

Agenda Item No. 2



PLEASE NOTE:

In an effort to conserve paper, copies of the agenda items and staff reports for the May 20, 2009, SMART District Board meetings are not included in this packet, but are available in the Office of the District Secretary.



AGENDA: SMART DISTRICT BOARD MEETING

**May 20, 2009
1:30 PM**

San Rafael City Council Chambers
1400 Fifth Avenue, San Rafael

- I. Call to Order
- II. Approval of April 15, 2009 Board Meeting Minutes – **DISCUSSION/ACTION****
- III. Consent Agenda – **DISCUSSION/ACTION****
 - III-a SMART Project Cost Report - **INFORMATION ****
 - III-b Kevin Sheys Contract Amendment - **DISCUSSION/ACTION****
 - III-c SMART Employee Health Insurance Extension - **DISCUSSION/ACTION****
 - III-d KNN Contract Amendment – **DISCUSSION/ACTION****
 - III-e Novato North Station Selection - **DISCUSSION/ACTION****
 - III-f Resolution 2009-05 Hiring of Administrative Assistant Position - **DISCUSSION/ACTION****
- 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**
 - A. Committee Update
- IX. Operations Committee Report (Lillian Hames) - **DISCUSSION/ACTION**
- X. SMART Consultant/Contractors Symposium - (Chris Coursey - **DISCUSSION/ACTION****)
- XI. Vehicle Selection Report (Lillian Hames/LTK Engineering) – **DISCUSSION/ACTION****
 - A. Consultants Report on Vehicle Selection
 - B. Next Steps: Vehicle Recommendation
- XII. Strategic Plan Update (Lillian Hames/KNN/Bryan Porter) - **DISCUSSION/ACTION****

- A. Financial Forecast Update
- C. Citizen Oversight Committee Update

**XIII. NCRA DEIR Comment Letter (Greg Dion/Sally McGough/Vicki Hill) -
DISCUSSION/ACTION****

XIV. Next Meetings

- A. SMART Board Meeting: June 17, 2009 at 1:30 p.m. Sonoma County Supervisors Chambers
- B. Real Estate Committee Meeting: June 3, 2009 at 10:00 a.m. Santa Rosa City Council Chambers
- C. Operations Committee Meeting: June 10, 2009 Marin County Board of Supervisors Chambers

XV. 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
April 15, 2009
Sonoma County Board of Supervisors Chambers
575 Administration Drive, Suite 102-A
Santa Rosa, California

I Call to Order

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

Judy Arnold
Al Boro
Valerie Brown
James Eddie
Debora Fudge
Madeline Kellner
Mike Kerns
Barbara Pahre
Carol Russell

II Minutes of the March 18th, 2009 SMART Meeting

Director Eddie moved and Director Kellner seconded to approve the minutes of March 18, 2009. Motion passed.

III Consent Agenda

Chair McGlashan introduced the Consent Agenda. Lillian Hames stated there were two typos regarding item III-f: the hourly rate should be \$227.70 and there had been some late discussion regarding liability issues. Greg Dion would be talking to David Evans and Associates' attorney before signing the contract. Director Eddie asked if Vicki Hill's contract extension of \$150,000 was new money towards the contract. Ms. Hames stated it was new money for the NEPA work. Mr. Dion stated his recommendation on the David Evans and Associates contract would be that the Board still approve the contract prepared today and instruct Counsel to review the document and approve as form regarding liability. John Nemeth stated there was a typo on the CD&A contract; the date should be December 31, 2009, not 2008.

IV Agenda Review

Chair McGlashan asked for any changes to agenda review. There were none.

V Board Member Announcement

Director Arnold disclosed her participation on the Portland and San Diego trips in accordance with AB1234. She recommended the Board establish and look at procedures for when and how minutes of the various meetings were posted. She suggested that the SMART Board meetings be telecast. Director Kellner stated the Novato City Council voted last night on two stations, the Hamilton and the Fireman's Fund location. There would be a letter sent to SMART from the City of Novato regarding the interest of activating a potential Downtown station at a later time. Director Russell said there was a Cloverdale Airport Open House in which she would be jumping out of a plane on May 9th to raise money for charity. Chair McGlashan stated he took a trip with Ms. Hames on behalf of SMART on March 23rd and 24th to Washington D.C. and there were out of pocket expenses.

VI Public Comments on Items Not on the Agenda

Steve Birdlebough stated he had been following the Operations Committee meetings on the issues of FRA-compliant vs. alternate compliant vehicles and wondered how the high platforms required for compliant vehicles would work at the stations. Allen Tacy asked if the European design light rail vehicle could operate satisfactory on class 4 track. Lionel Gambill corrected an error he made at a recent meeting, he mentioned that leased FRA-compliant vehicles could be delivered in 11 months but they actually could be delivered in five months. Willard Richards asked that the Board meetings be televised.

VII SMART General Manager Report

Ms. Hames stated she had been interviewing potential candidates for SMART's four new positions. She also noted that the adopted budget was being revised to include new sales tax revenues in June, 2009. She encouraged Board members to attend the next Operations Committee on May 13th in Santa Rosa as a recommendation on vehicle selection would be presented. Director Kellner asked about the calendaring of the Executive Committee Meetings as it seemed to move around. Ms. Hames stated the Executive Committee does move around in order to be adjacent to another meeting; generally the Operations or Real Estate Committee meetings. Chair McGlashan stated that when an Executive Committee meeting is scheduled, all Board Members as well as the public receive notification of the meetings via e-mail and/or regular mail 72 hours prior to the meeting.

VIII Real Estate Committee Report

Rob Krantz said at the Real Estate Committee Meeting on April 1st he updated the committee on efforts of demolishing the maintenance of way building in Railroad Square. He was starting efforts in looking for office space in Santa Rosa. LTK had concluded their feasibility study at Windsor and staff would be moving forward to acquiring the property for a rail maintenance facility. He also was reviewing the Petaluma Water Street Trestle Grant application and Petaluma was looking for support from SMART of their effort. The meeting also included a presentation regarding Novato Stations from John Nemeth.

Director Boro asked who would be located at San Rafael and Santa Rosa offices. Ms. Hames said the project office in Santa Rosa would have the rail engineers, the program management team, clerical assistance and Community Outreach/Government Relations. The headquarters office in San Rafael would have the GM, CFO, Real Estate and Planning. Chair McGlashan asked if a letter of support should be sent out regarding the Petaluma Trestle. Mr. Krantz stated yes there was a draft letter and it would be signed by Ms. Hames.

Mr. Nemeth stated with regards to Santa Rosa Railroad Square, the developers had submitted their Prop 1C applications and the City of Santa Rosa considered it to be a co-applicant and they would know by June if they were successful in getting funding. The developers scheduled a meeting with Lynn Jacobs, Director of HCE, on April 30, 2009 and Noreen Evans would be there along with city officials and SMART Board members had been asked to participate.

IX Strategic Plan Update Process

Ms. Hames gave an update on the Citizens Oversight Committee meetings. The committee would be making recommendations to the Board in May and there will be preliminary recommendations made to the Executive Committee as well. She stated the Board would have a recommendation for adoption of the Strategic Plan in May. She noted the deadline for adoption was June 30th. She provided the Board with an update on the financial forecasts noting that changes in the municipal bond markets, declines in current sales tax collections and additions to the rail project had contributed to shortfalls in project bond financing resources. As previously discussed with the Executive Committee, these changes would require additional project funding or project phasing. Director Boro expressed concerns that even before SMART gets started, SMART was already talking about phased construction. He suggested phasing should not be pursued until it was evident that it was absolutely

required. He noted that SMART needs to do everything possible and be creative before even thinking about delay options. Director Arnold asked if SMART had a state and federal lobbyist. Ms. Hames stated that SMART had Washington representation but not State as this time. Both Director Russell and Director Kerns echoed Director Boro's suggestion to continue with work as scheduled while we explore other funding options.

X Update on NCRA Draft EIR

Ms. Hames stated NCRA had released their Draft EIR on 3/9/09 and staff is reviewing it. Vicki Hill would be pulling together all comments and anticipated having all comments completed by the week of 4/21/09. Comments were due to NCRA by 5/1/09. Mr. Nemeth listed five key issue areas of comment development. Chair McGlashan asked if the Board could appoint an ad hoc committee, and the Board decided Directors Russell and Arnold would fill that role. Motion passed.

Chair McGlashan asked for public comments. Dave Hope, Executive Director of Friends of the Eel River stated the NCRA Draft EIR was very flawed and poorly done. He stated NCRA had not addressed many issues in the document.

XI Sonoma County Loan

Ms. Hames stated SMART had a loan from Sonoma County in the past and was requesting a loan to cover certain expenses until the first sales tax revenues were received in June. The motion was moved by Director Arnold and seconded by Director Boro seconded, and passed unanimously.

XII Closed Session

Chair McGlashan stated the Board would now go into closed session.

XIII Report on Closed Session

Chair McGlashan authorized the Executive Director to extend an offer to Erin McGrath as Chief Financial Officer with a salary of \$136,500 annually.

XIV Appointment of Chief Financial Officer and Setting Salary and Benefits

Chair McGlashan asked for the motion to approve the offer to Erin McGrath. The motion was moved by Director Arnold and seconded by Director Kellner, and passed unanimously.

XV Next Board Meeting Dates

Next Meetings

- A. SMART Board Meeting: May 20, 2009, at 1:30 p.m., San Rafael City Council Chambers
- B. Real Estate Committee Meeting: May 6, 2009, at 10:00 a.m. San Rafael City Council Chambers
- C. Operations Committee Meeting: May 13, 2009, at 1:30 p.m., Sonoma County Board of Supervisor Chambers, 575 Administration Drive, Ste. 102-A, Santa Rosa

XVI Adjournment

The meeting was adjourned at 4:20 pm.