

# SAN JOAQUIN REGIONAL RAIL COMMISSION

Meeting of January 4, 2008

<b>Item:</b> 4.1	<b>Description:</b> Minutes of October 5, 2007 Commissioners Meeting
<b>Consent, Action</b>	<b>Staff:</b> Ms. Mortensen, Secretary

For the Meeting of October 5, 2007

The regular meeting of October 5, 2007 of the San Joaquin Regional Rail Commission was held at the Robert J Cabral Station, 949 East Channel Street, Stockton, CA 95202

## 1. Call to Order/Pledge of Allegiance/Roll Call

Vice-Chair Harris called the meeting to order at 8:14 a.m. and Commissioner Blalock led the audience in the pledge of allegiance.

Commission Members Present: Ives, Sayles, Blalock, Bestolarides, Haggerty, Vice-Chair Harris, Chairman Restuccia

Ex-Officio Members Present: Baxter (Ajise), Dial (Chesley)

## 2. Public Presentations and Recognitions

Ms. Mortensen, Executive Director, introduced new staff member Diane Blue, who joined the Operations Department as Operations Assistant.

Hubert Hanrahan, Marketing and Customer Service Manager, recognized Laura Farley for her accomplishments in Operation Lifesaver.

Alan J. Purves, First Chieftain of the Caledonian Club of San Francisco thanked the Board for allowing staff to work with the Caledonians on a 2007 Scottish Games train. Because of the late start and limited time to advertise the train, (2 weeks) not enough people signed up for the train, and a bus was run instead. However, there was a great deal of enthusiasm from people at the event about the potential for a train from the Central Valley the following year.

Commissioner Haggerty asked about the approximate cost of running a special train. Ms. Mortensen reported that the Scottish Games train cost about \$8,000. Commissioner Haggerty suggested to Mr. Purves that the Caledonians consider corporate sponsorships for a train next year and pledged his assistance on the sponsorship idea.

Ms. Mortensen noted that in December or January, the Commission adopts the Special Train Events for the calendar year and encouraged Mr. Purves to submit a 2008 Scottish Games train proposal to Mr. Hanrahan within the next couple months.

## 3. Consent Calendar

All items listed immediately below will be acted upon under one vote unless specifically requested to be removed from the Consent Calendar by a member of the Commission, a member of staff, or a member of the public.

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A. Minutes of September 7, 2007	ACTION
B. Rail Commission/ACE Monthly Expenditure Report	INFORMATION
C. Monthly ACE Fare Revenue	INFORMATION
D. State and Federal Legislative Updates	INFORMATION
E. ACE Ridership and On Time Performance	INFORMATION
F. Independent Auditor's Report, FY Ending June 30, 2005	INFORMATION
G. ACE PAC minutes of September 15, 2007	INFORMATION
H. Quarterly Update: ACE Website	INFORMATION

Vice-Chair Harris noted that Ms. Mortensen requested Item 3.F be pulled for a minor correction.

Commissioner Haggerty commented that he was frustrated with the poor on-time performance, and had reservations about approving the Consent Calendar that included the On-Time Performance Report each month. He inquired about whether congressional pressure was worth pursuing to improve the train performance, and noted that he would like to be kept informed of the staff efforts with Union Pacific to improve the situation. Commissioner Ives echoed Commissioner Haggerty's concerns about keeping up the pressure on Union Pacific to meet the required performance objectives.

M/S/C (Bestolarides/Ives) to approve the Consent Calendar, excluding Item 3.F, passed and Adopted by the San Joaquin Regional Rail Commission on the 5<sup>th</sup> day of October, 2007 by the following vote to wit:

Ayes: 6 - Ives, Sayles, Bestolarides, Blalock, Haggerty, Vice-Chair Harris  
Noes: 0  
Abstain: 0

Chairman Restuccia arrived.

## **Item 3F, Independent Auditor's Report for Fiscal Year Ending June 30, 2005:**

Nila Cordova, Director of Fiscal Services and Administration, explained a correction in the audit report related to the dollar amount of excess funds being returned to SJCOG. Steve Dial, SJCOG noted that he was monitoring the Measure K encumbrances and had some concerns about the carryover funding. He planned to review the 06 audit before suggesting any formal change in the process, in the event that the expenditures balanced out with the planned Measure K revenues. Ms. Mortensen commented that there was a significant amount of Measure K in the last few adopted budgets for capital projects delayed by Union Pacific because of difficulty in scheduling work crews.

M/S/C (Ives/Harris) to approve Item F of the Consent Calendar. Passed and Adopted by the San Joaquin Regional Rail Commission on the 5<sup>th</sup> day of October, 2007 by the following vote to wit:

Ayes: 7 - Ives, Sayles, Bestolarides, Blalock, Haggerty, Harris, Chairman Restuccia  
Noes: 0  
Abstain: 0

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**4. Approve Contract with InSight Environmental for Environmental work on the Cabral Station Neighborhood Revitalization Project and the Western Pacific Depot Project Not-to-Exceed \$76,000.00. (Action)**

Thomas Reeves, Strategic Development and Communications Coordinator, reported that significant progress was being made on the Cabral Station project and surrounding property acquisitions. He also noted that in order to take advantage of potential future funding opportunities, some additional environmental assessment of the areas surrounding the station would be prudent. Mr. Reeves contacted City of Stockton staff to utilize their short-list of environmental firms and solicited proposals from those firms for the additional environmental work. Based upon the proposals, staff selected InSight Environmental out of Stockton to perform the services.

M/S/C (Blalock/Sayles) approve contract with InSight Environmental for Environmental work on the Cabral Station Neighborhood Revitalization Project and the Western Pacific Depot Project Not-to-Exceed \$76,000.00. Passed and Adopted by the San Joaquin Regional Rail Commission on the 5<sup>th</sup> day of October, 2007 by the following vote to wit:

Ayes: 7 - Ives, Sayles, Bestolarides, Blalock, Haggerty, Harris, Chairman Restuccia  
Noes: 0  
Abstain: 0

**5. Approve Resolution Adopting the San Joaquin Regional Rail Commission's 2006-2016 Short Range Transit Plan. (Action)**

Mr. Schmidt reported that the Draft SRTP had been sent out to 31 stakeholders, including agencies along the corridor, regional planning and funding agencies and environmental and community groups. Comments from several agencies were received and have been incorporated into the final version. This document is updated every two years.

Commissioner Blalock commented that State Bond Funds were shown and asked if these were guaranteed, and/or required matching funds. Mr. Schmidt responded that staff was working with SJCOG to designate local matching funds for the Trade Corridor application process, but that the Trade Corridor program was a highly competitive statewide process.

M/S/C (Sayles/Haggerty) approve Resolution Adopting the San Joaquin Regional Rail Commission's 2006-2016 Short Range Transit Plan. Passed and Adopted by the San Joaquin Regional Rail Commission on the 5<sup>th</sup> day of October, 2007 by the following vote to wit:

Ayes: 7 - Ives, Sayles, Bestolarides, Blalock, Haggerty, Harris, Chairman Restuccia  
Noes: 0  
Abstain: 0

**6. Consider Request for Expansion of the SJRRC Governing Board and taking Possible Action on the Matter. (Action)**

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Ms. Mortensen reported on the history of the City of Lodi's request to gain a seat on the Rail Commission Governing Board. This request was considered at the April 2007 SJCOG Executive Committee meeting (the appointing body for the SJRRC Governing Board), but was not approved. The City of Lodi subsequently appealed that decision and sought a series of meetings with the Rail Commission and SJCOG to change the governance structure of the Commission and provide an additional representative from the City of Lodi.

At the September SJCOG Executive Committee, the City of Lodi appealed the prior Executive Committee action. The Executive Committee referred the matter to the Rail Commission for a formal position and recommended it go to the full SJCOG Board for action.

Ms. Mortensen noted that Lodi Mayor Bob Johnson was in attendance to personally present the City of Lodi request.

Mayor Johnson reported on the various meetings and discussions leading up to his presentation at this meeting. He disagreed with some of the reasons the City of Lodi had been given by the SJCOG Chairman for denying Lodi's request, and discussed those in some detail.

Mayor Johnson noted that the City of Lodi has no objection to the Rail Commission's current structure, or what it has accomplished. The City feels that the Commission is ready to take next steps toward other rail services that may affect Lodi and wants to be part of the decision-making process. He commented that adding the City of Lodi would not affect the 'regional' nature of the Board or its' decisions, but that Lodi was a stakeholder in future rail services. The option of 'swapping' the County Supervisor from the north County area for the current Supervisor from the Stockton area doesn't accomplish the City of Lodi's objectives for having their own seat at the table. In summary, he noted that the addition of one person to the Governing Board should not upset the balance of power.

Commissioners asked if the City of Lodi felt the Rail Commission hadn't served them well. Mayor Johnson reported that the City was not responding to the past, but to the potential future options for rail service. Commissioner Ives expressed some concern about how Lodi has, in this process, expressed concern about being under-represented and then has suggested that all cities ought to have a seat on the Governing Board, which would change the nature of how the Board functions.

Commissioner Haggerty commented that there was a multi-county ACE JPA at one time, but it was disbanded because it was easier to have a smaller decision-making body. Alameda County is invited to participate on the Rail Commission through an MOU where they bring money to the table. The two representatives from Alameda County are required to be from communities that the ACE Service runs through. He also suggested that since SJCOG is the appointing body, that they are the ones who should be having this discussion, and they can appoint any elected official that they see fit for the Commission whenever a seat is available. The appointment process for MTC is similar. There are a limited number of seats and people have to lobby the appointing body to be selected.

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Steve Dial noted that during the second SJCOG Executive Committee discussions, there were some varying opinions on the matter, and they had referred it to the Rail Commission for a formal position on how the Governance for the Rail Commission should be undertaken.

Commissioner Ives commented as a founding member of the Governing Board that by design, there was not a city-by-city representation, because that always changes the nature of how a board functions. If each jurisdiction has a representative, then they first and foremost represent that jurisdiction. If there is a smaller governing body, then it is incumbent upon them to represent the broader region and issues. This regional aspect has been one of the most successful attributes of the Rail Commission. Over time, the rotation process has involved elected officials from all of the communities, and when they do rotate on the Board, they are charged with representing and making decisions from a regional perspective.

Chairman Restuccia noted that the Rail Commission has welcomed and appreciated all of the individuals who have come to the Commission meetings and made comments. Just because someone is not on the Governing Board, doesn't mean they can't have a significant contribution toward the Commission decisions.

Commissioner Sayles commented on the request for having all cities serve on the Board and how that would become a larger body like the SJCOG Board. The Commission's regionalism has been well documented and the Board refrains from narrowing in on the individual city issues or positions. She noted that the swapping of the County Supervisors seemed like a significant compromise toward the City of Lodi's request and she could not support any change in the Rail Commission's successful governance structure.

Commissioner Harris echoed the regional perspective and the fairness of the rotation process. He suggested that the SJCOG Executive Committee could consider a more formal rotation process, and since at least two seats would be vacant in a year, then rotating representation could be achieved in the very near term. Commissioner Ives suggested that rotating just for the sake of rotation might result in people ending up on the Commission who are not vested in making rail service a success, and the purpose of the Rail Commission is to successfully implement regional rail services.

Commissioner Bestolarides leaves.

M/S/C (Ives/Haggerty) Approve Resolution Maintaining the Current Rail Commission Governing Board Structure, Passed and Adopted by the San Joaquin Regional Rail Commission on the 5<sup>th</sup> day of October, 2007 by the following vote to wit:

Ayes: 6 - Ives, Sayles, Blalock, Haggerty, Harris, Chairman Restuccia

Noes: 0

Abstain: 0

## 7. Commissioner Comments

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None.

## 8. Ex-Officio's Comments

Ken Baxter, Caltrans District 10, reported on the successful ribbon cutting for the Ripon/SR-120 Interchange.

## 9. Executive Director Report

None.

## 10. Closed Session

Conference with Legal Counsel  
Anticipated Litigation  
Initiation of Litigation per Government Code 54956.9 ©  
One Potential Case

Real Property Negotiations – Government Code 54956.8  
Property: Parcel #15120193 1025 E. Main Street  
Negotiating Parties: San Joaquin Regional Rail Commission,  
Mr. Victor Rosasco - #15120193  
Under Negotiations: Price and Terms of Payment

Mr. Tom Shephard, Counsel for the Commission announced the Closed Session at 9:10 a.m. The Commission returned from Closed Session at 9:39 a.m. and Mr. Shephard noted that the Commission discussed the matter pertaining to potential litigation and gave instructions to the staff. In the second closed session the Commission were given an update on the real property negotiations and gave direction to the negotiating team.

## 11. Adjournment (The meeting adjourned at 9:40 a.m.)