



**CALTRAIN CENTRALIZED EQUIPMENT MAINTENANCE
AND OPERATIONS FACILITY
MONITORING COMMITTEE MEETING
AGENDA**

San Jose City Hall
200 E. Santa Clara, 8th Floor, Rm. T-847

Wednesday, October 27, 2010

6:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – May 19, 2010
4. PUBLIC COMMENT
5. STAFF REPORT
6. CHAIRPERSON’S REPORT
7. COMMITTEE REPORT
8. NEW BUSINESS
 - a. Proposed Bylaws Revision M. Smith
 - b. 2011 Meeting Schedule N. McKenna
9. OLD BUSINESS
 - a. Status Update on Screeching Tracks M. Bouchard
10. ANNOUNCEMENTS
11. NEXT MEETING: Wednesday, January 26, 2011 at 6 p.m.
12. ADJOURN

Members: Michael Smith, *Chair*-Shasta-Hanchett Park; Chris Escher-Arena, Sally Logothetti-Garden Alameda, Chris Tulin-College Park, Pierluigi Oliverio-San Jose City Council, Art Lloyd-JPB, Ben Tripousis, VTA



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Draft

**Caltrain Centralized Equipment Maintenance and Operations Facility (CEMOF)
Monitoring Committee
San Jose City Hall, 200 E. Santa Clara, 8th Floor, San Jose, CA**

**May 19, 2010
Minutes**

Members Present: Art Lloyd (JPB), Chris Escher (Arena), Sally Logothetti (Garden Alameda), Mike Smith (Shasta/Hanchett Park), Ben Tripousis (VTA), Chris Tulin (College Park)

Members Absent: Councilmember Pierluigi Oliverio (San Jose City Council)

Staff Present: Todd McIntyre, Nancy McKenna, David Olmeda

Attendees: Terry Reilly (Councilmember Oliverio's Office)

Chair Mike Smith called the meeting to order at 6:04 p.m.

APPROVAL OF MINUTES

Chair Smith had the following corrections to the January 27 minutes.

- Under the Chair's report: Because of Brown Act consideration Chair Smith would like the last sentence in his report to read, "Chair Smith will now compile the report and share with selected members of the committee for comments.
- Screeching Tracks (Old Business), there is no mention of the planned trial run of a top-of-rail "friction modifier" as recommended by a consultant.
- Extended Engine Idling (Old Business), second paragraph, fourth sentence, the word "arrives" should be deleted.

The committee (Lloyd/Tripousis) approved the minutes of the January 27, 2010 meeting with the above corrections.

Public Comment

None.

Staff Report

No report.

Chairperson's Report

No report.

Screeching Tracks

Director of Maintenance David Olmeda said the testing for the rail friction modifier has been scheduled for the week of June 24. Subsequent to last meeting longer wiper blades were installed and that did not resolve the issue so a larger lubricator has been ordered. Mr. Olmeda said staff is actively discussing this issue with UP.

Sally Logothetti asked about lubricators being installed on the tracks. Community Relations Manager Todd McIntyre said he will follow up with Director of Rail Transportation Michelle Bouchard and send a follow-up e-mail out to the committee.

Response Time for Complaints

Mr. McIntyre said staff recognizes the tremendous number of calls on the horn issue and staff may have fallen short in responding to all contacts within the promised 72 hours. Staff now will acknowledge every complaint within 72 hours and let the customer know that an answer will be received shortly or that additional research is being done to address the matter. Mr. McIntyre said the committee had requested a more detailed quarterly report on the complaint log. He said going forward staff will use the new format distributed with the agenda packet and if there are no contacts for the month an e-mail will be sent stating that no complaints were received during the month.

Chris Escher thanked staff for a good job on the complaint log. He asked if this log could be sent out on a monthly or bi-monthly basis to the neighborhood associations.

Ms. Logothetti said this committee has worked very hard with individuals who have constant complaints and if this is issued to a broader community then a can of worms could be opened.

Chair Smith suggested this report be posted on the website and let the neighborhood associations know this report is available.

Art Lloyd said this should be made available to the community because it is good public relations and the community needs to see the work this committee and staff are doing.

Mr. Lloyd suggested having Executive Director, Public Affairs Mark Simon do a news release about the committee.

Mr. McIntyre said when the agenda and notice is distributed it can be also be distributed to the neighborhood associations.

Mr. Escher doesn't want this report to give people a reason to start complaining. Mr. McIntyre said every complaint is investigated.

Shared Objectives and Outstanding issues

Mr. McIntyre said at the last meeting it was decided to do a shared objectives memo and document the status of engine idling, horn testing, screeching tracks and the hotline. There is an answering service that passes the messages to staff the next day. The report references response times which have been discussed earlier. An additional column has been added on the shared objectives reflecting the status of each item.

Chair Smith said in the staff memo the screeching tracks doesn't mention the parallel tracks and he doesn't consider it resolved. He also feels the hotline issue has been resolved to the committee's approval and can be removed from the follow-up list.

Chair Smith asked what the next step is on this memo and for people to see it. Mr. McIntyre said the revised version of the outstanding issues memo could be posted to the website.

Mr. Escher believes this is great information and deserves public scrutiny.

Ms. Logothetti asked if these items are being considered closed and are they completed.

Chair Smith said any item on the quarterly report is put on the agenda as old business.

Updated Plan for Activities and Potential Impact

Mr. McIntyre said there is a Phase 2 for the South Terminal Project and he will mail out to the community information on the project when it starts. Staff looks at detailed plans of the construction plan and, if necessary, works with the contractors to adjust work schedules to have the least amount of impact on the tracks and community.

Neighborhood Survey

Chair Smith asked if there is anything more that this committee or staff can do on this survey. Mr. Escher said the changes to the way staff communicates to the CEMOF committee are the appropriate trigger to answer any issues.

Ms. Tulin said when the information is distributed it should be stated this is in response to the neighborhood survey.

The committee agreed that the following old business items could be considered closed:

- Response Time for Complaints
- Updated Plan for Activities with Potential Impact
- Neighborhood Survey

Announcements

Chair Smith said if no big issues arise between now and the July meeting he will consider cancelling the meeting.

Ms. Tulin asked when will the results of the friction modifier will be available. Mr. McIntyre said he would send an e-mail to the committee as soon as he receives the results from staff.

The next meeting will be July 28, 2010 at 6:00 p.m.

Adjourn 7:15 p.m.

October 6, 2010

TO: Members of the CEMOF Monitoring Committee

FROM: Michael Smith, Chair

SUBJECT: CEMOF Monitoring Committee Bylaws

I'm proposing a revision of the CEMOF Monitoring Committee bylaws that would reduce the required frequency of regular meetings from "at least four times each calendar year" to "at least once each calendar year." As CEMOF has passed out of the startup mode and most of the issues impacting the surrounding neighborhoods have been resolved, I no longer see it being productive for committee members and staff to meet on a quarterly basis. By lowering the minimum required number of regular meetings, the proposed revision of the bylaws would provide flexibility by permitting meeting schedules to be adjusted based on need.

What I'm thinking of is scheduling one regular meeting each year, probably in April so that new officers can be elected, and then not meeting again until the next year unless a situation arises that causes the Chair to call a special meeting. However, it's important to note that the committee could also choose to adopt a schedule with more frequent regular meetings if members felt there was a need. In any case, the complaint log would continue to be sent out monthly via email as could updates on any unresolved issues (e.g., the screeching tracks).

You'll see in the draft markup being provided that I'm proposing to revise the following paragraphs of the bylaws:

- 2.1.4 and 2.1.6 (deleting reference to quarterly reports and instead specifying that a report is to be issued after every regular scheduled meeting)
- 6.1 (changing the minimum required number of meetings per year from four to one)

I also thought about tweaking the verbiage in section 3.2 regarding when members' terms commence, but decided it would introduce too much complexity and that we could live with this section the way it's written. One lesson I learned from the previous effort to revise the bylaws is to not propose changing anything unless it's absolutely essential because, otherwise, you end up overwhelming and/or confusing the people in the review/approval process.

This item has been placed on the agenda for the October 27, 2010 CEMOF Monitoring Committee meeting so it can (hopefully) be approved by the committee and forwarded for consideration by the San Jose City Council and the Joint Powers Board (JPB).

**CALTRAIN CENTRAL EQUIPMENT MAINTENANCE AND OPERATIONS FACILITY
(CEMOF)
MONITORING COMMITTEE
BYLAWS**

**ARTICLE I
PARLIAMENTARY AUTHORITY**

§1.1 These Bylaws govern the proceedings of the Caltrain Central Equipment Maintenance and Operations Facility Monitoring Committee (hereinafter referred to as "Committee"), an advisory Committee established by the City Council of the City of San Jose (hereinafter referred to as "City"), in cooperation with the Peninsula Corridor Joint Powers Board (hereinafter referred to as "JPB") and set forth in their Cooperative Agreement dated September 19, 2000.

§1.2 Robert's Rules of Order will guide procedures in all Committee meetings.

§1.3 The provisions of the Ralph M. Brown Act, Government Code Section 54950, et. seq. ("Brown Act"), shall be applicable to all Committee meetings and actions.

**ARTICLE II
DUTIES AND AUTHORITY**

§2.1 RESPONSIBILITY AND DUTIES OF COMMITTEE MEMBERS

The primary responsibility of the Committee members is to provide ongoing communication with the community regarding the design, implementation and operation of the maintenance facility.

The duties of this Committee shall be:

1. Monitor maintenance facility design, construction and operations.
2. Receive and review issues of concern identified by nearby impacted residents, the City of San Jose, the Santa Clara Valley Transportation Authority (hereinafter referred to as "VTA"), or the Peninsula Corridor Joint Powers Board.
3. Work with staff of the appropriate agency to identify and implement solutions for minor issues that can be addressed at staff level of authority.
4. Provide ~~Quarterly~~ *periodic* reports to the residents, JPB, City Council and the VTA Board of Directors regarding problems or issues as well as the implementation of any solutions or recommendations to address issues raised.
5. Identify issues that are significant enough to require the cooperation and support of one or more of the following agencies: JPB, City, VTA and;
6. Facilitate the necessary discussion by the concerned agency or agencies and seek to effectively address the identified issue of concern to the nearby residents, the City, the JPB or VTA.

In general, the Committee will serve as the initial and central body for monitoring maintenance facility design, construction and operations to ensure that the provisions of the Cooperative Agreement are implemented. The Committee will report to the legislative bodies of the JPB, City Council and the VTA ~~(at least quarterly)~~ *after each regular scheduled meeting* regarding maintenance facility construction and operations. The report will include a listing or summary of the number and substance of all concerns or issues received from nearby residents, the City, the JPB or VTA. The report will also contain any actions the staff of the appropriate agency will take to address the identified concerns.

For those administrative or policy concerns that are significant enough to require the cooperation and support of one or more of the agencies (JPB, City, or VTA) above the staff level, the Committee will be responsible for facilitating the appropriate discussion at the JPB, or among the JPB members, the City Council and/or the VTA Board of Directors to identify solution(s) along with the necessary resources to address the identified concerns.

Once solution(s) and resources have been identified the Committee will be responsible for monitoring the implementation of the remedy and reporting to the respective agencies and the community.

§2.2 LIMITATIONS

The Committee serves in an advisory capacity to the City, JPB and VTA. It shall have no independent duties and no authority to take actions that bind the City, JPB or VTA or capacity to act as a representative of the City, JPB or VTA. The Committee shall make no expenditures or requisitions for services and supplies and no individual member thereof shall be entitled to reimbursement for expenses except as authorized by the City, JPB or VTA.

§2.3 DUTIES OF THE CITY COUNCIL AND JPB

The City Council and JPB will approve the Bylaws and all amendments to Bylaws.

ARTICLE III MEMBERSHIP

§3.1 MEMBERSHIP

The Committee shall be composed of one member of the San Jose City Council as appointed by the Council, one member appointed by the JPB, one member appointed by the VTA Board of Directors, and one member representing each of the Shasta/Hanchett Park, Garden Alameda, College Park and Arena neighborhoods. Neighborhood members shall be appointed by their respective neighborhood associations. All neighborhood members shall live within the respective boundaries of the Shasta/Hanchett Park, Garden Alameda, College Park and Arena Neighborhood Association during their terms on the Committee.

If a neighborhood association declines to appoint a member to the Committee or if there is no active neighborhood association to make such appointment, the existing Committee members may appoint a neighborhood member from anywhere within the boundaries of the four neighborhoods to fill that position. If during the term of that jointly appointed member's position the original declining neighborhood association proposes appointment of a member from within their boundaries, the new member will replace the jointly appointed member for the remainder of the term. The maximum number of neighborhood members on the Committee at any given time shall be four.

§3.2 MEMBERS' TERMS

The term of membership of each Committee member shall be as follows:

1. Of the initial 4 Neighborhood members, 2 will have one-year terms and 2 will have two-year terms. Of the initial City, JPB, and VTA members, 1 will have a one-year term and 2 will have two-year terms. The length of each member's initial term will be determined by the Chairperson.
2. All initial terms will commence on the first Committee meeting of the first calendar quarter of any year and end on the first or second successive March 30th depending on length of term.
3. All subsequent appointments will be for a two-year term, commencing on the first Committee meeting in the first quarter of the year and ending on the second successive March 30th.
4. Members may serve up to three consecutive terms.
5. Members may serve unlimited non-consecutive terms.

§3.3. ALTERNATES

An alternate member may be appointed. During absences of the primary member, the alternate member shall function in the same manner and shall be accorded the same rights and privileges as the primary member.

Alternates shall be appointed in accordance with Article III, Section 3.1.

An alternate member shall not make motions before the Committee or cast votes regarding recommendations under consideration by the Committee when the primary member is in attendance at meetings of the Committee.

Alternate members cannot serve as Chairperson or Vice Chairperson.

§34 VACANCIES

A vacancy in a member's position shall be filled for the remainder of the vacating member's term in accordance with Article III, Sec. 3.1.

§35 ABSENCES

An absence occurs if a member (or their alternate) is not present at a regular or special meeting. If a member (or their alternate) is absent from four Committee meetings in a twelve-month period from the date of the member's appointment, or any subsequent single year, the member's position shall automatically be vacated. That member shall receive a letter of dismissal from the Chairperson, and a successor shall be appointed to fill the remainder of the member's term in accordance with Section 3.1.

§3.6 CHAIR PRO TEMPORE

In the event that both the Chairperson and the Vice-Chairperson are absent from a regularly scheduled meeting or a special meeting, the Committee by a majority vote, shall elect a temporary Chairperson to preside over the meeting.

ARTICLE IV OFFICERS

§4.1 CHAIRPERSON AND VICE-CHAIRPERSON

The Committee shall elect from its membership a Chairperson and a Vice-Chairperson at its first meeting of the calendar year, to serve for a one-year term. The Chairperson shall preside at all meetings of the Committee and when required, in adherence with these Bylaws, represent the Committee. In the event of a vacancy in the Chairperson's position, the Vice-Chairperson shall succeed as Chairperson for the balance of the Chairperson's term and the Committee shall elect a successor to fill the vacancy in the Vice-Chairperson's position.

§4.2 AUTHORITY OF THE CHAIRPERSON

The Chairperson shall have the authority to cancel regular scheduled meetings and call or cancel special meetings upon consent of the City and the JPB committee members; sign all written correspondence approved by the Committee, including the minutes of Committee meetings.

§4.3 OFFICE OF THE VICE-CHAIRPERSON

Should a vacancy occur in the office of the Chairperson the Vice-Chairperson shall assume the duties of the Chairperson for the remainder of the Chairperson's term. In the event of a vacancy in the Vice-Chairperson's position, the Committee shall elect a successor from its membership to fill the Vice-Chairperson's position for the remainder of the Vice-Chairperson's term. The Vice-Chairperson shall assume the responsibilities of the Chairperson in the absence of the Chairperson at a regular scheduled or special meeting.

**ARTICLE V
SECRETARY**

§5.0 APPOINTMENT OF SECRETARY

A member of City or JPB staff shall be appointed by the Committee as the Secretary.

§5.1 DUTIES AND RESPONSIBILITIES

The Secretary shall have the following duties and responsibilities:

1. The Secretary shall attend all regular scheduled and special meetings of the Committee and keep a record of all business that transpires at such meetings.
2. The Secretary shall attest all written correspondence and all minutes of all Committee meetings, which have been approved by the Committee and shall have custody of same for a period of 3 years.
3. The Secretary shall keep and have custody of all books, records, and paper of the Committee for a period of 3 years, and certify true copies thereof whenever necessary.
4. Any duly appointed representative of the City or JPB may perform the responsibilities of the Secretary.

**ARTICLE V I
MEETINGS**

§6.1 REGULAR MEETINGS

The Committee shall schedule regular meetings at least ~~four times~~ *once* each calendar year.

§6.2 SPECIAL MEETINGS

The Chairperson, with the consent of the City Council and JPB committee members, may call a special meeting. The meeting shall be called and noticed as provided in Section 6.3 below.

§6.3 NOTICING OF MEETINGS

All Committee meetings shall be called and noticed in accordance with the applicable provisions of the "Brown Act".

§6.4 QUORUM; VOTE; COMMITTEE OF THE WHOLE

A quorum consists of a simple majority of the number of existing voting members. All official acts of the Committee shall require a quorum and the affirmative vote of a simple majority of the attending members. At any regular meeting at which there is a lack of quorum, the members present may constitute themselves a "Committee of the whole" for the purpose of discussing matters on the agenda, but they may not take official action. The "Committee of the whole" shall cease to exist when a quorum becomes present at the meeting.

§6.5 ACTION ITEMS NOT LISTED ON THE AGENDA

Except as provided below, and in accordance with the Brown Act, a matter requiring Committee vote shall be listed on the posted agenda before the Committee may take action upon it. The Committee may only take action on items not appearing on the posted agenda under either of the following conditions:

1. Upon a determination by a majority vote of the Committee that an emergency exists.
2. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action on an item that came to the attention of the Committee after the agenda was posted.

The Committee may direct staff to place an item of business for discussion and/or action on a subsequent agenda.

§6.6 MOTIONS

No debate of a motion shall be permitted prior to a second of the motion. When a motion is made and seconded, the Chairperson shall state the motion before opening the floor to debate, and such debate shall be limited to members of the Committee, provided the public was given an opportunity to present testimony on the agenda item pursuant to the Brown Act. Members can speak in debate of a motion only upon being recognized by the Chairperson. After the motion has entered the voting process, there shall be no further debate except that members may be allowed to explain their vote.

§6.7 VOTING

Every member of the Committee who is present at a meeting when a motion comes up for a vote shall vote for or against the motion unless he/she is disqualified from voting and abstains from voting because of such disqualification.

§6.8 TIME LIMITS FOR SPEAKERS

The Chairperson shall open the floor to public discussion during the Committee's consideration of an agenda item, or during the Open Petitions, if the discussion is within the purview of the Committee and provided that the public has an opportunity to testify prior to the final decision on an agenda item. Each member of the public appearing at a Committee meeting shall be limited to three minutes in his or her presentation, unless the Chairperson, at his or her discretion, permits additional time. Any person addressing the Committee may submit written statements, petitions, or other documents to complement his or her presentation.

§6.9 PETITIONS AND COMMUNICATIONS

All written petitions and communications on the agenda of a meeting shall be filed with the Secretary at such meeting.

§6.10 DOCUMENTS PRESENTED TO THE COMMITTEE

All documents and reference materials presented to the Committee at any meeting by any person shall be filed by the Secretary at such meeting. At the direction of the Chairperson, true copies may be filed in lieu of the originals thereof.

§6.11 IMPERTINENCE; DISTURBANCE OF MEETING

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the Chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The Chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting. The Chairperson may direct the meeting room cleared when deemed necessary to maintain order.

§6.12 ACCESS TO PUBLIC RECORDS DISTRIBUTED AT MEETINGS

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting or immediately following the meeting.

§6.13 MEETING OPEN TO THE PUBLIC

All meetings of the Committee shall be open and public. All persons shall be permitted to attend any Committee meeting except as may be otherwise prohibited by the laws of the Brown Act.

§6.14 ORDER OF BUSINESS

At the regular meetings of the Committee, the following shall be the order of business:

1. Call to Order
2. Roll Call
3. Approval of Order of Business
4. Approval of Minutes
5. Oral Petitions
6. Staff Report
7. Chairperson's Report
8. Committee Report
9. Old Business
10. New Business
11. Adjournment

The Chair may at any time alter the above order of business at any meeting to the extent necessary to comply with the provisions of Article VI, relating to public meetings.

**ARTICLE VII
AGENDAS AND MEETING NOTICES**

§7.1 AGENDA FORMAT

The agenda shall specify the starting time and location of the meeting and shall briefly describe the subject matter of each item of business to be transacted or discussed at the meeting.

§7.2 PUBLIC PRESENTATIONS

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee under the agenda item heading "Oral Petitions". At special Committee meetings, members of the public may address the Committee concerning any item that has been described in the notice and agenda for the meeting during consideration of that item.

§7.3 AGENDA PREPARATION

Designated staff will prepare the agenda and supporting documents for each meeting in consultation with the Chairperson. Material intended for placement on the agenda shall be delivered to staff on or before 5:00 p.m. on the 10th calendar day immediately preceding the regular meeting at which the matters on such agenda shall be considered by the Committee. Staff may withhold placement on the agenda of any matter, which is not timely received, lacks sufficient information, or is in need of staff review and report, or approval of the City or JPB prior to Committee consideration.

§7.4 AGENDA POSTING AND DELIVERY

The written agenda for each regular meeting and each meeting rescheduled for more than five calendar days shall be posted by the Secretary at least 72 hours prior to the scheduled meeting time. The Secretary shall post the written agenda for each special meeting at least 24 hours prior to the scheduled meeting time. The agenda shall be posted on the outdoor bulletin board at City Hall. The agenda together with supporting documents shall be delivered to each member at least 72 hours prior to the date set for each regular meeting, and 24 hours before special meetings.

§7.5 MEETING NOTICES

The Secretary shall mail, using the United States Postal Service or electronic means, notices of every regular meeting at least three days before the scheduled meeting to each person that has filed with staff a written request for notification. Notices for special meetings will be given, as staff deems practical, to each person who has filed with staff a written request for notification.

ARTICLE VIII

MISCELLANEOUS

§8.1 ADOPTION AND AMENDMENT OF BYLAWS

The City Council and JPB shall adopt these Bylaws. The Bylaws may be amended by the affirmative vote of four members of the Committee and approval by both the City Council and JPB.



**CALTRAIN CENTRALIZED EQUIPMENT MAINTENANCE
AND OPERATIONS FACILITY
MONITORING COMMITTEE**

MEETING CALENDAR FOR 2011

Wednesday, January 26	6:00 PM
Wednesday, April 27	6:00 PM
Wednesday, July 27	6:00 PM
Wednesday, October 26	6:00 PM

All meetings are held at San Jose City Hall, 200 E. Santa Clara, 8th Floor, Room T-847.

Additional meetings may be scheduled by the Chair during the year.