

Agenda Item No. 5



PLEASE NOTE:

In an effort to conserve paper, copies of the agenda items and staff reports for the November 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

November 19, 2008

1:30 PM

San Rafael City Council Chambers
1400 Fifth Street, San Rafael

- I. Call to Order
- II. Approval of October 15, 2008 Board Meeting Minutes – **DISCUSSION/ACTION****
- III. Consent Agenda – **DISCUSSION/ACTION****
 - III-a. SMART Project Cost Report - **INFORMATION ****
 - III-b. Waiver of Permit Fees – County of Marin Right-of-Entry
 - III-c. Waiver of Permit Fees – City of Healdsburg Right-of-Entry
 - III-d. Conflict of Interest Code Amendment – Resolution 2008-11
- 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 (Lillian Hames) – **DISCUSSION**
- VIII. Real Estate Committee Report (Rob Krantz) – **DISCUSSION**
- IX. Measure Q Summary Results (Lillian Hames/John Nemeth) – **DISCUSSION/ACTION***
 - A. Update on Results.
 - B. District Next Steps.
 - C. Resolution 2008-12.
- X. Program Management Update (Lillian Hames/John Hugunin) – **DISCUSSION/ACTION***
 - A. Amendment to EarthTech Contract
 - B. Program Status.
- XI. 2007 Annual Audit (Lillian Hames/Scott Catania) - **DISCUSSION/ACTION****

XII. 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

XIII. Report on Closed Session

XIV. Railroad Square Contracts (John Nemeth, Greg Dion) - DISCUSSION/ACTION*

- A. Phase I Option Agreement between SMART and New Railroad Square, LLC
- B. Phase I Purchase & Sale Agreement between SMART and New Railroad Square, LLC
- C. Phase II Option Agreement between SMART and New Railroad Square, LLC
- D. Phase II Purchase & Sale Agreement between SMART and New Railroad Square, LLC
- E. Loading Dock & Easement Purchase & Sale Agreement between SMART and Cannors, LLC

XV. Next Meeting Date: December 17, 2008, Sonoma County Board of Supervisors Chambers, Santa Rosa - DISCUSSION/ACTION

XVI. 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.

DOCUMENTS: Documents distributed by SMART for its monthly Board meeting or committee meetings, and which are not otherwise privileged, may be inspected at SMART's office located at 750 Lindero Street, Suite 200, San Rafael, CA 94901 during regular business hours.

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



**MINUTES OF SMART BOARD MEETING
October 15, 2008
Sonoma County Board of Supervisor Chambers
575 Administration Drive, Ste. 102-A
Santa Rosa, California**

I Call to Order

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

Al Boro
Peter Breen
Hal Brown
Valerie Brown
James Eddie
Debora Fudge
Carole Dillon-Knutson
Jake Mackenzie
Barbara Pahre
Carol Russell

II Minutes of the September 17th, 2008 SMART Meeting

Motion was made by Director V. Brown and seconded by Director Breen to approve the minutes of the September 17th, 2008 SMART Board meetings. Directors Boro, Mackenzie and Dillon-Knutson abstained from the motion. Motion passed.

III Consent Agenda

Chair McGlashan introduced the Consent Agenda. Motion was made by Director Mackenzie and seconded by Director Pahre to approve the Consent Agenda. Motion passed unanimously.

IV Agenda Review

Chair McGlashan asked for public comments not on the agenda today. There were none.

V Board Member Announcements

Chair McGlashan called for announcements from the Board members. Director Mackenzie stated this Friday, starting at 7:00 a.m. at Finley Center in Santa Rosa, the transportation plan; "Moving Forward" would be discussed. He noted that the document was dedicated to Bob Blanchard.

Chair McGlashan welcomed Director Carol Russell to the Board. Director Russell stated she was glad to be a new Board member and was looking forward to working with everyone and living up to the standards set by Bob Jehn.

Chair McGlashan noted the recent ground breaking event for the CalPark Tunnel, stating

that Vice-Chair Fudge and Directors Mackenzie and Breen had also attended and thanked them. He handed out several plaques from the September 24th event to all Board members. Chair McGlashan also wished luck to Deb Fudge, Jake Mackenzie and Valerie Brown on their upcoming campaigns.

VI Public Comment on Items Not On the Agenda

Steve Birdlebough, Friends of SMART, stated there was a new display at the MarinLink office at the Northgate Mall; Marin Trains Past and Future and the formal opening would be on Wednesday, October 22nd at 5:30p.m.

VII SMART General Manager Report

Lillian Hames re-introduced Rob Krantz, SMART's new Real Estate Property Manager, as there were several Board members present today that were not available last month. She stated SMART staff was very happy to have him join the team. Ms. Hames went on to inform the Board that the formal right-of-entry permit was issued to the CalPark Tunnel contractor, marking the beginning of construction for the SMART project. She also informed the Board of the Economic Stimulus package that SMART staff was working on. She noted that the FRA released Emergency Order 26 which banned cell phone use for all rail operators and conductors.

Last, Ms. Hames stated that the Real Estate Committee would not be meeting on the first Wednesday and instead will meet on Thursday, November 6th at 3pm in the ground floor conference room located at 750 Lindero Street in San Rafael.

VIII Real Estate Committee Report

Rob Krantz updated the Board with items discussed at the Real Estate Committee, including the presentation Bill Whitney made on the Central Marin Ferry Connection. He also summarized the presentation on the Petaluma trestle project. Director Breen asked about cutting back weeds north of Novato at the airport. Mr. Krantz stated he would investigate and look into clearing that area. Director Mackenzie asked what method was used to clear the foliage on SMART property. Mr. Krantz stated SMART used weed whacking equipment and tractors.

IX Program Management Consultant Team Recommendation

Ms. Hames reminded the Board that last month they had authorized staff to enter into negotiations with EarthTech Consultants for the Project Management work. Today's packet includes the EarthTech contract for the Board's approval. John Hugunin and Kam Shadan were here today to present and discuss the proposed tasks within the contract.

Mr. Hugunin, Project Manager, walked thru the scope of work that was attached to the contract. He also summarized the Task Orders that were anticipated over this three year contract. Last, a more detailed description of the tasks assumed for the first year of the contract was presented.

Ms. Hames stated that the Program Management work would be presented to the Board every month with an update on progress of the Final Engineering work. Ms. Hames noted there would be key decision points in the near future which included final vehicle selection, level boarding design choices, station designs and other key project decision points.

Director Boro stated SMART should begin work on a 2009 Legislative Plan in cooperation with Paul Schlesinger and the Executive Committee. Chairman McGlashan stated his intent to work with staff on this important effort.

Mr. Hugunin stated that the EarthTech team would be preparing a project schedule that would incorporate all project delivery activities. Kam Shadan noted that the schedule would also include any opportunities to deliver the project or project components earlier than 2014. Ms. Hames told the Board that each Task Order would include input from the pool of rail experts that are part of the EarthTech team as warranted.

Ms. Hames went on to state that that this work will require Board committee involvement. Similar to the work done by the other standing committees, key questions/milestones in project delivery and final engineering will require committee work in advance of Board meetings. Director Pahre said she hoped public outreach would include a major effort to keep the public informed of project development activities. Chairman McGlashan stated the need to keep the Board updated on key milestones and major decision points. He also noted his commitment to working with SMART's consultants in Washington, D.C. The need for monthly updates on project development activities was reiterated by Director Boro.

Chair McGlashan asked if the public had any comments on this topic. Tom Roth stated an Economic Stimulus process may be finalized before Thanksgiving. Steve Birdleough stated that the Friends of SMART had already been talking to other agencies on transit coordination.

Chair McGlashan asked for Board concurrence in the EarthTech contract approval and all Board members voted aye.

X SMART Project Signal Controls and Safety Plans

Ms. Hames stated the Board asked staff to provide information on signal control and safety plans envisioned for the SMART project. She introduced Stan Feinsod, HDR Engineering, who had prepared a presentation on rail signal safety and train control. Mr. Feinsod provided the Board with an overview of HR2095, automatic train stop procedures, safety measures and train control procedures and technology. He also explained how positive train control (PTC) would work in the SMART rail corridor. He explained how communication based train control (CBTC) automatic enforcement occurs before a signal violation and the use of GPS technology. He noted that SMART would have the great advantage of being able to incorporate train control design criteria into the project from the beginning of design and construction. Mr. Feinsod then responded to questions from Board members on technology implementation and safety.

Chair McGlashan asked if there were any other public comments, there were none.

XI Larkspur Planning Process

Chair McGlashan stated he and Ms. Hames had a request from the City of Larkspur to participate in a Larkspur stationing planning process and endorse that commitment by resolution. He proposed the adoption of Resolution 2008-10 committing SMART to working with the City of Larkspur and others in to address station area planning issues. Chair McGlashan stated he had talked to Vice Mayor Hillmer and was hopeful that the Larkspur City Council might endorse Measure Q at their evening meeting. Director Breen expressed his support for these efforts and his willingness to attend the Larkspur City Council meeting. Director Boro moved the motion; it was seconded by Director Dillon-

Knutson and approved unanimously.

On related matters Director Pahre asked about the status of quiet zone information and white papers, Director Dillon-Knutson stated the presentation on quiet zones from SMART to the Novato City Council was well received, Director Boro also asked that handouts be provided to the Board when PowerPoint presentations were made.

XII Closed Session

Chair McGlashan stated we would now go into closed session.

XIII Report on Closed Session

Greg Dion report out of closed session that direction had been given to staff.

XIV Next Meeting Date November 19 ,2008, 1:30 p.m. San Rafael City Council Chambers, San Rafael and Next Real Estate Committee Meeting Date : November 6, 2008 at 3:00 p.m., San Rafael Corporate Center, 750 Lindero Street, San Rafael

XV Adjournment

The meeting was adjourned at 3:50 pm.