



North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, Ca 95482

NORTH COAST RAILROAD AUTHORITY (NCRA) REGULAR BOARD MEETING

Wednesday, June 9, 2010~ **10:30 a.m.**
Healdsburg City Council Chambers
401 Grove Street, Healdsburg

Approved Minutes

A. CALL TO ORDER

Chairman Hemphill called the meeting to order at 10:35 a.m.

B. ROLL CALL

Directors Present: MacDonald, Meyers, Wolter, Atkins, Clendenen, Kelley, Wagenet, Colfax, Chairman Hemphill

Directors Absent: None

Also Present: Executive Director Mitch Stogner, Legal Counsel C.J. Neary, Project manager Dave Anderson, Transportation Planner Angel Lucero, and Recording Secretary Heather Lindsteadt

C. AGENDA APPROVAL

Agenda Stood as Presented (Meyers/Kelley)

D. PUBLIC COMMENT

Chris Morris – Standard Structures Lumber Manager expressed his support for resumption of freight service to Windsor He said that Standard Structures will use the train as soon as possible.

E. CONDUCT OF BUSINESS

- 1. Discussion and Possible Approval of Resolution No. 2010-03 Final Draft Agency Budget**

Upon Motion (Kelley/Wolter) Resolution No. 2010-03 approving the Final Draft Agency Budget for Fiscal Year 10-11 was approved. **AYES: 8, NOES: 1- Meyers, ABSTAIN: 0, ABSENT: 0**

2. Discussion and Possible Approval of Resolution No 2010-04 Final Draft TCRP Budget

Upon Motion (Kelley/Wolter) Resolution No. 2010-04 approving the Final Draft TCRP Budget for Fiscal Year 10-11 was approved. **AYES: 9 NOES: 0 ABSTAIN: 0 ABSENT: 0**

3. Discussion and Possible Approval of Contract Amendment No. 2 for Sonoma County Auditor Controller's Office for Accounting Services

Upon Motion (Meyers/Atkins) Contract Amendment No 2 for Sonoma County Auditor Controller's Office for Accounting Services was approved. **AYES: 9 NOES: 0 ABSTAIN: 0 ABSENT: 0**

4. Discussion and Possible Approval of Contract Extension of On-Call Engineering Services (HNTB)

Upon Motion (Meyers/Wagenet) the HNTB Contract Extension, Supplement Agreement No. 5 with HNTB was approved. **AYES: 9, NOES: 0, ABSTSTAIN: 0, ABSENT: 0**

5. Discussion and Possible Approval of MOU with SMART Regarding ISTE A Funds

Upon Motion (Meyers/Kelley) The MOU and letter to Caltrans Dist 1 designating SMART as the lead agency for approximately \$10.9 mill in federal ISTE A funds was approved subject to NCRA Legal Counsel approving final language in substantial conformance with the agreement presented. **AYES: 9 NOES: 0, ABSTAIN: 0, ABSENT: 0**

F. COMMITTEE REPORTS

1. Finance Committee – Director Colfax

G. CONSENT CALENDAR

1. Approval of Minutes - Regular Board Meeting – May 12, 2010
2. Acceptance of Minutes - Finance Committee Meeting – May 12, 2010
3. Approval of Minutes – Special Board Meeting – May 24, 2010
4. Acceptance of NCRA Financial Statements – May 2010
5. Approval of Warrants Issued – May 2010
6. Approval of Cal Card Statement – May 2010

Upon Motion (Kelley/Meyers) Consent Calendar Items G.1 through G.6 were approved. Staff was directed to review the minutes and possibly correct the May 24, 2010 Special Meeting motion and amend if necessary. Staff was also directed to review the accounts payable related to SMART. **AYES: 9 NOES: 0 ABSTAIN: 0 ABSENT: 0**

H. STAFF REPORT

Executive Director Stogner and Transportation Planner Angel Lucero updated the Board on the following items:

1. Status of November 5, 2009 Russian River Division EIR
2. SMART/NCRA Revised Operating Agreement

I. PROJECT MANAGER REPORT

1. NCRA Project Manger- Dave Anderson update the Board on Property Management related issues and the status of the rail line repair effort.

J. OPERATOR REPORT

1. NWP Co. – John Williams presented the Board with a PowerPoint about the NWP Co. repairs currently taking place.

K. LEGAL COUNSEL REPORT

1. C.J.Neary
No report

L. MATTERS FROM THE BOARD

Director Clendenen updated the Board on meetings that he has had with various agencies related to accessing the NCRA owned right-of-way in Humboldt County.

Director Wagenet said that he has had conversations with the Skunk Train operator about possible rail shipments originating in Fort Bragg.

Director Meyers asked about the status of the contract with Epic Land Solutions, and suggested a possible Property Committee meeting to discuss any issues. He also asked about the status of the RRIF loan and if NCRA has an economic impact analysis regarding freight operations from Lombard to Windsor. Director Meyers also noted that the agenda item he requested regarding creation of a committee to discuss the NWP Lease was missing, and asked that it be added to the next agenda.

The Board convened into Closed Session at 12:35 p.m.

M. CLOSED SESSION

1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Govt. Code Section 54956.8
Property – Ukiah Depot Property
Negotiating Parties – Caltrans, City of Ukiah, County of Mendocino, Weston Solutions, Union Pacific Railroad
Under Negotiation – regulatory matters, existing and potential contractual matters, price, payment, terms

Agency Negotiators – C.J. Neary, Mitch Stogner

- 2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
Government Code 54956.9 (a)(one case)
 - a. Humboldt Baykeeper v. Union Pacific, CUE VI, NCRA; US District Court
Case # 06-02560 JSW

- 3. CONFERENCE WITH LEGAL COUNSEL - Anticipated Litigation**
Potential Exposure to, or Initiation of, Litigation Government Code 54956.9 (b) and (c), (one case)

The Board reconvened into Open Session at 1:55 p.m.

N. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board met with Legal Counsel, received information and gave direction on one item of Anticipated Litigation.

O. ANNOUNCEMENT OF NEXT MEETING

July 14, 2010 – 10:30 a.m.
Humboldt County Board of Supervisors Chambers
501 K Street, Eureka
Humboldt County

P. ADJOURNMENT

Chairman Hemphill adjourned the meeting at 2:00 p.m.