

## **Expanded Community Advisory Panel (XCAP)**

September 25, 2019

Regular Meeting - Summary

Community Meeting Room

### **1. Welcome and Introductions**

Present: Megan Kanne, Larry Klein, Barbara Best, Inyoung Cho, Cari Templeton, Keith Reckdahl, David Shen, Phil Burton, Tony Carrasco, Pat Lau

Absent: Gregory Brail, Judy Kleinberg, Adina Levin, Nadia Naik

Eileen Goodwin, Meeting Facilitator, explained how the meeting would proceed. The Council authorized the Group to elect a Chair and Co-chair.

### **2. Community Conversations**

XCAP Member Kanne advised she planned to send out a flyer around Kingsley and High Street.

XCAP Member Best announced PAUSD wasn't doing much until getting the results of the traffic studies.

XCAP Member Cho remarked South Gate residents were concerned about the viaducts, the height and details. She asked other XCAP Members for advice about how to disseminate information.

XCAP Member Reckdahl from Charleston Meadows noted his neighbors were unhappy with the current designs. No one liked the viaduct. Everyone seemed to want the trench, and wanted to know what grade would be needed to start the roll off after the creek so the creek wouldn't have to be pumped.

XCAP Member Shen had conversations with South Gate and Old Palo Alto residents. They didn't want the train high in their backyards with the viaduct option. They were worried about the increased traffic though the neighborhood if Churchill remained open.

XCAP Member Burton remarked his neighbors seemed to be unaware. He wanted to send out some information to create awareness and information about the history of the XCAP Group.

XCAP Member Carrasco noted his conversations were mainly with downtown people. They asked when the downtown study would be scheduled and how do they collaborate on alignment. They also asked about costs.

XCAP Member Lao shared part of her work involved working with students from Stanford University. Through interviews with these college students she learned most

of these people had very little knowledge about what was happening regarding grade separation. She felt there was a tremendous need to do more outreach to younger people. In the past two weeks she has also had discussions with the U.S. Department of Transportation members regarding the safest options for the designs. Closure was considered the safest option in terms of fatalities, but also fencing at hot spot locations where there were multiple collisions. She offered to share her notes. A complete design would include appropriate signage, lighting, fencing and/or barriers, cameras, a warning system to reduce intentional and unintentional incidents of trespass.

## Public Opinion

Rachael Kellerman stated she lived on Emerson Street. She has become a traffic reporter, and shared her observations at the intersection of Emerson, Kingsley and Embarcadero from 7:30 to 8:30 AM that morning. This intersection is part of a downtown network used to access PALY, Town and Country, Stanford and El Camino real. She asked for a site visit with the City's Transportation Manager and the Group's traffic consultant and hoped for an explanation of the data driven transparent approach they were enacting to analyze this program. She also asked the XCAP Group to only endorse plans that adhered to the City Council's criteria to minimize the effect of changes to residential streets that followed the City Council's Comprehensive Plan to provide clear, safe routes for pedestrians and bicycles.

Jason remarked he had been coming to these meetings for two years and has reached a point of exasperation. There were hundreds of families being impacted by these changes. There had been deep discussions with hundreds of community members last June when mass eminent domain and viaducts were discussed and the eminent domain options were eliminated because of reaction by community members and Council. Viaduct options were eliminated at that time, but now they are again being considered. He referenced a traffic study that noted the problem was Embarcadero Road.

Susan advised she and her neighbors were very concerned about closing Churchill. This will cause greater traffic problems on the already extremely crowded arteries. They also did not like the viaduct options and would like to see more energy put into the trench option to make it work.

Rachel Croft reiterated that on the survey, half the community did not want to close Churchill but the survey was not clear about the other options. She took issue with the Evaluation Match matrix, Item 7. That design will definitely impact properties. She also stated the website was still not updated.

Ms. Cotton Gaines explained there is a new website, [connectingpaloalto.com](http://connectingpaloalto.com). All the information should be on that website.

Kerry Yarkin agreed that the Churchill crossing was very dangerous.

Male speaker remarked Churchill was useful only for the local community.

### **3. Discussion of City Council Actions on September 9**

Ed Shikada, City Manager commented on the City Council Actions presented on a slide. The Council's future agenda will have a standing item monthly for an opportunity for the XCAP to communicate to the Council. Jumping to Item C, assumes at least one alternative for each of the intersections by this date. Technical information will be presented at the future meetings. Item B, brainstorming and some issues of concern raised earlier about variations on how to make some of the options the most viable could be addressed at the design workshop.

XCAP Member Lao asked about the April 30, 2020 date.

Mr. Shikada replied that timeframe was intended to enable the potential for a ballot measure to be in front of Palo Alto voters in November 2020.

XCAP Member Burton indicated at the last Council meeting he heard a number of different criteria introduced as part of the discussion. He asked if the Group could get the list of the criteria.

Mr. Shikada answered a list does exist. The Council adopted criteria for the selection of options. There was a lot of discussion regarding tier 1 versus tier 2, the role of property acquisition or Eminent Domaine and that could be brought back for review by the XCAPO.

XCAP Member Kanne asked for clarification of the work output the City Council required.

Mr. Shikada replied yes, it would be part of staff report, both following the XCAP's recommendations and along the way. Part of the discussion for the XCAP tonight and in future meetings should be, what would it take for the Group to develop preferred alternatives and a recommendation on those alternatives.

XCAP Member Klein commented on the April 30 date. The idea was to be able to put a tax measure on the ballot November 20, 2020 but it was not committed to do that. A tax measure on the ballot would enable the Council to negotiate with others who may put tax measures on the November 20 ballot.

### **4. Review of Technical Evaluations**

#### **South Palo Alto Tunnel Animations**

John Maher from AECOM gave this presentation. The first option is the tunnel with both passenger and freight, the original tunnel. For that tunnel, there is a very large bore, 34 feet outside diameter. To be able to construct this bore a launch pit is required, bringing the rail down to a certain elevation, 34 feet for the outside diameter of the tunnel, 10 feet of cover over that which puts it down about 44 feet. A separation of one-half a tunnel width is required between the two bores which is 49 feet wide. The tracks as they enter the launch pit area are in a trench then widen out

to the 49 feet. The trains are going 110 miles per hour so there are reverse curves to get out to 49 feet. Some space is needed on the outside of the tunnels. The overall width of the bore currently is 100 feet. A shoofly is needed next to that which has to swing out to be able to get out far enough so construction can begin. There is some length associated with the shoofly swinging out. At the bore pit itself, at Alma Street on the north portal area is neck down to 12 feet during construction which could be up to three years. The next option is the south portal area with the same consideration in terms of the bore sizes. This closes Alma Street in this location for the length of construction. The video showed the existing track and the two shoofly tracks for the portal areas. The north construction of the shoofly was shown. This would have to be initiated right after Oregon Expressway. This also impacts the two creeks, all landscaping would have to be removed, put in the barrier and fence for the shoofly, construct the tracks. Alma would be restriped. The shoofly temporary track is constructed and is electrified. The trench begins to get down to the bore pit. Eventually the tracks widen out for the 49 feet, this cuts through the Matadero Creek. The launch pit is shown for the tunnel boring machines which are assembled in the pit which then excavate the two tunnels. The tunnel is constructed to be a tunnel diameter below the surface of the ground to the top of the bores. There are grade separations at Meadow and Charleston. There would be a similar approach on the south portal area. There would be one northbound lane open on Alma during the trenching operation in the launch pit. Adobe Creek is intersected. The trench will then come back up. A trench is then built down to the southern launchpad and the same operation on the south side. When the tunnels are completed the trench can be capped over for a certain distance and the trench would be lessened in length. There would be an open area where the trains used to be, the shoofly is taken out. There would be an opportunity for some open space.

XCAP Member Carrasco asked for a rough idea of how much it would cost.

Ms. Mercurio replied the cost for the south tunnel is not known, but the Citywide tunnel was about \$3.4 billion.

XCAP Member Shen noted it seemed at both portals there was a graphic slicing through backyards resulting in some yellow crosshatching and asked if that was Eminent Domaine?

Ms. Mercurio answered there was some property impact. When going deep on the trench wall, they were very deep and there is a point where there can't be any cross bracing at the top so the only way to get those walls deep and able to support that length was to go in with tiebacks or ground anchors. Those would be subsurface right-of-way impacts. There are some limitations of what can be done above the subsurface structural elements.

XCAP Member Shen inquired if the cross-brace areas were where it was estimated a tieback would go underneath the ground and there could be limitations on trees?

Ms. Mercurio answered yes.

XCAP Member Burton asked how deep the crossmembers would be.

Ms. Mercurio advised the were the depth of the trench. The length of the ground anchors and tiebacks would be determined by geotechnical and engineering.

XCAP Member Cho questioned where the electrical poles would be.

Ms. Mercurio replied that was not how Caltrain was designing their trains. It is not a BART type system with a third rail.

XCAP Lau asked how long it was anticipated the construction to take?

Mr. Maher answered approximately three years. There will be a more defined duration estimate with the cost estimate next time.

XCAP Lau inquired if there would be adequate fencing and signage during the time of construction?

Ms. Mercurio advised there would still be access issues because Caltrain is not a closed system. Intrusion systems could be done.

XCAP Member Templeton inquired about the length of Alma that would be one way and has there been any anticipated impact on emergency service vehicles?

Mr. Maher did not have the exact length but it is about 1500 feet.

XCAP Member Burton voiced the idea of peak hour traffic managed one lane.

XCAP Member Reckdahl asked if this section could have just a single shoofly track?

Ms. Mercurio replied she did not think Caltrain could do that.

XCAP Member Kanne noted for tunnels there had been discussion of instead of using tiebacks, using a berm over the top of the tunnel. Would that be possible?

Ms. Mercurio technically that is not possible because you need a means to support the trench walls.

XCAP Member Templeton asked how far north would the trenching begin, how close to Churchill?

Mr. Maher replied it is about 1500 feet.

XCAP Member Carrasco would like to see cut sections to know what the property impacts were along that trench and tunnel.

Mr. Maher continued to the next option which was putting the freight on the surface and passenger only in the tubes. This reduces the diameter of the tunnels. The contact wire in the previous was 22 feet from top of rail to the contact wire. Without freight this is now 18 feet. The tunnel is now 31 feet outside diameter and the other dimensions have been reduced. At the launch pit sections it is 90 feet wide, and it is 40 feet deep. The mechanics are basically the same. It doesn't reduce the length significantly but it does reduce the depth and width of the trench. There are still

shoofly tracks for north and south. The steps are the same, the environmental impacts are the same. There are now two lanes on Alma Street, one in each direction during construction. With the freight on the surface, the shoofly tracks would become permanent freight tracks.

XCAP Member Klein asked what the cost be of buying out the freight interest?

Ms. Mercurio noted this was not just the freight issue in Palo Alto.

Ms. Cho asked where the trucks related to constructed would go.

Ms. Mercurio answered that would be an issue to be worked out with the City of Palo Alto.

### **Summary of Churchill Alternatives**

Ms. Litzinger explained what defined the Churchill closure were a lot of elements looked at. One is the ped/bike underpass and several options were looked at that would incorporate that. That was followed by a traffic analysis, if Churchill was closed, where did the cars go and how could that be mitigated. The Group will be reminded of what the ped/bike undercrossing looked like and do a reminder of what the intersection mitigations would be. The summary matrix will be looked at which puts those two things together based on the criteria.

Peter DeStefano explained Churchill would be closed to all modes of traffic. Alma Street is restriped for four lanes. The ramps descend down into the tunnel undercrossing. A second option would take pedestrians and bicyclists under both the tracks and Alma Street. This would not directly impact any of the properties but it would require some removal of some parking.

XCAP Member Kanne noted there was an Option 3 that used to exist, and she asked if that was ruled out.

Mr. DeStefano answered that option raised the tracks about seven feet and was found to not provide a huge benefit and came with a huge cost.

XCAP Member Kanne asked, regarding Option 2, was there still a light at Churchill and Alma? What was the purpose for the bike lanes on the lanes on Alma?

Mr. DeStefano replied those were for bikes who wanted to continue on Alma. There would be a traffic signal at that intersection.

XCAP Member Carrasco inquired to bring the tracks up a little would cost more. There was benefit in being able to see daylight and people on the other side is more comfortable and less intimidating than this tunnel.

XCAP Member Templeton addressed Option 2 and questioned why this was in the middle of the road? Also, both renderings seemed to prioritize how the bikes would get across. It seemed it would be longer for pedestrians and were the quicker ways for pedestrians to get across?

Mr. DeStefano replied that the intent was to keep the traffic on Churchill and not impact any of the properties. Regarding pedestrians, on the east side there is no room for stairs, but there is room on the west side. There were renderings that showed stairs on the west side.

XCAP Member Shen asked if this was looked at without raising the tracks? Would there be room for switchback tracks?

Mr. DeStefano would have the same travel length. There is not a lot of room to do that. Option 1 could be made wider. The width of Option 2 is limited because of the width of Churchill.

XCAP Member Templeton considered how many bikes would use this, and asked if there was a way to do Option 1 that had fewer turns?

Mr. DeStefano replied that was not done because of the limited space there.

XCAP Member Kanne asked if it was possible to have the train be so high that the entire underpass for bike and pedestrians was at grade?

Mr. DeStefano answered there would likely be impacts at Embarcadero to do that.

Gary Black from Hexagon addressed the traffic impacts of closing Churchill and where the traffic would go. The other intersections were in the packet. There were some intersections where improvements were identified that were feasible that could accommodate the traffic that would be reassigned. At Embarcadero/Alma to connect between the two streets, it is necessary to use neighborhood streets. This design was investigated which would rely on Kingsley to make the connection between Alma and Embarcadero, introducing a new traffic signal on Embarcadero where Kingsley hits it. That would allow the reassigned traffic to get back and forth between Embarcadero and Alma without using the neighborhood streets other than Kingsley. This would be feasible geometrically and from a traffic standpoint.

XCAP Member Carrasco noted there was another drive through block, Embarcadero going under Alma, right on Emerson, then into the neighborhood and left on Alma.

XCAP Member remarked if High Street was connected, there would still be the Lincoln, High loop.

Mr. Black explained the drawing showed High connected, but there was another option that had it not connected.

## **5. Summary of Technical Action Items**

Mr. Maher presented a video showing the viaduct commencing after Embarcadero, leading into the California Avenue station. The Shoofly is just south of the University. The landscaping is removed, utility relocations are addressed, prepare for the shoofly. Construct a modification of Alma Street to two lanes, the build the shoofly. Caltrain and freight would operate temporarily on the shoofly with one lane north, one south on Alma. The Stanford station would be eliminated. At the beginning of the viaduct a

retained fill needs to be built before starting an aerial structure. There would be a temporary closure of Churchill to build the viaduct over Churchill. At completion there would be total grade separation at Churchill. This viaduct impacts properties visually. In the section near the park the viaduct would be about two feet from the fence. The distance from the Caltrain track to Alma is consistent but the distance from the track to the properties on the west side varies from two feet to twenty-five feet. Another option was to put the viaduct between the existing Caltrain tracks and Alma Street but there wasn't enough space to do that.

XCAP Member Shen commented that when the view of the video panned down to the viaduct at Churchill looking down Churchill, there is not enough street to see the kind of flow shown on the video. There is a similar problem between Alma and El Camino and that get backed up during rush hour. This type of video could be deceptive.

Ms. Litzinger presented the Churchill Avenue Evaluation Matrix which looked at closure versus the viaduct. Comments were provided to explain why things were ranked as an improvement versus an impact. The costs were provided as well as duration of construction. The engineering impacts were defined.

Ms. Mercurio noted on the designed exceptions, all the tunnels require a 2 percent grade and do not work at a 1 percent grade. Caltrain looks at what would be required to get design exceptions and design exceptions are difficult to get.

Mr. Shikada remarked the matrixes put all the work in context that the XCAP Group has been doing. There is a much better understanding of the options, and more information about the options than in the past. XCAP should consider how best to convey this information in a way the community as a whole can understand it. It is very difficult to capture all the information into a one-page color illustration. Before the next meeting staff and the team will try to put together fact sheets on each option.

XCAP Member Klein asked what was included in the cost of the closure. Did this include the traffic improvements that would be necessary?

Ms. Litzinger answered yes.

XCAP Member Kanne pointed out on the first matrix, criteria H did not include the portion about minimizing impacts on neighborhood streets and she felt the impact on neighborhood streets should be considered at Embarcadero.

XCAP Member Shen commented criteria B should not be a blue for viaduct when it would be backed up on either side of that intersection. He asked why the last one on both matrixes weren't colored in? The Caltrain exceptions, Q, it would seem the one over the viaduct, not knowing if you can even get 1.6 percent is a significant potential problem for that option and if that cost can be covered.

Ms. Mercurio responded costs were not colored on any of the matrixes done because they were not trying to edit a criterion for selection. The design exception is not a criterion for selection. It is something to get information from Caltrain about.

XCAP Member Cho reiterated these were the City chosen criterion and the price criteria was not included. She noted the Palo Alto building code had something called the primary daylight plane where a structure of a certain height cannot be built. Did that apply to this type of construction, if not why not, if not what can be done about it. She also remarked the property at 92 Churchill Avenue was only about five to six feet from the property line so there might be an Eminent Domaine issue there.

Ms. Goodwin clarified Eminent Domain was used when you can't come to an agreement voluntarily with the property owner in a public setting. This issue seemed to be a right-of-way impact.

XCAP Member Lau asked why there was no emphasis on safety in terms of public health measures in the City Council criterion? She wondered if the Group could include safety measures in the criterion.

Mr. Shikada responded, letter C, the safe routes would be the closest in terms of safety as one of the decision-making criteria. The assumption by the Council was that all of the options would be designed in a way to ensure safety or at least to the extent reasonable safety could be provided. The same applied to E, funding used the phrase "feasible funding sources". It was intended to reflect how the ability to actually pay for one of the options would be a part of the decision making.

XCAP Member Lau encouraged a statement at the beginning of the design that safety measures were considered for suicide prevention.

Mr. Shikada advised that may be part of what XCAP recommended.

#### Public Opinion

Male speaker commented the matrix was not balanced correctly. How many houses would be affected by the viaduct? He asked who did the analysis?

Ms. Mercurio answered the AECOM engineering team is developing the profiles and the engineering that informs the criterial. These are concepts. AECOM was asked to look at a series of alternatives and they applied engineering criteria to the alternatives.

Male speaker also noted the viaduct had a very high cost. The height of the viaduct will also drastically affect the houses next to the viaduct and many of those people don't seem to have any information about this.

Mr. Shikada replied that was the cost of construction. The next round of community meetings will lead into community conversations, and having clear renderings of what physically would be involved with any one of these options is very important.

Roland believed the best option was to have freight at grade and passenger trains in the tunnel. He then explained in his opinion how the tunnel could be constructed.

Male speaker commented that the matrix was not complete and it presumed that the option chosen would be closing Churchill.

Rob Levisky (phonetic) referenced matrix A, the only way to improve east/west connectivity can only be done by leaving Churchill open or building the viaduct.

Susan remarked representation of traffic at all the options is not reality. She felt the mitigations would not handle all traffic and encouraged keeping as many crossings open as possible. She asked about the possibility of only one shoofly track for the viaduct and getting grade to 1 percent at the viaduct.

Male speaker inquired why the tunnel at Churchill was eliminated?

Ms. Goodwin answered the citywide tunnel was taken off as an alternative because it had major right-of-way impacts north of the City.

Cedric recommended the colors on the matrix chart be consistent across all the options. He has been in favor of the viaduct and opposed to the tunnel or trench. If Churchill is closed, he encouraged keeping the crossing at high capacity for bikes and pedestrians. He noted there were inaccuracies in the fact sheet.

Gary Lindgren remarked the south tunnel had the same issues as the Citywide tunnel and should be taken off the table.

Steve Carlson advised the residents in South Gate were concerned about item B. East/west connectivity is synonymous with traffic congestion. He would like more information about the proposed mitigations at Embarcadero in quantitative terms.

Female speaker indicated C on the matrix sheet should also have suicide prevention and that should be number one. In the option to close Churchill, the pedestrian/bike route going under Alma is an important distinction between options one and two.

Drew asked why the tracks in the viaduct scenario can't move to the east about 20 feet and why Churchill and Alma can't go down one to two feet so the viaduct isn't so high?

Tom Kellerman encouraged traffic studies that showed the expected volume impact on vehicle traffic as well as pedestrian and bicycles.

## **6. XCAP Organization Discussion**

Mr. Shikada remarked the Group is transitioning to a fully Brown Act compliant body. Agendas will be posted in advance and there are limitations to communications outside of the meetings. Conflicts do not apply because Council has effectively structured the Groups next steps in a way that allows the Group to provide input to them without concern about financial conflicts. That is not a part of the expectation as far as those needing to be disclosed or resolved. The question was raised about the Council members' involvement on the decision to create the XCAP as now formed as well as future discussions of a Blue-Ribbon Commission. There is direction to come back to the Council with a proposal on how that would work by next April. He expected the proposal on how a Blue-Ribbon Commission would work needed to be dependent on what the Group decides it needs in order to be able to advance recommendations to the Council Regarding the Council Members' involvement there

was a very specific opinion by the Fair Political Practices Act that allowed the full Council to participate in direction of the XCAP. It was a very specific finding stating it was allowed for all the Council Members to be involved in that decision because it was an organizing decision.

Ms. Cotton Gaines added the City Attorney anticipated getting a response back from the FPPC about that conflict issue. She also continued there would be discussion tonight about the Brown Act, the Group's schedule and reiterating the goal of the XCAP. She explained currently there were several meetings on the calendar, October 16 and 30, the Citywide community meeting on November 7.

XCAP Member Shen replied he felt the Group would have to meeting more often to get set up and then decide on the frequency of meetings. A timeline of what needed to be accomplished before April could also influence the ongoing schedule.

XCAP Member Klein agreed with XCAP Member Shen. He added there should be an organization meeting before October 16.

XCAP Member Carrasco asked when the Group is Brown Acted?

Ms. Cotton Gaines replied it will be the next meeting where it will be formally noticed.

XCAP Member Carrasco inquired when restrictions would be in effect.

Mr. Shikada clarified this meeting was on the record, in the open, the public has the opportunity to hear all interaction. After this meeting he suggested as consistent with the Brown Act, cease emails that involve more than a majority of the group.

XCAP Member Carrasco remarked he is used to design with input from a lot of people and how can the Group be legal but also involve everyone?

Ms. Cotton Gaines explained the idea of the Brown Act was to do the public's business in public. The idea of having conversations and designing, make sure those conversations are held publicly.

Mr. Shikada indicated the point of the design workshop was to be able to have it in the open.

XCAP Member Templeton was interested in having regular meetings to be able to plan for, a list of potential or probable meetings through April.

XCAP Member Cho thought this group was to hear a lot of community opinions.

Mr. Shikada explained there could be meetings of neighbors with an XCAP Member, not a majority of XCAP Members.

XCAP Member Kanne remarked if there were going to be more frequent meetings, did they have to be during business hours.

Mr. Shikada suggested one element that the City Attorney should be consulted on would be the question of committees. Whether having subcommittee discussions in

order to bring proposals forward to the full XCAP is an effective way to cover a lot of ground quickly.

XCAP Member Lau agreed with XCAP Member Kanne. In order to get organized with a Chair, Co-chair and committees, that is needed soon with a schedule. A timeline is needed to meet certain objectives.

XCAP Member Shen suggested blocking every Wednesday, 4:00 to 6:00 for meetings until further notice.

Ms. Cotton Gaines noted she is the staff member and Group members can communicate with her. She can send something out to get a sense of what works for most people.

XCAP Member Klein shared there was some concern that being a Brown Act Committee would cause some members to leave and encouraged staff to talk to Group members about this. Did the Council leave open if there would be any additions or substitutes made if members leave? He agreed there should be some evening meetings.

Mr. Shikada assumed part of the decision making each member will have to make is the time commitment needed. He suggested members don't leave yet because the time commitment might be too intense. He recommended having further discussion on how to manage the total time through committees and dividing some of the work going forwards.

XCAP Member Kanne asked if there was a process for substitutions?

Mr. Shikada advised there is not currently. That will need to be designed as needed.

Ms. Cotton Gaines remarked she is inviting the City Attorney's staff to the next meeting to give an overview of the Brown Act. She passed out a Summary of the Brown Act. The section that covered closed sessions is not relevant to this Group.

XCAP Member Carrasco asked if the Group number decreases, will that make a difference in the number?

Ms. Cotton Gaines clarified the number will also be a majority of the body, half plus one. The restrictions in the Brown Act are about the conversations with XCAP Members.

Mr. Shikada explained the XCAP Group will vote on things. The Brown Act is intended to ensure that there is no pre-vote outside of the public that makes it less transparent to the public as to how that decision is reached. It is limited to agenda items or items that may be agenda items.

Ms. Cotton Gaines continued, agendas will be formally posted and noticed with the City Clerk's Office. It will be distributed to XCAP Members and members of the public who are signed up. The current meetings have not been set for a specific day and time so all meetings are deemed special meetings.

XCAP Member (no mic)

Ms. Cotton Gaines reiterated the City Attorney's staff will give a presentation at the next meeting about the Brown Act.

Public Opinion

Roland commented on the agenda there is usually a time for public comment on items not on the agenda. Caltrain will address adding alternates to the Group will be brought up at their next meeting.

Barbara asked if the Brown Act is law, how can the City Council override it by saying financial conflicts with respect to this committee are not of consequence?

Mr. Shikada replied the Brown Act did not speak to financial conflicts. That is an issue of the Fair Political Practices Act and decision-making is a separate matter from the Brown Act. It is a question of governmental body and how its decisions are made. Where City Council members own property did not apply to this Group because the threshold at which financial conflicts would apply to this Group would be if the Council made some commitment to rubber stamp take the Group's recommendations.

XCAP Member Shen asked if Council Chamber's rules on public comment would be followed, three minutes, five people can submit for a longer time?

Ms. Cotton Gaines remarked the Group can choose its own structure for the meetings.

XCAP Member Kanne inquired if this group would get something like a staff packet with information before each meeting?

Mr. Shikada responded that it is a challenge for the team to produce things in advance. The AECOM team as it relates to the existing options is wrapping up the information necessary to understand the options. The timeline shown through the end of October is the timeline they will continue to show the Group the products of their work. After that it would be up to this Group to decide. Staff will produce as much information for Group discussion as possible.

XCAP Member Cho asked if members can dial into meetings?

Ms. Cotton Gaines encouraged XCAP Member to physically attend the meetings. In the Brown Act, members dialing in have to indicate exactly where they will be and that has to be posted and welcome members of the public to join them. A sheet of questions and answers regarding XCAP Members and process was passed out and gone over.

XCAP Member Shen suggested members come back at the next meeting with any questions they might have. He asked how the agenda for the next meeting will be set?

Ms. Shikada asked if the Group wanted to set a special meeting before October 16 to get organized and would not have technical presentations?

Ms. Cotton Gaines advised she would Doodle members to set up the next meeting. The agenda for October 16 is focusing on wrapping up the technical information from AECOM.

**7. Adjourn**

The meeting adjourned at 7:18 P.M.