TO: HONORABLE COUNCIL COMMITTEE OF THE WHOLE

FROM: ED SHIKADA, CITY MANAGER

DATE: MARCH 18, 2019

SUBJECT: AGENDA ITEM NUMBER 1 – Connecting Palo Alto Schedule and Criteria Update

Staff received a list of questions related to Action Item 1 on the March 18, 2019 [Rail] Committee of the Whole meeting agenda, “Connecting Palo Alto Grade Separations Recommendations: Adjust Schedule, Update Selection Criteria, and Review Terms for Upcoming Contract Amendment with AECOM to Increase Funds and Timeline for Additional Engineering and Outreach Services.” Staff prepared responses to the questions and they are listed below.

In addition, staff included information from the City Attorney’s Office about the procedures applicable to the Council Committee of the Whole.

A. Responses to Council Questions

The following are the staff responses to questions raised by Council.

Q1. The [report] section on the EIR says we need to do the whole EIR at once. Can we get more detail on why we can’t do phasing? Does the EIR include Palo Alto Ave? Should the EIR include changes to existing separations?

- Due to economies of scale and the importance of having a complete project for environmental review, one environmental document will address the crossings that comprise the “Project.” We use the term environmental document rather than EIR, as the specific type of environmental document has not yet been determined. The project will be the preferred alternatives selected at Meadow Drive, Charleston Road, and Churchill Avenue, as well as other elements determined to be integral to the project. The environmental review is expected to commence in 2019 and be completed in 2021. This environmental document will address changes to existing grade separations such as changes proposed to Embarcadero Road.
• The planning process to ultimately select a preferred grade separation alternative at Palo Alto Avenue is expected to begin this year and culminate in 2020. The environmental document for the preferred grade separation will likely begin in 2021 and be completed in 2023.

Q2. Are we expecting a new report on funding options before this meeting? What funding milestones should be on the schedule?

• A section on funding was included in the report to the Citizen Advisory Panel (CAP) on March 13, 2019. The presentation was shared with Council in a March 15, 2019 Memo (https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=68056.83&BlobID=69884). The presentation is available on the Connecting Palo Alto website at: https://pagradesep.com/wp-content/uploads/2019/03/20190313-PaloAlto_CAP_mtg_v4_Optimized.pdf. The funding information was an update from the last funding discussion. It provided information on how other communities funded or plan to fund the environmental document grade separations and included information about recent business tax initiatives in other communities. A funding plan will be needed to participate in the allocation of Measure B Grade Separation funding for design and construction costs. An Implementation Plan for the allocation of these funds is being developed by the VTA and is anticipated to be adopted in early 2020.

Q3. On the AECOM contract, the tasks listed for the additional money appear to be work that we’ve already done. What future work do the additional funds get us? How much funding was left in the Hatchmott contract when cancelled if any?

• The additional tasks listed are mostly a result of extending the original project (contract) study duration from the end of 2018 to April 2019 for a decision on a preferred solution. The change translates to additional time/budget required for project management, additional meetings and studies. The proposed amendment also includes additional data collection and alternatives analysis that were not included in the original contract scope/budget.

The Mott MacDonald contract had $676,209 remaining out of the $1,504,395 contract amount. The remaining funds were returned to the Railroad Grade Separation capital project budget.

Q4. Is there an updated traffic forecast that can be provided to Council? When will we understand the impact of potentially closing Churchill Ave?

• A preliminary traffic analysis has been completed and presented to the CAP at its meeting of 3.13.19. The PowerPoint presentation can be viewed online at: https://pagradesep.com/wp-content/uploads/2019/03/20190313-PaloAlto_CAP_mtg_v4_Optimized.pdf. This work remains ongoing, including responding
to comments on the analysis as well as continued evaluation of potential mitigation measures.

Q5. What form of community outreach is expected over the next several years? What should be on the updated schedule?

Charleston, Meadow, Churchill Crossings:
- Prior to selection of a preferred alternative for each – One more community meeting is scheduled on March 27th. At City Council discretion, more CAP and community meetings could be added (such as adding up to 2 more CAP meetings and 1 more community meeting).
- Prior to award of environmental document contract – Community engagement to be determined.
- During environmental document phase – Community engagement to be determined.
- Design and construction phase – The roles and responsibilities of the City, VTA, and Caltrain need to be determined including the form and timing of community outreach, thus community engagement is to be determined.

Palo Alto Avenue Crossing:
- Community engagement to be determined as the coordinated area plan effort is organized and implemented.

Q6. What staff do we have working on this? Is our staffing situation accounted for in the schedule?

- Interim – Staffing includes partial time of an Assistant to the City Manager, a Project Engineer, a Transportation Programs Manager, and a consultant.
- Permanent – Staffing includes the Chief Transportation Official (ideally filled by end of May), a proposed new senior engineer position in the Office of Transportation (under consideration for recommendation to the City Council in the FY 2020 budget; if approved, it could be filled by September 2019), and an existing project engineer. Collectively the full-time equivalency is about 1.5 positions by the end of the 2019 calendar year.
- AECOM team: The City’s contract with AECOM allowed for a very diverse team to be assigned to work on the grade separation project and that team continues to analyze the materials as directed by the City’s team based on City Council direction. Staffing changes at the City has not impacted that work.

Staff have currently been redeployed from other transportation programs in order to support prioritization of rail decisionmaking process.

B. Council Rail Committee of the Whole - Process and Procedures

This FAQ addresses the procedures that apply to the Rail Committee of the Whole.

1. Who is on the Rail Committee of the Whole? The Rail Committee of the Whole is the entire Council (7 members).
2. Are any Council Members recused from participating in the work of the Rail Committee? Mayor Filseth and Council Member Kniss are recused from rail items at this time, including at the Committee of the Whole and at the Council. Recused Council Members are required to leave the dais.

3. What vote thresholds are required at the Committee of the Whole? Under the City Charter, affirmative votes of four or more Council Members are required for approval of contracts, environmental documents, grant applications, projects, and records of land use action, and adoption of ordinances and resolutions. (Charter, Art. III, Sec. 7.) Four votes are required for these types of decisions even if absences or recusals reduce the number of Council Members participating in the item, with limited exceptions. Other motions or actions may be taken by vote of a majority of those present and voting (i.e., 3 members if 5 are present). This might include, for example, direction to staff to conduct further study and return to Council.

In Palo Alto, Council committees are utilized for items that benefit from longer and more in-depth discussions than are typically possible during a Council meeting. Committees do their work through recommendations to Council or, sometimes, feedback to staff. Committees cannot take final action of the type described by Article III, Section 7 of the Charter.

Standing and ad hoc committees are composed of less than a majority of Council (three or two Council Members). There is nothing in state or local law, however, that prevents Council from designating its entire membership as a committee, often called a Committee of the Whole. A Committee of the Whole may provide a useful tool for longer and more in-depth discussions than is generally available at a regular Council meeting on Monday night. When Council began using the Committee of the Whole structure several years ago, the meetings were structured as study sessions and scheduled on a different night of the week.

On the Rail Committee of the Whole, some topics are likely appropriate for in-depth study and discussion without the need for a motion or vote. If the Committee chooses to express its view by voting on a motion, it may do so, but those votes are recommendations to Council or interim direction to staff. The Committee may pass a motion on a vote of a majority of Members present and voting, but where a motion in Committee is supported by only three Council Members, Council Members should be mindful that ultimate project approval or legislation will require four votes.

4. If the Rail Committee of the Whole votes in favor of a motion by 4-1 or 3-2, is that item placed on the Council’s Consent or Action agenda? The Council’s Procedures and Protocols are silent on how recommendations from a Committee of the Whole should be agendized. (In contrast, the Procedures and Protocols provide that items recommended unanimously by the Council’s standing or ad hoc committees are placed on the Council’s Consent agenda, unless the committee votes that the item should be placed on Action.) If the Rail Committee of the Whole makes a recommendation to Council with less than unanimity, we recommend that the Committee address the procedural issue that is not addressed in the
Procedures and Protocols, namely, direct whether the item should be placed on the Consent or Action agenda.

5. How will the March 18 agenda items be addressed by the Committee? Tonight, the Rail Committee of the Whole will consider three topics: (a) accept adjustments to the schedule; (b) if desired, make recommendations to amend the decision criteria; and (c) discuss an upcoming amendment to AECOM’s contract.

The first item regarding the schedule is an informational and discussion item that does not require action from either the Committee or Council. If it wishes, the Committee may provide direction to staff or a recommendation to Council in the form of a motion that may be passed by a majority of those present.

The decision criteria were previously adopted by Council, and any amendment would similarly require approval by Council. The criteria were not enacted through legislation, and are a statement of intent of Council to address the rail decisions in a certain manner. They may be adopted and amended by a majority of those present.

The discussion about AECOM’s services is a preliminary discussion of a contract amendment that has not yet been prepared. The Committee can provide feedback on staff’s recommendation, whether through individual comments or direction approved by a majority of those present. Staff will endeavor to incorporate the Committee’s input. When the contract is prepared, it will be placed on the Consent agenda consistent with normal practice. Approval will require a vote of 4 Council Members.

Ed Shikada
City Manager