

**Caltrain Centralized Equipment Maintenance and Operations Facility
Monitoring Committee
April 23, 2008 Minutes**

Members Present: Michael Smith, Chair (Shasta-Hanchett Park), Chris Escher (Arena), Sally Logothetti (Garden-Alameda), Elizabeth Monley (College Park), Councilmember Pierluigi Oliverio

Members Absent: None

Staff Present: Michelle Bouchard, Shayna van Hoften (Hanson Bridgett), Nancy McKenna, David Olmeda, Rona Rios

Attendees: Ben Tripousis (City of San Jose), Kay Gutknecht, Mike Riepe

Chair Mike Smith called the meeting to order at 6:07 p.m.

APPROVAL OF MINUTES

Chair Smith had a correction to the members present on the January 23, 2008 minutes. Sally Logothetti's last name was omitted and the neighborhood association should be Garden Alameda. July McDowell was listed as an attendee and she was not at the meeting.

The amended minutes from the January 23, 2008 (Escher/Logothetti) were approved.

PUBLIC COMMENT

None

NEW BUSINESS

Election of Chair and Vice-Chair - This item was moved up on the agenda since a committee member had to leave early. Elizabeth Monley nominated Mike Smith as Chair and approved by all. Sally Logothetti nominated Ms. Monley as Vice-Chair and approved by all.

BROWN ACT TRAINING

Shayna van Hoften from Hanson Bridgett gave an overview presentation of the Brown Act open meetings law. As a member of this committee everyone is a public servant representing the public. As a public body there is a minimum standard for this committee's compliance with the law and appearances often matter as much as the law.

- As long as there is an open and public legislative meeting the public needs to know about the meeting. The agenda must be posted 72 hours in advance at the meeting location and there has to be space on the agenda for public comment. The committee's bylaws clearly define that the Brown Act will be followed.
- A meeting is a majority of the body of the committee at the same place and time to hear, discuss or deliberate on a committee matter. Risky practices to voice include any gathering of a quorum of a body outside of noticed meetings, any serial communications, including e-mail, gathering at social engagements and at other agencies' meetings and participating in message boards via the internet.

Chair Smith asked if it is a Brown Act violation if an e-mail is sent to the committee reminding them of a meeting or regarding something that happened at the facility to the other committee members. Ms. van Hoften said that a simple non-substantive meeting reminder would be fine, though it is safer to let staff handle committee administration, and that any communications about happenings at the facility should be agendaized for an official committee meeting. Ms. Van Hoften described the two types of serial communications: the hub and spoke and the daisy chain. It is a problem if you are one person and you are talking to the other committee members individually about the same issue (hub and spoke) or if you tell one person and they tell the next and so on (daisy chain).

Sally Logothetti asked about if a member has information that they want to share with the committee, but the agenda is already posted. Ms. van Hoften said it is okay to make an announcement at the committee meeting and there can be a brief discussion, but any substantial discussion must be put on the agenda for the next meeting.

Ms. Logothetti said that since this committee only meets every three months, there could be pertinent information that needs to be shared between meetings.

Ms. van Hoften said that in such a case, a special meeting could be called and the procedures for official noticed meetings would need to be followed, such as posting of an agenda.

- Ms. van Hoften said that if a specific item needs to be added to the agenda after it is posted there must be a majority vote that it is an emergency and not just something that the committee wants to discuss.
- If a member calls in to a meeting to participate by phone, do they count as part of the quorum? Ms. Van Hoften answered that a member can always call into a meeting, but can not be considered part of the quorum and can not vote unless specific requirements are met, including: a quorum of the body must be meeting in person or must be telephoning in from locations within the jurisdiction; every teleconference location at which a member wishes to be counted must be listed

on the agenda; the agenda must be posted at every teleconference location at which a member wishes to be counted must be listed on the agenda; and every teleconference location at which a member wishes to be counted must be open to the public.

Councilmember Oliverio left at 6:35 p.m.

- If one or more committee members call in, all votes must be taken by roll call.
- Can items agendized for prior meetings or addressed in minutes be discussed? Minutes can be reviewed and corrected, if needed, but the committee can not discuss items in the minutes or on a prior agenda in detail unless that item is again listed on the present meeting agenda. If a discussion is necessary on a certain item then it must be agendized again for the next meeting.
- Generally, if there is less than a quorum at a publicly-noticed and agendized meeting subject to the Brown Act, there should be no discussion of committee business. However, this committee's bylaws state the committee can create a "committee of the whole" to discuss items in the absence of a quorum. If a member arrives after the committee of the whole is created, making a quorum of the full committee, the meeting of the committee of the whole ends and the meeting of the full committee may begin. The committee of the whole cannot take any action, but should report to the committee once there is a quorum.
- Any violation of the Brown Act needs to be cured, i.e. vote on an action not on the agenda needs to be taken again after the item has been properly agendized for a future meeting.

Chair Smith thanked Ms. van Hoften for a great presentation.

STAFF REPORT

No report.

CHAIRPERSON'S REPORT

Chair Smith acknowledged a great tour of the facility for the new committee members and thanked Michelle Bouchard and Steve Coleman for setting it up.

Chair Smith welcomed Ms. Logothetti, representing the Garden Alameda neighborhood, and Chris Escher, the at-large member to the committee.

COMMITTEE REPORT

Nothing

OLD BUSINESS

Revised Bylaws – Chair Smith said he received feedback from the San Jose City Attorney's office and another draft has been forwarded to the Joint Powers Board (JPB). Martha Martinez, JPB Secretary, is working on the bylaws. Ms. Martinez has been in contact with the City Attorney and trying to work out details.

Screeching Tracks/Lubricator Maintenance – Ms. Bouchard said that after repeated attempts with Union Pacific (UP) a rail lubricator was installed. JPB does not maintain the main line. UP suggested looking at a graphite based lubricator that could potentially be a solution if it is maintained. The type of rail lubricator was found to be sub-standard and staff needs to find the source of the noise before a solution can be prescribed. Staff needs to get a noise specialist to take sound readings to find out where the noise is coming from. Staff is taking bids and looking for the lowest responsive bidder.

Chair Smith asked, if once the problem is found, will UP maintain. Ms. Bouchard said UP will have to maintain because it is their tracks. Ms. Bouchard said readings will be taken on tracks two and three and if the committee can provide any details other than that the tracks are screeching, i.e. time, when or where would be helpful.

Michael Riepe said that the noise is very prevalent on short wheel base trains.

Elizabeth Monley asked if the rails are ever damaged when different trains or wheels go on the tracks. Ms. Bouchard said yes, but over a course of time.

Scheduled Maintenance and Daily Inspections at Night – David Olmeda said all shifts have moved into the building and there will be no changes to where maintenance will take place. There may be minor adjustments. The committee has closed this item.

Train Wash Operation at Night – Ms. Bouchard said that since the last meeting rail operations and mechanical have spoken about how to reduce the bell ringing while maintaining a level of safety. In February, staff met with Amtrak and came up with a new procedure to reduce the bell ringing. The bell would be rung only at the beginning of the move and once through the trainwash when the train is reversed the bell would sound off and then proceed without bell ringing. This procedure started after the last committee meeting. Have seen good results with this procedure and if safety was an issue the bell ringing would not have stopped.

Ms. Logothetti said that as each issue is discussed items are removed if resolved so the list can be reduced.

Engine Run-up/Bell Ringing Beyond Soundwall – Mr. Olmeda said to bring the trains into the storage does not allow the maintenance department to work on the trains. Chair Smith asked if the trains could go to storage tracks at night so there is no bell

ringing. Mr. Olmeda said that when the trains come into the service and inspection (S&I) tracks the bell will be ringing because it is a work area, but Amtrak has been told to ring very briefly. Neighbors will hear horn noise during the day because that is when testing is done.

Chair Smith hopes to close items d and e at the next meeting. Ms. Monley would like to bring the train wash item to the College Park Neighborhood Association before it is closed.

NEW BUSINESS (cont'd)

Appointment of Secretary – Nancy McKenna was appointed by the committee.

Appointment of Quarterly Report Subcommittee – Chair Smith appointed Ms. Monley and Ms. Logothetti to the committee.

Hotline Operation and Process for Addressing Complaints - Rona Rios, Customer Service Supervisor, said all calls come through the 800 number during normal operating hours. Customer service center operates 365 days a year. Monday-Friday operating hours are 6 a.m.-10 p.m.; Saturday and Sunday operating hours are 8 a.m.-8 p.m. and holidays from 8 a.m.-10 p.m. After operating hours the calls are forwarded to the Center One answering service. Center One calls are routed immediately to Ms. Rios and the Caltrain Specialist. The call is sent via e-mail and the answering service also provides a quarterly report to make sure all calls are received. Complaints can also be entered through the Web at www.Caltrain.com and those are forwarded to Ms. Rios and to maintenance staff and they are researched. The goal is to have a response within 72 hours to the person who complained. Ms. Rios will call them via phone and e-mail a response. Issues are resolved as quickly as information can be obtained. All the information is tracked. Ms. Rios's response will be what she receives from staff.

Mr. Olmeda said that depending on the circumstances corrective actions will be taken.

Mr. Riepe would like to see the outcome noted or response next to each complaint. Chair Smith asked if more information can be added or the resolution to the problem on the call log.

Neighborhood Outreach - Chris Escher would like to come back at the next meeting with trend issues for the neighborhoods. Do people who are calling representing themselves or their neighborhood? Mr. Escher said weight can't be put on customer service complaint lines.

Ms. Logothetti said that looking at the monthly complaint log there were only eight complaints in three months. When the committee looks at alternatives what is the goal and what is reasonable in terms of what the committee is trying to achieve in providing information to the neighborhoods.

ANNOUNCEMENTS

Next meeting will be on Wednesday, July 23 at 6 p.m.

Meeting adjourned at 7:45 p.m.