 21 days prior to the hearing date to allow the parties to properly prepare.

Ms. Stump advised that did not need to be included in the Motion. Staff would select a date in the next few weeks and provide notice.

Council Member Wolbach asked if Council Members could ask questions during the hearing.

Ms. Stump responded yes. The Council should ask questions.

Council Member Wolbach was skeptical about the proposed time allotments.

Mayor Holman read the Motion as amended.

MOTION AS AMENDED PASSED: 9-0

Council took a break from 10:35 P.M. to 10:49 P.M.

13. Authorization for the Mayor to Sign a Letter Commenting on the Draft Environmental Impact Report/Environmental Assessment (DEIR) for the Valley Transportation Authority (VTA) Bus Rapid Transit.

Jaime Rodriguez, Chief Transportation Official, advised that the Council Packet contained a detailed letter of Staff's concerns. Comments to Santa Clara Valley Transportation Authority (VTA) were due January 14, 2015.

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to authorize the Mayor to sign the letter providing comments on Valley Transportation Authority's (VTA's) El Camino Real Bus Rapid Transit Project Draft Environmental Impact Report/Environmental Assessment (DEIR).

Council Member Scharff indicated the letter was comprehensive.

James Keene, City Manager, noted the comment letter was due in two days.

Robert Moss agreed with the City's opposition to dedicated bus lanes. Reducing El Camino Real to two lanes would significantly impact traffic on El Camino Real and cross streets.

MINUTES

Charisse Ma LeBron, Working Partnerships USA, supported Bus Rapid Transit (BRT) with dedicated lanes as it would allow Palo Alto to accommodate future growth and best serve constituents. BRT was a viable transportation alternative.

Chris Lepe, Transform, advised that future growth needed to be accommodated. The Draft Environmental Impact Report (DEIR) clearly demonstrated that doing nothing would result in more traffic problems. He offered recommendations regarding the DEIR.

Eddie Keating would utilize BRT on weekends. BRT would reduce the number of car travelers.

Vanessa Warheit believed the City needed good transit in order to reduce carbon emissions. She supported BRT with dedicated lanes, including a dedicated bike lane.

Adina Levin stated that residents would utilize public transit if it was time competitive with driving. She liked the suggestion to use the dedicated lanes for City shuttles.

Council Member Burt did not recall the letter containing a reference to the impacts under Caltrain's EIR on traffic on Alma Street and cross streets which would be compounded by the dedicated lane. That was essentially new information. He appreciated the reference to alternative initiatives. Additional ridership on VTA buses could be accomplished through dedicated lanes and Eco Passes. The City was pursuing authorization for the Transportation Management Agency to purchase Eco Passes as a single entity.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER that under comment Number 12-direct Staff to include a reference to Caltrain EIR that ramifications of the Caltrain EIR on congestion to Alma Street and perpendicular arterial streets would compound the impacts on side streets resulting from the dedicated BRT lane.

Hillary Gitelman, Director of Planning and Community Environment, would add that to Point Number 12.

Council Member DuBois did not believe a car lane should be removed from El Camino Real or a bike lane added. He inquired whether the Council would be able to comment on a Final Environmental Impact Report (FEIR).

MINUTES

Ms. Gitelman explained that the lead agency would respond in writing to all comments made on the DEIR. The City would have an opportunity to review the FEIR and ensure its comments were addressed.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end of the introductory paragraph: "Due to the lack of mitigation of serious impacts to Palo Alto traffic, Palo Alto opposes dedicated lanes in the City of Palo Alto. VTA should implement suggested alternatives first".

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to move Bullet Point 20 on Page 6 of the draft Comment Letter to Bullet Point 1.

Ms. Gitelman noted a significant difference between Alternatives 3a and 4b. The dedicated lane in Alternative 4b almost reached the Palo Alto border. Alternative 3a had the shortest dedicated lane. The two alternatives were outside the City's jurisdiction.

Council Member Scharff asked why the City should be concerned about a dedicated lane outside the City's jurisdiction. Other communities could prefer a different alternative.

Council Member DuBois wanted to propose a specific alternative. Alternative 4b reached closest to Palo Alto's border.

Council Member Kniss advised that the City was making suggestions while the final decision would be made by VTA and others. The City hoped its influence would be sufficient to sway a final decision.

Council Member Wolbach felt the tone of the letter needed work.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER to remove in Item 6 the sentence, "is today's ridership 73 percent greater than ridership in 1990? Please explain."

Council Member Scharff asked Staff to comment on striking the question from Item Number 6.

Mr. Rodriguez indicated it could be deleted.

Council Member Wolbach asked if the EIR adequately explored the possibility of reducing the median along El Camino Real in order to provide space for a dedicated bus lane, bike lane, or parking.

MINUTES

Mr. Rodriguez reported the EIR reviewed two configurations: the mixed-flow operation and the dedicated lane. The EIR did not attempt to lay out alternatives.

Council Member Wolbach inquired whether there was capacity along El Camino Real to accommodate any median reduction and whether the EIR explored that.

Mr. Rodriguez advised that it was not explored as part of the EIR.

Council Member Wolbach asked if the letter should request VTA explore that as an option.

Ms. Gitelman explained that the EIR reviewed capacity in the sense that the dedicated lane option removed the median and the ability to have either parking or a bike lane. The mixed flow option did not have the same impacts.

Vice Mayor Schmid noted Number 12 referred to Alma Street congestion, and Number 13 referred to overflow onto Middlefield. Foothill Expressway as an alternative was already congested.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add "and Foothill Expressway" to Item 13 between "road" and "where".

Council Member Scharff inquired whether Staff was agreeable to the change.

Mr. Rodriguez could add that sentence.

Council Member Berman noted the letter requested raw data upon which the DEIR was based be made available for comparison. He inquired whether that was a typical request.

Mr. Rodriguez replied yes.

Council Member Berman interpreted Section 20 as VTA should be sensitive to Palo Alto's community context but not to other cities' community context. He expressed concern about the wording of some sentences in the letter.

Council Member Scharff interpreted the proposed language as Palo Alto opposed dedicated lanes until VTA proved they were feasible.

Ms. Gitelman believed that was the intent of the last sentence, "We would support efforts to expand transit service, but only if significant impacts within our City can be effectively mitigated."

MINUTES

Council Member Scharff suggested the letter simply state that Palo Alto opposed Alternative 4c.

Council Member DuBois wanted the letter to clearly state that Palo Alto opposed dedicated lanes and VTA should implement alternatives first.

Council Member Wolbach suggested "Palo Alto opposes dedicated lanes in Palo Alto."

Council Member Filseth concurred.

Mayor Holman read the Motion as amended.

MOTION AS AMENDED PASSED: 9-0

Inter-Governmental Legislative Affairs

~~14. Utilities Advisory Commission Recommendation that the City Council Adopt a Resolution Approving the City of Palo Alto Utilities Legislative Policy Guidelines.~~

~~15. Review and Approval of the Draft Legislative Program Manual and Draft Semi-Annual Legislative Strategic Initiatives.~~

City Manager Comments

James Keene, City Manager, announced that the Palo Alto Junior Museum and Zoo requested community input regarding its renovation project. The Fifth Annual Martin Luther King Jr. Family Day of Service would occur January 19, 2015 at King Plaza. The Library Advisory Commission and Staff would discuss changing open hours for libraries. The Palo Alto Office of Emergency Services would host its Sixth Annual Community Partnerships Awards Ceremony on January 15, 2015.

Council Member Questions, Comments and Announcements

None.

The City Council went into Closed Session at 11:37 P.M.

Mayor Holman closed the meeting in honor of Gloria Brown, who passed away on December 31, 2014.

MINUTES

Closed Session

16. CONFERENCE WITH CITY ATTORNEY -- EXISTING LITIGATION

Subject: *Sipple v. City of Alameda*, Los Angeles County
Superior Court, Case No. BC 462270

Subject Authority: Government Code Section 54956.9(d)(1)

The City Council reconvened from the Closed Session at 11:55 P.M.

Mayor Holman announced that the Council approved the settlement of *Sipple v. City of Alameda*, Los Angeles County Superior Court, Case No. BC462270, for a payment of \$391,710 to be paid in reduced future Telephone User Tax remittances.

Adjournment: The meeting was adjourned at 11:56 P.M.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.