

Agenda Item No. 6



PLEASE NOTE:

In an effort to conserve paper, copies of the agenda items and staff reports for the March 19, 2008, SMART District Board meeting are not included in this packet, but are available in the Office of the District Secretary.



AGENDA: SMART DISTRICT BOARD MEETING

March 19, 2008

1:30 PM

San Rafael City Council Chambers

1400 Fifth Avenue

San Rafael, CA

- I. Call to Order
- II. Minutes of the February 20, 2008 SMART Meeting – **DISCUSSION/ACTION****
- III. Consent Agenda – **DISCUSSION/ACTION****
 - III-1 SMART Financial Update Project Cost Report -**INFORMATION****
 - III-2 General Manager Contract**
- IV. Agenda Review
- V. Board Member Announcements
- VI. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)
- VII. SMART General Manager Report (Chris Coursey) – **DISCUSSION**
- VIII. Real Estate Committee Report (Lucrecia Milla) – **DISCUSSION**
- IX. Regional Measure 2 Funding Request (Lucrecia Milla) - **DISCUSSION/ACTION****
 - A. Initial Project Report: CalPark Tunnel Rehabilitation Project
 - B. Resolution 2008-03
- X. Railroad Square Update (John Nemeth) - **DISCUSSION***
- XI. **Closed Session**
 - a. Closed Session: Conference with Real Property Negotiator (Govt. Code Section 54956.8)

Property: Northwestern Pacific Railroad (NWP) Right of Way at NWP Milepost 53.8 in Santa Rosa, Sonoma County

District Negotiator: Lillian Hames, General Manager

Negotiating Parties: Railroad Square, LLC
Owner: SMART District

XII. Report on Closed Session

XIII. Next Meeting Date: April 16, 2008, 1:30 pm, Sonoma County Board of Supervisors
Chambers, Santa Rosa

XIV. 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
February 20, 2008
Sonoma County Board of Supervisors Chambers
575 Administration Drive, Suite 102-A,
Santa Rosa, California**

I Call to Order

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

Charles McGlashan
Debora Fudge
Al Boro
Peter Breen
Hal Brown
Carole Dillon-Knutson
Bob Jehn
Mike Kerns
Jake Mackenzie

II Minutes of the January 19, 2008 SMART Meeting

Hearing no objections, motion was made by Director McGlashan and seconded by Director Breen to approve the minutes of the January 19, 2008 SMART Board meeting. Motion passed unanimously.

III Consent Agenda

Hearing no comments or objections, motion was made by Director Mackenzie and seconded by Director Jehn to approve the Consent Agenda. Motion passed unanimously.

IV Appointment of 2008 Board Officers and Committee Assignments

Chair Kerns called for the election of a Chair and Vice Chair and asked for nominations. Motion was made by Director Mackenzie and seconded by Director Boro to nominate Charles McGlashan as Chair and Debora Fudge as Vice-Chair, and close nominations. Motion carried unanimously.

Director Kerns offered his congratulations to Chair McGlashan and Vice Chair Fudge. The gavel was passed to Chair McGlashan.

Chair McGlashan offered his thanks and stated he looks forward to working with SMART staff during the upcoming ballot year and thanked staff for all their work. He presented the staff with a new plant for their offices.

Chair McGlashan moved to approval of Committee assignments for 2008. The following appointments were read into the record by Chair McGlashan:

Executive Committee:

Current Chair: Charles McGlashan
Current Vice-Chair: Debora Fudge
Past Chair: Mike Kerns
Member at Large: Barbara Pahre

Real Estate Committee:

Debora Fudge (Chair)
Al Boro
James Eddie
Mike Kerns
Peter Breen

Operations Committee:

Bob Jehn (Chair)
Carole Dillon-Knutson
James Eddie
Jake Mackenzie
Charles McGlashan

Motion was made by Director Kerns and seconded by Director Dillon-Knutson to approve the 2008 Committee assignments. Motion passed unanimously

Chair McGlashan called for any public comment on this item.

Lionel Gambill from Novato addressed the Board to comment that SMART is now ten years old since it first began meeting as the SMART commission in 1998. It was his hope and belief that SMART's tenth year anniversary gift will be delivered by the voters in November. The Chair thanked Mr. Gambill.

V Agenda Review

Chair McGlashan called for any adjustments to the agenda. Motion was made by Director Kerns and seconded by Director Mackenzie to approve the agenda. Motion passed unanimously.

Director Jehn requested that a list of Committee appointments be emailed by staff to the Board members.

VI Board Member Announcements

Chair McGlashan advised that this item is for any Board member wishing to make announcements that might be of interest to the rest of the Board. No announcements were made at this time.

VII Public Comment on Items Not on the Agenda

Chair McGlashan called for any member of the public to speak on an item not on the agenda.

Chris Davis with the Sonoma County Bicycle Coalition addressed the Board advising that she is representing Christine Culver from the Sonoma County Bicycle Coalition and Andy

Perri from the Marin County Bicycle Coalition. Both organizations are in support of the SMART project and are aware that SMART staff has initiated analysis for the update of the 2008 Expenditure Plan. Ms. Davis asked that the SMART Board officially adopt the recommendations of the Ad Hoc Committee by including those recommendations in the November 2008 Expenditure Plan and increasing funding to the pathway.

VIII SMART General Manager Report

Lillian Hames reminded the Board that the SMART office had relocated on January 30th to 750 Lindero Street in San Rafael. On March 1st SMART will be joined at these new offices by the Transportation Authority of Marin (TAM) and the Marin County Transit District. A listing of the phone and address changes was provided to the Board and the public.

Ms. Hames reported that the Board will be receiving the Draft Supplemental EIR in the next few weeks and a disc with cover letter will be mailed. Hard copies will be provided upon request as staff is trying to save paper in the distribution of the document.

Ms. Hames continued her report by noting that the White Papers are a major issue on the agenda for today which will be covered by Chris Coursey and John Nemeth.

The Chair asked Ms. Hames for an update on the SEIR process with time frame. Ms. Hames stated that a 45 day review period will begin after the release of the document. A public hearing will be done late in the review process. Staff is looking at an evening hearing location in Novato. The Chair questioned whether adoption will be planned for April or May. Ms. Hames responded that it will depend on the comments received and the time needed to respond to comments.

Relative to the mailing of the discs, Director Jehn asked if staff is using the same list as previously used in 2006. Ms. Hames responded that the previous list of approximately 500 individuals and groups is being updated with the current elected officials and other additions that have occurred within the last two years.

The Chair called for public comment on this item. Hearing none, the Board moved to the next item.

IX Real Estate Committee Report

Lucrecia Milla addressed the Board to advise that at the February 6th Real Estate Committee meeting staff discussed the Madera Bay Easement and also gave an update on the Railroad Square development. Ms. Milla further advised that both these items are agenda items for today's meeting.

X Alcalde and Fay Contract Amendment

Lillian Hames addressed the Board to state that this is the contract for Paul Schlesinger's work. The original contract was entered into with Alcalde and Fay and authorized by the Board in August 2005. It was a one year contract for an amount not to exceed \$50,000. Staff is recommending that the Board execute the same contract again for the same amount for Mr. Schlesinger's assistance.

Motion was made by Director Jehn and seconded by Director Boro to approve staff's recommendation. Motion was carried unanimously.

XI. White Paper Distribution

Chris Coursey, SMART's Outreach Manager, stated that at the last meeting of the Board staff was directed to present the bulk of the White Papers for review at today's meeting. The binders distributed include a total of 13 White Papers. Mr. Coursey noted that three more papers have been written but not yet reviewed by the Executive Committee, and will be available to the Board within the next few months. The final paper will be on SMART's Expenditure Plan, 2008. Mr. Coursey noted that the papers are an ongoing effort that will change as new and updated information becomes available.

The White Papers have been reviewed by consultants, SMART's Executive Committee, transportation officials, and legal counsel. Mr. Coursey continued that the intent was not to produce technical papers, but to create papers that explain the project. He concluded by stating that a paper on Frequently Asked Questions will be prepared as well.

Chair McGlashan recommended that when the White Papers are distributed they contain a concise project description, frequently asked questions and the Expenditure Plan information.

Director Jehn commended Mr. Coursey and John Nemeth for the work done to prepare these documents. Director Mackenzie commented that White Paper No. 2 Climate Change is especially important in focusing on the effort to reduce vehicle miles. Chair McGlashan commented on the importance of climate change and greenhouse gases and the shift to other modes of transportation such as bicycle trips. Director Kerns thanked staff for the binders. He commented further that the papers are interesting and informative. Director Boro commented that he would like to echo the previous Board comments. The papers are informative and easy to read. He suggested implementation strategies for distribution be brought back to the Board. In some cases, delivery in person would be more appropriate than a mailing alone.

Chair McGlashan called for public comment.

Matt Stevens stated that all paths lead to the SMART website. Using either .com or .org will work. Karen Nygren asked when the papers will be available for the public to review and share. Chris advised that copies are available today.

Chair McGlashan asked when the other papers will become available. A target date for Board acceptance was discussed and the remaining papers will probably be ready for the April or May Board meetings.

Motion was made by Director Mackenzie and seconded by Director Kerns that the Board accept the papers as presented with the omissions as stated. Motion passed unanimously.

XII Madera Bay Easement

Ms. Milla addressed the Board to advise that a non-exclusive permanent easement was requested by the Madera Bay LLC. The easement is for an at-grade crossing for the proposed development located near Warren Drive in the town of Corte Madera. The easement will provide access for their proposed project across the SMART right of way.

This matter came before the Board in October 2005 and the Board approved the agreement at that time. Even though the agreement was approved, Madera Bay never executed the easement agreement and recently approached SMART and asked if SMART would extend or reconsider the agreement. Because it was over two years, it was

recommended that the agreement be brought back to the Board. Staff did bring the agreement back to the Board at their December meeting when the Board directed staff to review letters received on this topic from the Marin Audubon Society and the Marin Conservation League opposing approval of the agreement. The Real Estate Committee reviewed this issue at their meeting earlier this month.

It was the Committee's recommendation that the agreement be approved under the condition that language be added to indemnify SMART against any lawsuits brought against the Madera Bay project. An issue was raised by the Audubon Society that granting the easement would trigger CEQA for SMART. After review by legal counsel, it was determined that granting the easement did not trigger CEQA because the granting of the easement did not constitute a project for SMART. Secondly, SMART would only grant the easement after Madera Bay LLC received the appropriate entitlements from the local jurisdictions and conducted their own environmental analysis. General points of the agreement are that SMART would give Madera Bay the option to purchase the easement at \$50,000 for three years and could be extended for an additional two years with a total amount that could be paid out to SMART of \$500,000. Madera Bay LLC would also provide safety improvements for a proposed bike path and a noise easement for SMART. It is Real Estate Committee and the staff's recommendation that the Board approve this easement.

Chair Kerns confirmed with Ms. Milla that the project is within the Town of Corte Madera. Director Kerns commented that there are people adamantly opposed to this project; however the Committee determined that SMART's role is not to get involved in the land use policy issues of another jurisdiction.

Motion was made by Director Jehn and seconded by Director Kerns to approve staff's recommendation. Motion carried unanimously

XIII Railroad Square Development Update

Mr. Nemeth reported that New Railroad Square, LLC has been working to secure funding to close the project's financial gap. Recently, New Railroad Square has received funds in the amount of \$125,000 from the state Cal Re-use program to conduct Phase I and Phase II environmental analysis on SMART's property. Unfortunately, New Railroad Square lost a key equity partner. Recently, the John Stewart Company has offered to play this role and provide equity with affiliated investors to maintain the project. In order to do this, the John Stewart Company has requested several conditions that relate to the nature of the agreement with the developer, the timing of the project and title transfer. These will be addressed more specifically in Closed Session on this item.

Michael Dieden commented that they are excited that they have found the ideal partnership to build the transit oriented development at Railroad Square. He went on to note that John Stewart meets the qualifications necessary to partner with the project and has the financial resources to maintain the project's implementation plans. He went on to note that agreements will remain the same and SMART's interests will be protected.

Director Jehn did not recall seeing the letter from the City of Santa Rosa and staff advised that the letter was received this morning and will be distributed to the Board. Further, Director Jehn asked if the project would move forward as a single project with the Stewart project. Mr. Dieden responded that this has not been discussed but it is possible that the entitlements could occur concurrently. Director Dillon-Knutson asked where the railroad crossing was in relation to the project. Mr. Dieden showed the location using a map noting that it is a 4th Street pedestrian crossing that is being proposed.

No comment was made by the public and no action was taken on this item.

XIV Update on Program Management RFP

Lillian Hames noted that the draft Program Management RFP is currently being reviewed and she hopes to release it as soon as possible.

XV Closed Session

Chair McGlashan announced a move to Closed Session, noting that only item b. will be discussed.

XVI Report on Closed Session

Greg Dion reported out on the Closed Session. Item a. was deleted and direction was given to staff on item b.

XVII Next Meeting Date: March 19, 2008 San Rafael City Council Chambers

Chair McGlashan stated the next meeting would be March 19, 2008 in San Rafael.

XV Adjournment

Meeting was adjourned at 3:25 pm.