

City Council Questions
April 9, 2019 Council Meeting

ITEM 7.1 CALTRAIN BUSINESS PLAN

1. I thought the High Speed Rail project has been stopped. Is that the case?

The California High Speed Rail Authority (CHSRA) has indicated that the Central Valley segment (Bakersfield to Merced) is under construction with a planned completion by 2027. In addition, the environmental review of the San José to Merced and San Francisco to San José segments are continuing with anticipated completion dates in 2020 and 2021, respectively. The timing of next steps after environmental review is unknown at this time; however, the 2040 growth scenarios of the Caltrain Business Plan assume that Caltrain will operate in a blended system with High Speed Rail in the long-term.

2. How long with the construction of the grade separation projects take? In other words, if design is done by mid-2020, and construction begins in 2020, when would the construction of the two grade separations be completed?

Preliminary engineering and environmental clearance for both locations will be completed by mid-2020. Final design will require an additional 18 months leading to starting construction in 2022 if the Measure B funding is allocated and Caltrain approves the construction. Construction will take up to two years at both locations with best case completion in 2024.

3. On page 6 of the staff report, it says Mountain View supports 6 trains per hour per direction. What, if anything, is our perspective on the Moderate and High Growth scenarios?

Train service increases under the moderate and high growth scenarios would support the City's goals of sustainability and reduced reliance on single-occupant-vehicle trips. However, accommodating the moderate and high growth scenarios would require additional passing tracks in northern Santa Clara County, and staff has not received sufficient information from Caltrain to assess the implications of potential passing tracks on the City. In addition, if the moderate or high growth scenarios occur before the grade separations have been completed, there would be additional multimodal circulation and safety impacts at Castro Street and Rengstorff Avenue.

Should the passing tracks be acceptable to the City and the grade separations be completed in a timely manner, it is possible that the City would be supportive of as much service growth as possible. In order to fully capitalize on the potential benefits of Caltrain service growth, the City would need to continue efforts to implement infrastructure and services for first- and last-mile trips to and from the stations.

4. Could you consider increasing service at the San Antonio Station as there is tremendous development in that area?

As displayed in Table 1 of the Council memo, Caltrain has indicated that all three growth scenarios would result in increased train service at the San Antonio station. During peak period, the frequency of trains would increase from the current rate of 1 train per hour per direction to 2 trains per hour per direction under the baseline scenario, and to 4 trains per hour per direction under the moderate and high growth scenarios. Travel times for trains serving the San Antonio station are also likely to improve as a result of faster trains that accelerate and decelerate more quickly.

5. Have you considered increasing the frequency of off-peak service?

Caltrain has indicated there is strong potential for growth during off-peak and weekend periods. During the off-peak period, the frequency of trains stopping at the Mountain View Station would increase from the current rate of 1 train per hour per direction to 3 trains per hour per direction under the baseline scenario, and to 6 trains per hour per direction under the moderate and high growth scenarios. For the San Antonio Station, the frequency of off-peak trains stopping would increase from 1 train per hour per direction currently and in the baseline scenario to 2 trains per hour per direction in the moderate and high growth scenarios.

6. The staff report references high speed rail. Can you update us on plans for that as it relates to our current transit center planning in Mountain View?

Please see response to Question 1 for the current HSR timeline. The primary consideration for the Mountain View station and transit center when the HSR service begins is in the platform design. The HSR trains will not be stopping at the Mountain View station and the platforms must be designed to allow the HSR trains to pass at high speeds. Caltrain will be responsible for the final design and construction of the platforms and it should not affect the current transit center planning.

ITEM 7.2 1255 PEAR AVENUE-PARK LAND DEDICATION CREDIT REQUEST

1. What is the amount of the voluntary school contribution?

As part of the City Council 10/23/2018 project approval, the developer will provide \$12 million to the schools (this includes \$2.2 million in required State fees and a voluntary \$10 million contribution). Staff understands that the approximate split is \$5.5 million to the Mountain View Whisman school district and \$6.5 million to the high school district.

2. Are those funds held separately and restricted in their use for a school in the North Bayshore area?

The details of this are still being worked out with the school districts. Staff understands that the school districts intent is to hold Sobrato's contributions in a restricted fund for

future use for construction of facilities for students who will eventually reside in North Bayshore.

3. What happens to the funds if a school is never built in the North Bayshore area?

Staff understands that a high school will not likely be built in North Bayshore, most probably just an elementary school. The funds from Sobrato will be used to build elementary school facilities in North Bayshore, and for upper grades, the funds will be used for school facilities elsewhere in the City.

4. What was the position of each of the school districts on this project when it was up for approval last year? To fulfill the school district strategy, what did the school districts agree to?

The school districts initially requested \$24 million in school contributions from Sobrato for this project. As part of the approved project, the City Council directed that Sobrato provide a \$12 million voluntary contribution to the school districts. Superintendent Harding spoke at the October 23 meeting on behalf of both districts and expressed support for the \$12M contribution. The school districts are working with Sobrato on formalizing these amounts in a legal agreement.

5. What did the Council agree to and vote on at project approval? What were the conditions the Council imposed on Sobrato related to the park land dedication credit?

Council approved the overall mixed use project, 635 apartments and an office building. For the park credit/ open space part of the project, Council expressed support for a 75% credit to Sobrato and also directed that:

- **Staff return with proposed modifications to the parkland dedication ordinance that would allow park credits for projects in North Bayshore with publicly accessible private open space areas**
- **The project's 1.03 acre open space area needs to include more active elements, such as a volleyball or basketball court**
- **That the Council have discretion to approve any park credits in North Bayshore**
- **And that the Council could approve credits for projects with alternate mitigations**

ITEM 8.1 CONSIDERATION OF USE OF UNMANNED AIRCRAFT SYSTEMS (UAS) IN SUPPORT OF CITY OPERATIONS

1. The guidelines for evidence collection and retention state: "Following a UAS operation by any City department, the recording will be retained in accordance with department policy." To clarify, what are the current department policies? Or, are these the policies that will be drafted if Council approves a UAS program? Will the Council be able to review the policies after they are drafted?

Based on feedback tonight, staff will prepare one, overall City policy to be approved by the Council in the future. From that, each department will develop specific procedures for their uses consistent with the Council policy.

Current Police Department procedures cover the use and management of digital evidence for video (such as officer worn camera footage), audio recordings, and photo evidence. These would apply to video recorded by a UAS mounted camera, and would include preserving the original data, the retention policy, when access to the video is allowed or required by law, etc. General policies also cover the requirement for reasonable search and seizure, privacy protections, and ethical conduct, as examples.

Staff has draft procedures for UAS operations, and would finalize those with the direction and input received from the City Council after a formal policy is adopted. These would cover uses specific to each department, and would be reviewed by the City Attorney.

2. What will the program accountability measures and penalties for violations be?

Each department with a UAS program will identify staff responsible for ensuring compliance with policies and applicable regulations or laws. Measures could include use logs, investigating complaints, and audits. Penalties for violations could include additional training, discipline in accordance with personnel rules and regulations, or action from regulatory bodies. For example, a violation of FAA rules and regulations may result in suspension of the COA, the program and/or fines, depending on the violation. More information can be found here:

https://www.faa.gov/about/office_org/headquarters_offices/agc/practice_areas/enforcement/enforcement_actions/

3. Has staff reached out to the ACLU, or does staff intend to reach out to the ACLU, for input on the development of UAS and other surveillance technology policies?

Staff has not had direct contact with representatives of the ACLU on this topic. Staff has developed the proposed program guidelines and related draft policies, to include brining this item to the Council at a public meeting, considering the ACLU recommendations (the ACLU report is available here:

<https://www.aclu.org/report/protecting-privacy-aerial-surveillance-recommendations-government-use-drone-aircraft>). Some of the recommendations, such as data retention, cannot be adopted since it is in conflict with state law governing public records.

4. A member of the public wrote to the Council recommending that the City develop a surveillance technology ordinance akin to regulations approved by the County of Santa Clara and the City of Palo Alto. Does staff intend to draft a similar ordinance? Does the Council have the discretion in this study session to direct staff to create a surveillance technology ordinance like Palo Alto's?

The Council could consider a broader policy or ordinance similar to those enacted by the County of Santa Clara or the City of Palo Alto as a future work plan item. They do not prevent or discourage UAVs. The policy decision for this type of regulatory oversight is a broader topic than the use of UAVs and staff does not believe it is necessary at this point.

5. What are the ACLU's recommended safeguards?

The ACLU's recommended safeguards are:

- **Usage Limits:** A drone should be deployed by law enforcement only with a warrant, in an emergency, or when there are specific and articulable grounds to believe that the drone will collect evidence relating to a specific criminal act.
- **Data Retention:** Images should be retained only when there is reasonable suspicion that they contain evidence of a crime or are relevant to an ongoing investigation or trial.
- **Policy:** Usage policy on drones should be decided by the public's representatives, not by police departments, and the policies should be clear, written, and open to the public.
- **Abuse Prevention and Accountability:** Use of domestic drones should be subject to open audits and proper oversight to prevent misuse.
- **Weapons:** Domestic drones should not be equipped with lethal or non-lethal weapons.

6. My understanding is that Santa Clara County, Palo Alto, Berkeley, Seattle and other cities and counties have ordinances that don't prevent or discourage unmanned aircraft but facilitate public outreach before adoption and require oversight policies to ensure their appropriate use. Has staff looked at any of these ordinances to see if they might be appropriate here?

Staff is familiar with these ordinances. The purpose of this study session is to obtain Council input, and to discuss the topic in a public forum with an opportunity for public input. A draft policy would be brought back at a future public meeting.

7. Does the Council have the discretion in this study session to direct staff to create a surveillance technology ordinance like Palo Alto's?

The Council could consider including a broader surveillance technology ordinance or policy as a future work plan item. Council could postpone action on UAS's until that time if it is so inclined.