

Agenda Item No. 4



PLEASE NOTE:

In an effort to conserve paper, copies of the agenda items and staff reports for the January 16, 2008, SMART District Board meeting is not included in this packet, but is available in the Office of the District Secretary.



AGENDA: SMART DISTRICT BOARD MEETING

January 16, 2008

1:30 PM

San Rafael City Council Chambers

1400 Fifth Avenue

San Rafael, CA

- I. Call to Order
- II. Minutes of the December 19, 2007 SMART Meeting – **DISCUSSION/ACTION****
- III. Consent Agenda – **DISCUSSION/ACTION****
 - III-1 SMART Financial Update Project Cost Report - **INFORMATION ****
 - III-2 Rohnert Park Easement MP 50.2 – **DISCUSSION/ACTION****
 - III-3 Personnel Policies and Procedures Amendment (Vacation Buy Back) (Resolution 2008-01) – **DISCUSSION/ACTION****
- IV. Agenda Review
- V. Board Member Matters -- **DISCUSSION**
- VI. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)
- VII. SMART General Manager Report (Lillian Hames) – **DISCUSSION**
- VIII. Real Estate Committee Report (Lucrecia Milla) – **DISCUSSION**
- IX. Status Report on the Recent Flooding (Lillian Hames/Mike Strider) - **DISCUSSION**
- X. Update on City of Novato v. NCRA et al, Marin County Superior Court, Case No. CV074645 (Greg Dion) - **DISCUSSION**
- XI. Railroad Square Exclusive Negotiating Agreement Extension (John Nemeth) - **DISCUSSION/ACTION****
 - A. Fourth Amendment to Exclusive Negotiating Agreement
- XII. Update on Website Reconstruction (Chris Coursey) - **DISCUSSION**
- XIII. Update on White Paper Preparation (Lillian Hames/Chris Coursey) - **DISCUSSION**
- XIV. Resolution 2008-02 of Appreciation for Mike Kerns – **DISCUSSION/ACTION****
 - A. Resolution 2008-02

XV. Closed Session

a. Closed Session: Performance Evaluation (Gov't Code Section 54957(b))
Title: General Manager

b. Closed Session: Significant exposure to Litigation - Subsection (b) of Section 54956.9; Tort claim submitted by Zulay Sherman

XVI. Report on Closed Session

XVII. Calendar for 2008 SMART Meetings –DISCUSSION/ACTION**

A. Calendar for 2008 SMART Meetings

XVIII. Next Meeting Date: February 20, 2008, 1:30 pm, Sonoma County Board of Supervisors Chambers, Santa Rosa – DISCUSSION/ACTION

XIX. Adjournment - ACTION

DISABLED ACCOMMODATION: if you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation.

* Information will be provided at the meeting. ** Information attached.



**MINUTES OF SMART BOARD MEETING
December 19, 2007
Santa Rosa City Council Chambers
101 Santa Rosa Avenue
Santa Rosa, California**

I Call to Order

Chair Kerns brought the meeting to order. The following Board members were present:

Charles McGlashan
Al Boro
Peter Breen
Jake Mackenzie
Bob Jehn
Mike Reilly
Jim Eddie

II Minutes of the October 17, 2007 SMART Meeting

Chair Kerns asked for approval of the October 17, 2007 SMART Board meeting minutes. Minutes passed unanimously.

III Consent Agenda

Chair Kerns brought up the Consent Agenda. Motion was made by Director Mackenzie and seconded by Director Eddie (Mackenzie/Breen) to approve the Consent Agenda. Motion carried unanimously.

IV Agenda Review

Chair Kerns noted that Agenda Item No. X. will be postponed. Item XII. b. under Closed Session: Performance Evaluation of the General Manager will also be held until the next meeting. Further, Ms. Hames advised that a typographical error exists under Item XII, and that the words 'Railroad Square' be deleted.

Motion was made (Reilly/Breen) to approve the Agenda as corrected. Motion passed unanimously.

V Public Comment on Non-Agenda Items

Chair Kerns called for comment from the public on any items not listed on the Agenda. Hearing none, the Board continued to the next item.

VI SMART General Manager Report

Ms. Lillian Hames, General Manager, began her report by introducing Kathy Cochran as the new Administrative Assistant with SMART. Chair Kerns and the Board welcomed Ms. Cochran to the staff.

Ms. Hames gave the Board an overview of the Lease Agreement authorized by the Board at their October Board meeting. The Executive Committee had reviewed the draft lease and authorized Ms. Hames to sign it prior to the December Board meeting. Ms. Hames expected SMART to move into the new space at the end of January, 2008. Ms Hames also advised for the Board that staff has commented on the Draft EIR for the Novato Narrows Project and that those comments were forwarded to Caltrans last week. Ms. Hames also stated that she had contacted the Larkspur City Manager to schedule another meeting with Larkspur in early 2008.

Lastly, Ms. Hames noted that staff has been busy working on the White Papers previously submitted for review to members of the Executive Committee. Staff intends to continue their in-house review with delivery to the Board as one complete package for distribution in January or February. Ms Hames concluded her General Manager Report.

Director Boro had a few questions for Ms. Hames. First, with respect to Larkspur, will the questions and concerns that were raised at the last session be addressed prior to the next meeting session? Staff advised that the concerns that were discussed at the meeting will be provided by staff in written form prior to the next session. Director Boro asked Ms. Hames how the White Papers will be distributed. Ms. Hames responded that several options are being reviewed; and the Board will be advised of those prior to distribution.

Chair Kerns asked for further comment. Hearing none, the Board moved on to the next item.

VII Real Estate Committee Report

Ms. Milla addressed the Board noting that the December Real Estate Committee meeting was cancelled, and the January meeting scheduled for January 2nd has also been cancelled due to the holiday.

Chair Kerns called for any questions. Director McGlashan asked if there is an update regarding New Railroad Square, LLC and their fundraising efforts. Mr. Nemeth replied that this was a well-timed question since a meeting was held just yesterday that included Carol Dean and Bob Blanchard from the Santa Rosa City Council, as well as Michael Dieden, John Stewart and others. There was a lengthy discussion on the prospects for obtaining Proposition 1C grant funds up to a possible twenty million dollars. While the details remained to be worked out, there could be a joint application for those funds involving SMART, the City and Michael Dieden. Also, there is another possibility for funding with MTC as they are considering modifications to their TLC grant program.

Director McGlashan responded that this was great news and offered his support and assistance with regard to funding, and noted that pursuit of 1C funding is a great move. Chair Kerns thanked Mr. Nemeth for the update and also offered the Board's assistance

VIII Resolution 2007-12 in Memoriam and Recognition for Joel Woodhull

Ms. Hames informed the Board of the recent passing of Joel Woodhull who has been a great friend to the rail district. A resolution of recognition was read and presented to Joel's wife, Joan Woodhull. Chair Kerns advised that Mr. Woodhull was a real friend of SMART and appreciated his support and input. He will be greatly missed.

Steve Birdlebough addressed the Board noting Joel will be greatly missed and noted his many contributions to the SMART project, as well as other land use and transportation issues in Sonoma County. Matt Stevens, Lionel Gamble and Willard Richards also spoke of Joel's significant contributions. t

Chair Kerns noted that with no objections, the resolution is passed unanimously and thanked Mrs. Woodhull. Chair Kerns noted that although Mr. Woodhull is no longer with us, his contributions will live on.

IX. Program Management RFP Status Report

Ms. Hames addressed the Board referring to the staff report handed out on this item. She noted that she had hoped that the Request for Proposal (RFP) for the project management consultant would have been ready for release; however after review with legal counsel, it was decided to spend more time on the RFP and talk to other agencies about it. Program Management is a new area of development for SMART with a large commitment to one firm or team as an extension of staff to oversee final engineering efforts.

As the Board will recall, the California Transportation Commission (CTC) authorized SMART to move forward with this work providing \$28 million dollars to the project.

As background, the RFP will be organized on Task Orders as follows:

1. Expand and revise SMART's Existing Design Guidelines;
2. Update Preliminary Project Management Plan, develop QA/QC Plan;
3. Establish final engineering schedule;
4. Refine cost estimates, establish detailed project budget and cost control/cost reporting system;
5. Assist with selection of design team, oversee design team efforts, and.
6. Evaluate SMART staffing needs for program management and final engineering work.

Further, SMART is asking that the consultant be located at, or very near, SMART's office. Space within SMART's new office in downtown San Rafael includes a consultant office. Staff hopes to release the RFP in February; and it will continue to be reviewed with Greg Dion and others.

X. Madera Bay Crossing Proposal

Item No. X has been postponed.

XI. 2008 SMART Board and Committee Meetings Calendar.

Ms. Hames advised that this calendar has been provided for the Board's information outlining the 2008 schedule of Board and Real Estate Committee meetings. The Operations and Executive Committees meetings will be called as needed. Staff wanted to be sure the Board had all the meetings for their 2008 calendars. Since it's the last meeting of 2007, Vice Chair McGlashan wanted to thank Chair Kerns for his great work in 2007. Chair Kerns expressed his pleasure to serve and that it has been an honor to sit in this position, as this is a very important project to both counties.

Chair Kerns addressed the Board noting that Vice Chair McGlashan wanted to make a comment. Vice Chair McGlashan announced the names of the new campaign chairs for the upcoming SMART sales tax measure. He stated that Cynthia Murray, Steve Birdlebough and Marge Macris had agreed to lead the campaign. He provided the Board with a brief overview of each co-chair and thanked them for their upcoming efforts.

XII. Closed Session

Chair Kerns reported that it was time to move to Closed Session.

XIII. Report on Closed Session

Greg Dion, Legal Counsel reported out on the Closed Session. The Board discussed Item a. and did not discuss Item b. Item a. in regards to the Madera Bay Proposed Agreement: direction was given to staff to take this item back to the Real Estate Committee for discussion in an Open Session prior to bringing it back to the Board for their consideration.

XIV. Next Meeting Date: January 16, 2008 San Rafael City Hall

No discussion occurred under this item.

XV. Adjournment

Meeting was adjourned at 2:20 pm