



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

NORTH COAST RAILROAD AUTHORITY (NCRA) REGULAR BOARD MEETING

Wednesday, May 12, 2010~ **10:30 a.m.**
Ukiah Valley Conference Center
200 South School Street
Ukiah – Mendocino County

Approved Minutes

A. CALL TO ORDER

Chairman Hemphill called the meeting to order at 10:34 a.m.

B. ROLL CALL

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

Directors Absent: Wolter

Also Present: Executive Director Mitch Stogner, Legal Counsel CJ Neary, Project Manager Dave Anderson, Recording Secretary Heather Lindsteadt

C. AGENDA APPROVAL

The agenda was approved unanimously with the following change:

Agenda Item E.4 was moved to after Closed Session. Item E. 4 was also moved to Item 1 under Conduct of Business.

D. PUBLIC COMMENT

Mike Peterson – Mr. Peterson asked when the railroad tunnels north of Santa Rosa would be repaired. He also suggested that the Board consider moving a caboos to the Ukiah Depot property as a first step in establishing a railroad museum.

E. CONDUCT OF BUSINESS

- 4. Discussion and Possible Action Regarding Approval of an Option Agreement to Purchase Property by and between NCRA and City of Ukiah**

PUBLIC COMMENT (ITEM E.4)

John McCowan – Mr. McCowan said that he supports an agreement for utilization of the Ukiah Depot property. He said that possible use of the Depot Property is a win-win for the railroad and the community. He also said that the railroad right of way could be utilized for a rail-with-trail pathway from Redwood Valley to Hopland and beyond. He said that funding from a possible trail along the right-of-way may provide funding for the agency.

Loretta Ellard – Mendocino County of Governments (MCOG) – Ms. Ellard said that MCOG has submitted a grant application to CalTrans for a rail-with-trails corridor plan that would run from Willits to Hopland. She said that MCOG is supportive of any improvements to property along the right-of-way.

Jane Chambers – City Manager, City of Ukiah – Ms. Chambers said that the City of Ukiah has been working for over a year to ensure that there is a downtown site for the relocation of the County Courthouse. She said that Ukiah Depot Property is a viable site for this use. She said that this is a time sensitive issue and she hopes that an agreement can be reached soon.

Mike Peterson – Mr. Peterson asked if the Board had any plans for a tourist or excursion train in the area. He said that the Ukiah Depot restoration was a success.

Sage Sangiacomo –Assistant City Manager, City of Ukiah – Mr. Sangiacomo said that the City of Ukiah Redevelopment Agency will be able to work through the various complex property issues that may arise during the development of the Ukiah Depot property.

Dave Rapport –City of Ukiah Legal Counsel – Mr. Rapport said that he would be available after closed session in the event that the Board had any questions.

Upon Motion by Director Wagenet, Seconded by Director Kelley the Board authorized the Chairman and the Executive Director to finalize and execute an Option Agreement with the City of Ukiah regarding the Ukiah Depot Property. Motion carried **AYES: 8, NOES: 0, ABSTAIN: 0, ABSENT: 1**, Wolter

1. Discussion and Possible Action Regarding Quarterly Accrual Based Financial Reports covering the Period January 2010 through March 2010 (Quarter 3 Fiscal Year 09/10)

Upon Motion by Director MacDonald, seconded by Director Atkins the Board approved the Quarterly Accrual Based Financial Reports covering the period January 2010 through March 2010 (Quarter 3). **AYES: 8, NOES: 0, ABSTAIN: 0, ABSENT: 1**, Wolter

2. Discussion and Possible Action Regarding Tentative Agreement with SMART on Joint Use of \$10.75 mil. in Local Match and ISTEAFunds

Upon Motion by Director Meyers, seconded by Director Wagenet the Board approved the scope-of-work related to the tentative agreement with SMART for joint use of \$10.75 mil. in Local Match and ISTEAFunds. **AYES: 8, NOES: 0, ABSTAIN: 0, ABSENT: 1**, Wolter

3. Discussion and Possible Action Regarding Proposal to Address Requirement for Continuously Welded Rail (CWR) through Novato

The Board unanimously approved transmission of a letter to Mr. Jeff Walter with the City of Novato regarding a proposal to address requirement for continuously welded rail through Novato. **AYES: 8, NOES: 0, ABSTAIN: 0, ABSENT: 1, Wolter**

F. DISCUSSION ITEMS (no action required)

1. Progress Report on Lombard – Windsor Reopening Project

Discussed during Agenda Item I.1 and J.1.

G. CONSENT CALENDAR

1. Approval of Minutes - Regular Board Meeting – April 10, 2010
2. Acceptance of Sonoma County Financial Statements – April 2010
3. Acceptance of NCRA Financial Statements – April 2010
4. Approval of Warrants Issued – April 2010
5. Approval of Cal Card Statement – April 2010

Upon Motion by Director Meyers, seconded by Director Consent Calendar Items G.1 through G.5 were approved as presented. **AYES: 8, NOES: 0, ABSTAIN: 0, ABSENT:1, Wolter**

H. STAFF REPORT

Executive Director Stogner updated the Board on the following items:

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

I. PROJECT MANAGER REPORT

1. NCRA Project Manger- Dave Anderson updated the Board on the status of the repair effort from Lombard to Windsor

J. OPERATOR REPORT

1. NWP Co. – John Williams presented a PowerPoint overview of the \$1.1 million “punch list” repair work that he is undertaking.

K. LEGAL COUNSEL REPORT

1. C.J.Neary reported on open litigation matters

L. MATTERS FROM THE BOARD

Director Clendenen reported on an article in the Eureka Times Standard regarding a draft resolution that Harbor District Commissioner Pat Higgins is presenting to the Democratic Central Committee requesting that the NCRA right-of-way in Humboldt County be transferred to the County of Humboldt or HCAOG.

Director Clendenen also reported that there is a public meeting about the Marina Center Project which would be located on the Balloon Track. He said that the issue may be considered as a local ballot measure in the future.

Director Meyers said that the meeting documents for NCRA's May 12 meeting were not posted to the website in a timely manner. He also asked about the status of the Epic Land Solutions contract, and asked what steps staff was taking to raise agency revenues and reduce costs. Director Meyers also asked about the status of the HNTB contract. He also requested an agenda item on the June agenda that would address creation of a committee to discuss the Lease Agreement with the Operator.

Director MacDonald asked if the Board could conduct a site visit of the newly refurbished Ukiah Depot building.

Director Wagenet thanked John Williams for his presentation and said that the progress to repair the line and resume rail service is very encouraging.

Chairman Hemphill requested that an item called Committee Reports be added to each agenda. He also suggested that staff continue to pursue outstanding lease revenue.

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

N. ANNOUNCEMENT OUT OF CLOSED SESSION

Legal Counsel Neary reported that the Board met and authorized the issuance of notices of termination of tenancy for two tenants at the Ukiah Depot Property. He also reported that the Board will consider an Option Agreement with the City of Ukiah in Open Session (see item E.4).

O. ANNOUNCEMENT OF NEXT MEETING

June 9, 2010 – 10:30 a.m.
Healdsburg City Council Chambers
401 Grove Street, Healdsburg
Sonoma County

P. ADJOURNMENT

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