

**Peninsula Corridor Joint Powers Board  
Board of Directors Meeting  
1250 San Carlos Avenue, San Carlos CA 94070**

**MINUTES OF JULY 11, 2019**

**MEMBERS PRESENT:** G. Gillett (Chair), C. Brinkman, J. Bruins, C. Collins, C. Stone, D. Pine

**MEMBERS ABSENT:** C. Chavez, D. Davis, S. Walton

**STAFF PRESENT:** J. Hartnett, C. Mau, T. Bartholomew, M. Bouchard, J. Brook, A. Chan, C. Gumpal, D. Hansel, B. Fitzpatrick, C. Fromson, J. Funghi, D. Hansel, J. Lipps, L. Millard-Olmeda, J. Navarro, S. Petty, C. Scarella, D. Seamans, S. van Hoften

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Chair Gillian Gillett called the meeting to order at 10:07 a.m. Director Dave Pine led the Pledge of Allegiance.

**ROLL CALL**

District Secretary Dora Seamans called the roll and confirmed all present, with the exception of Directors Chavez, Davis and Walton who were absent.

**BOARD MEMBER REQUESTS**

**Request to Consider Resolution to Undertake Procurement for General Counsel and Legal Advisory Services (Director Shamann Walton)**

Chair Gillian Gillett took agenda Item 12(a) Resolution to Undertake Procurement for General Counsel and Legal Advisory Services (Director Shamann Walton) out of order.

Chair Gillett stated that as to Agenda Item 12(a) that Director Walton, who was not present, had requested that the agenda item be continued. In response to Director Charles Stone's comment, Chair Gillett confirmed that continuing the agenda item requires board action.

Director Cheryl Brinkman moved to continue the agenda item to a future date, and the motion was seconded by Director Ron Collins. Chair Gillett called for public comment.

Joan Cassman, General Counsel, stated that since this agenda matter involved her as a public official in her position providing legal services to the Joint Powers Board as a partner in Hanson Bridgett, there is a possibility that there could be financial impacts on her and she felt it appropriate to leave the room during the discussion, which she then did.

Public Comment

Jeff Carter, Millbrae, commented that current legal counsel has provided legal services to Caltrain since the origination and does report to Caltrain.

Upon request of Director Bruins, Director Brinkman restated the motion to bring back the item to a future meeting.

Board member comments continued, including that the item should not be considered until sometime after the October board discussion on the Caltrain Business Plan, at a time after the Board has a chance to fully digest the Business Plan as to structure, organization and governance, and that the agenda item should not be brought back without context. The Board members asked that their comments be considered as part of the motion.

Jim Hartnett, Executive Director, confirmed the Rules of Procedure require that when the agenda item would be set is determined by the Executive Director in consultation with the Chair. Mr. Hartnett confirmed as to the motion that he had heard the Board Member comments.

Motion/Second: Brinkman/Collins

Ayes: Brinkman, Bruins, Collins, Stone, Pine, Gillett

Absent: Chavez, Davis, Walton

Noes: None

#### **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Adina Levin, Friends of Caltrain, commented on the Regional Measure, Clipper and the study on funding of cost and benefits of projects.

Scott Yarborough, San Francisco, commended staff and commented on the data and ridership.

Jeff Carter, Millbrae, requested that staff consider a business case study.

Shirley Johnson, San Francisco, expressed concern on train capacity and bike theft; and to demonstrate her concern, she remained silent for the rest of her allotted public comment time.

Karen Camacho, San Mateo, commented on leadership on Caltrain Transit Oriented Development.

Roland Lebrun, San Jose, commented on correspondence pertaining to bike, daily Caltrain riders not attending Board meetings, articles on the Daily Post and electrification.

#### **CONSENT CALENDAR**

- a. Approved Special Meeting Minutes of June 6, 2019
- b. Approved Meeting Minutes of June 6, 2019
- c. Accepted Statements of Revenues and Expenditures for May 2019
- d. Received Key Caltrain Performance Statistics for May 2019
- e. Received State and Federal Legislative Update
- f. Received Caltrain Business Plan June Monthly Update

- g. Approved Resolution 2019-24, Approved and Ratify of the Fiscal Year 2020 Property Insurance Program
- h. Update on the San Jose Diridon Integrated Station Concept Plan

#### Public Comment

Michelle Huttenhoff, San Jose, commented on the Caltrain Business Plan and the financials.

Adina Levin, Friends of Caltrain, concurred with subject matters relating to Caltrain and Diridon Plan and the riders.

Motion/Second: Stone/Bruins

Ayes: Brinkman, Bruins, Collins, Stone, Pine, Gillett

Absent: Chavez, Davis, Walton

Noes: None

#### **REPORT OF THE CHAIR**

Chair Gillett, provided a report on the Local Policy Making Group (LPMG) that met on June 27; highlights of the report was on the network integration services, Caltrain Business Plan and public comments.

#### **NOMINATING COMMITTEE REPORT FOR THE CITIZENS ADVISORY COMMITTEE**

Reappointment and Appointment of the Citizens Advisory Committee Members

Chair Gillett announced that the San Francisco County is not prepared to nominate a representative this month.

Director Pine announced the reappointment of Adrian Brandt and recommended new member Anna Cristina Dagum to represent the San Mateo County.

Director Jeannie Bruins announced that there are two vacancies and recommended new member Patricia Leung to represent the Santa Clara County.

#### **REPORT OF THE CITIZENS ADVISORY COMMITTEE (CAC)**

Brian Shaw, Chair of the Citizens Advisory Committee, reported on details on the recent CAC Committee meeting; highlights included the resignation of committee members from San Francisco and Santa Clara County, the concern regarding quorum and alternates to serve when member term expires and the subject about allowing the public to show slide deck.

The Board members agreed on the suggestion of alternates. Ms. Cassman, General Counsel, informed the Board and staff that there should be a resolution to reflect a change in the CAC bylaws for alternates. The Board suggested this change could possibly take place during the August meeting.

The Board members agreed that the agency should not allow the public to show slides due to possible cyber security reasons and inappropriate slides. The Board suggested handouts to the Board members.

#### Public comment

Roland Lebrun, San Jose, commented on presentations from other agencies.

#### **REPORT OF THE EXECUTIVE DIRECTOR**

Jim Hartnett, Executive Director, said his report is in the reading file; additional items of the report included the Clipper Card meeting with the General Managers, JPB August Board meeting will include a public hearing and there will be two Standing Committees this month (Finance and Work Program-Legislative-Planning). Mr. Hartnett also noted that staff received a report from the Civil Grand Jury and the subject is on SamTrans and Caltrain to investigate the opportunity to coordinate schedules to improve commute options for residents; staff will draft a response to share with the Board at a later date.

#### **Peninsula Corridor Electrification Project (PCEP) Monthly Report for May 2019**

John Funghi, CalMod Chief Officer, provided a monthly report on the Peninsula Corridor Electrification project (PCEP); the report highlighted the tunnel work that is nearing completion in preparation for the installation of the overhead catenary system (OCS). Staff also reported on the additional Electric Multiple Unit (EMU) cars that have arrived and the assembly process.

The Board questioned staff regarding the dashboard. Mr. Funghi responded and stated the dashboard will be included on the next report.

#### **Monthly Report on Positive Train Control (PTC) System**

Michelle Bouchard, Chief Operating Officer, Rail, reported on the Caltrain Positive Train Control Project; highlights included the status of the application to the Federal Railroad Administration (FRA) and the FRA is supportive.

#### **Caltrain Business Plan July Update**

Sebastian Petty, Director of Policy Development, reported on the Caltrain Business Plan; highlights included how the Business Plan would work, growth scenarios, network integration and outreach. Mr. Petty noted that the Business Plan would be presented at length during the August Board meeting and would include a presenter, Howard Permut, a former president of Metro North Railroad. They would discuss developing recommendations, analysis, organization and governance, and he noted that the Business Plan will only be an informational item during the August Board meeting.

Staff provided further clarification in response to Board comments and questions. The presentation can be found on the Caltrain website link provided here:

[http://www.caltrain.com/Assets/\\_Agendas+and+Minutes/JPB/2019/2019-07-11+JPB+Business+Plan+presentation.pdf](http://www.caltrain.com/Assets/_Agendas+and+Minutes/JPB/2019/2019-07-11+JPB+Business+Plan+presentation.pdf)

Director Ron Collins requested a Business Plan presentation to the San Carlos City Council and Director Dave Pine requested a Business Plan presentation to the San Mateo County Board of Supervisors. Mr. Petty agreed.

Public Comment

Roland Lebrun, San Jose, commented on High Speed Rail and South San Jose, electrification and Positive Train Control.

Vaugh Wolfe, Pleasanton, commented on the corridor, capacity and longer platforms.

Jeff Carter, Millbrae, suggested longer trains and higher capacity vehicles. He commented on high speed rail and the ownership, and passing tracks.

Adina Levin, Friends of Caltrain, suggested a line on the expected ridership. She commented on high speed rail, EIR and the technical goals on the business plan.

**INCREASE EXECUTIVE DIRECTOR'S CONSTRUCTION CONTRACT CHANGE ORDER AUTHORITY AND AUTHORIZE AMENDMENT TO PIPELINE RELOCATION CONTRACT WITH PG&E FOR THE 25<sup>TH</sup> AVENUE GRADE SEPARATION PROJECT**

Rafael Bolon, Project Manager, provided a report; highlights include an update on the siding track relocation, project delay and amendment of the Pacific Gas & Electric agreement.

The Board expressed concern on transparency and outreach. The Board suggested noticing post cards or the local paper. Mr. Bolon apologized and agreed to seek additional means of communicating to the public.

Staff provided further clarification in response to Board comments and questions. The presentation can be found on the Caltrain website link provided here:

[http://www.caltrain.com/Assets/\\_Agendas+and+Minutes/JPB/2019/2019-07-11+JPB+25th+Avenue+Grade+Separation.pdf](http://www.caltrain.com/Assets/_Agendas+and+Minutes/JPB/2019/2019-07-11+JPB+25th+Avenue+Grade+Separation.pdf)

Public Comment

Adina Levin, Friends of Caltrain, expressed concern for the residents who have issues regarding construction of the project and its location as well as concerns on the replacement project and barriers.

Roland Lebrun, San Jose commented on the Hillsdale Station and the need for a chief engineer.

Jeff Carter, Millbrae, questioned why UP owns the line and potential for four (additional) tracks.

Drew, San Mateo, commented on set out track and suggested a solution to south of Hillsdale access and distance.

Approved by Resolution 2019-25  
Motion/Second: Bruins/Pine  
Ayes: Brinkman, Bruins, Collins, Stone, Pine, Gillett  
Absent: Chavez, Davis, Walton  
Noes: None

Director Stone left at 12:26 p.m.

### **2019 Annual Passenger Counts Presentation**

The Board deferred the 2019 Annual Passenger Count presentation to a future agenda.

### **CORRESPONDENCE**

Dora Seamans, District Secretary, stated the agency implemented automatic email replies to public when email are received; correspondence are posted weekly and approximately 24 hours prior to the Board meeting. Ms. Seamans also noted that copies are made available at the public counter during the Board meetings.

#### Public Comment

Roland Lebrun, San Jose, commented on the tem that was deferred on the annual passenger count, Business Plan. He commended the staff on the new posting of correspondence.

### **BOARD MEMBER REQUESTS**

Director Pine requested that the Board meetings start at 9 a.m., Director Bruins supported the 9 a.m. start time. There was general informal consensus of the proposal. Chair Gillett requested that the Board Secretary survey the Board members that were not present.

Ms. Cassman, Legal Council noted that staff would need to amend the rules of procedure, which could be included as a consent item on a future agenda.

### **GENERAL COUNSEL REPORT**

Closed Session: Conference with Legal Counsel – Anticipated Litigation Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.

The Board reconvened to open session at approximately 1:17 p.m.

No reportable action was taken.

**DATE/TIME OF NEXT REGULAR MEETING: THURSDAY, AUGUST 1, 2019 AT 9:00 A.M.  
SAN MATEO COUNTY TRANSIT DISTRICT ADMINISTRATIVE BUILDING, 2<sup>ND</sup> FLOOR,  
1250 SAN CARLOS AVENUE, SAN CARLOS, CA 94070**

Chair Gillett announced that the next meeting would be held on Thursday, August 1, 2019 at 9 a.m.

### **ADJOURN**

The meeting was adjourned at 1:18 p.m.

An audio/video recording of this meeting is available online at [www.caltrain.com](http://www.caltrain.com). Questions may be referred to the Board Secretary's office by phone at 650.508.6279 or by email to [board@caltrain.com](mailto:board@caltrain.com).