

Agenda Item No. 6



**PLEASE NOTE:**

**In an effort to conserve paper, copies of the agenda items and staff reports for the May 16, 2007, 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

May 16, 2007

1:30 PM

San Rafael City Council Chambers  
1400 Fifth Street, San Rafael

- I. Call to Order
- II. Minutes of the April 18, 2007 SMART Meeting – **DISCUSSION/ACTION\*\***
- III. Consent Agenda – **DISCUSSION/ACTION\*\***
  - III-1. SMART Financial Update Project Cost Report - **INFORMATION \*\***
- IV. Agenda Review
- V. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)
- VI. SMART General Manager Report (Lillian Hames) – **DISCUSSION**
- VII. Real Estate Committee Report (Lucrecia Milla) – **DISCUSSION**
- VIII. Environmental Impact Statement Review and Direction on Contracts (Lillian Hames) - **DISCUSSION/ACTION\*\***
  - A. Aspen Environmental
  - B. Dowling Associates, Inc.
- IX. Status of Railroad Square Proposal/Update on Creative Housing's Proposal (Lillian Hames/John Nemeth) - **DISCUSSION/ACTION\*\***
- X. Public Employee's Retirement System Update (Lillian Hames/John Nemeth) - **DISCUSSION/ACTION\***
- XI. Closed Session
  - a. Closed Session Conference with Legal Counsel-Anticipated Litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 Anna Carissa Suarez v. SMART, et al. (Sonoma County Superior Court, case

number 2399507)

b. Closed Session: Conference with Real Property Negotiator (Govt. Code. Section 54956.8)

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

District Negotiator: Lillian Hames, General Manager

Negotiating Parties: Santa Rosa Cannery, LLC

Owner: SMART District

c. Closed Session: Conference with Real Property Negotiator (Govt. Code. Section 54956.8)

Property: Northwestern Pacific Railroad (NWP) Railroad Square NWP Milepost 53.8 in Santa Rosa, Sonoma County.

District Negotiator: Lillian Hames, General Manager

Negotiating Parties: New Railroad Square, LLC (Creative Housing)

Owner: SMART District

**XII.** Report on Closed Session

**XIII.** Next Meeting Date: June 21, 2007, **1:30 pm**, Sonoma County Board of Supervisors Chambers, Santa Rosa - **DISCUSSION/ACTION**

**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.

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



**MINUTES OF SMART BOARD MEETING  
April 18, 2007  
Sonoma County Board of Supervisor Chambers  
575 Administration Drive, Room 100A  
Santa Rosa, California**

**I Call to Order**

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

Charles McGlashan, Vice Chair  
Al Boro  
Peter Breen  
Carole Dillon-Knutson  
Jim Eddie  
Deb Fudge  
Bob Jehn  
Jake Mackenzie  
Barbara Pahre  
Mike Reilly

Director Hal Brown was absent

**II Minutes of the March 21, 2007 SMART Meeting**

Chair Kerns asked for approval of the March 21, 2007 SMART Board meeting minutes. Director Jehn moved to approve the minutes as corrected, Director Eddie seconded.

**III Consent Agenda**

Chair Kerns brought up the Consent Agenda and asked for approval. Director Mackenzie moved to approve and Vice Chair McGlashan seconded; with no dissenting votes, the consent agenda was approved.

**IV Agenda Review**

Chair Kerns asked if there were any changes to the Agenda. There were none.

**V Public Comment on Non-Agenda Items**

Chair Kerns asked if there were any comments from the public. Mike Arnold stated SMART should consider NCRA's application to Caltrans in its operating agreement including land uses north of Cloverdale and projected number of freight trains. He stated all impacts of freight should be addressed in NCRA's environmental documents.

Lionel Gambill stated that SMART and NCRA should work together; noting that each freight car removes several eighteen wheelers off the highway, is more fuel efficient and less polluting to the environment.

## **VI SMART General Manager Report**

Ms. Hames informed the Board that staff had been working with the EIS team in the development of work scopes. Staff hoped to have the work scopes finalized for the May Board Meeting. In addition, Ms. Hames noted that the upcoming Real Estate Committee would address the current Railroad Square negotiations. Other work included the development of the Preliminary FY07-08 budget and weekly coordination meetings. .

## **VII Real Estate Committee Report**

Lucrecia Milla stated that the April 2007 Real Estate Committee Meeting had been cancelled. She noted that several encroachment requests had been received and were being processed. Chair Kerns asked about the cleanup at the Petaluma Depot site. Ms. Milla stated staff was investigating the options to maintain the clean up at that location.

## **VIII PERS Retirement Program Implementation**

Ms. Hames gave the Board a brief history of the Executive Committee's actions on this issue. She noted that unlike other employee benefits (health and insurance) SMART could not be a part of the Sonoma County Employees Retirement Association. Working with the Executive Committee, SMART hired Gail Papworth, a retirement consultant who had advised TAM and other agencies on this issue. The Executive Committee recommended that the current proposal to join the PERS system be taken to the Board.

John Nemeth presented the plan costs and agency comparisons. The recommendation included elements shared by several public agencies, as noted in a comparative table. The retirement formula of 2% at 55 with a 2% COLA was based on a market survey of similar agencies. The recommendation also included ending agency contributions to the current 401A accounts and Social Security. Director Breen raised a question on the cessation of Social Security contributions. He asked staff to explore options that might retain the Social Security donation or consider a voluntary employee donation.

Chair Kerns stated he did not believe Sonoma County employees could opt out of social security. Greg Dion stated he believed there was no option for voluntary Social Security and that all employees and employer were still paying into Social Security. Mr. Nemeth stated he would revisit this and get clarification on these considerations prior to the time the final PERS contract was returned to SMART.

Director Jehn stated he was SMART's Chairman when this item originally came up and felt SMART should definitely go ahead with CalPERS. He went on to note that staff should also revisit the social security piece of retirement.

Director Jehn moved the passage of Resolution of 2007-03 and Director Breen seconded.

The motion passed unanimously.

## **IX CalPark Tunnel Easement Relocation**

At the March 7<sup>th</sup> Real Estate Committee, Ms. Milla noted that staff had requested approval of the relocation of two access easements located near the North Portal of the CalPark Tunnel; adjacent to Jacoby Street in San Rafael. The easements impacted both SMART and the Golden Gate Bridge District's right of way. She stated that the Bridge District had already approved the relocation of the easements and staff was now asking for SMART Board authorization from the Chair to execute a Quit Clam Deed and Property Conveyance. Chair Kerns asked for a motion. The motion was moved by Vice-Chair McGlashan, seconded by Director Jehn and passed unanimously.

## **X. AD Hoc Committee Presentation**

Ms. Hames directed the Board to the two handouts summarizing the five months work of the Ad Hoc Committee contained in the Board packet. She noted that the staff report contained a summary of the final recommendations of the Committee. The staff report was accompanied by a nine page Report on Recommended Future Actions which listed the individuals/groups that had met with the Committee, as well as a listing of all recommendations submitted to the Committee in response to the five questions that were asked of each presenter. Following a review of the full list of alternatives Ms. Hames presented the three major actions the Committee was recommending to the Board. These included 1.) Direction to staff to prepare the necessary information for a 2008 ¼ cent sales tax measure, 2.) Direction to staff to evaluate additional locations for the Novato South station and to evaluate the funding issues associated with the addition of weekend service and an increase in funding for the bicycle/pedestrian pathway from 57% to 70-75%, and, 3.) Direction to staff to prepare brief, easy to understand white papers on SMART-related issues.

Sally McGough gave the Board an overview of the CEQA context of these recommendations noting that staff would be reviewing the impacts of these recommendations in light of future Board actions. Director Dillon-Knutson asked if changing the Novato Station would trigger an EIR by itself. Ms. McGough stated she would need to go back and see if it would change the conclusions, and could not answer that at this time.

Ms. Hames also presented a memorandum documenting the comments of the Larkspur City Council meeting that was held earlier in the day. Director Reilly stated Larkspur Council representatives were concerned about the availability of parking adjacent to the Larkspur Station. Chair Kerns stated the Larkspur Council did not know the station site had been relocated to the north specifically to reduce impacts to the Marin Airporter's parking lot. Ms. Hames added that Larkspur representatives requested better communications, a response to a series of questions they had about the SMART project, and a public meeting to discuss the answers to these questions.

Chair Kerns next asked for comments from the Ad Hoc Committee members. Vice Chair McGlashan suggested that white papers related to quiet zones should reflect the Committee's intent to work with local jurisdictions to implement the quiet zones, not just describe them. He felt the same commitment to further refine the safety barrier should be conveyed and that should be a separate paper. Director Fudge recommended also involving local jurisdictions in this work. Vice Chair McGlashan stated that SMART needed to do a better job in getting information out to all groups/individuals on the various aspects of the project in a manner that was easy to understand.

Director Boro appreciated being involved in the process and the efforts made by the individuals and groups who met with the Committee. He felt that weekend service and better communication were the key issues to him as the project moves forward. Chair Kerns concurred. Director Mackenzie stated that the pathway was very important to him and asked if increases to the pathway funding could be accommodated with a ¼ cent sales tax. Ms Hames responded that staff would be reviewing financial forecasts and would bring that information back to the Board at a later time. Director Mackenzie also asked staff to look into a possible alternative station in Rohnert Park at the Civic Center site.

Director Breen thanked the committee and encouraged staff to also evaluate increased maintenance in the corridor. Chair Kerns next asked for public comments.

Andy Peri, Marin County Bicycle Coalition thanked the committee for their work and encouraged the Board to look into 100% funding of the pathway. Steve Birdleough, Friends of SMART, provided the Board with a letter of their comments. He encouraged the Board to look at additional weekday service as well. He encouraged more work with local jurisdictions on quiet zones. Mike Arnold, MCET, asked Ms. McGough did NCRA's Strategic Plan, released after August 2006, constitute a significant environmental impact, given projected train volumes. Ms. McGough stated that as she recalled SMART was aware of that at the time and responded to comments on it in the Final EIR, but the analysis in the EIR was based on the most recent information provided by NCRA's Executive Director. Mr. Arnold asked if the volumes were lower than the Plan. Ms. McGough reiterated her response. Chair Kerns stated Mr. Arnold should address his questions to the Board. Mr. Arnold noted his concerns that Fred Levin was not invited, that the FEIS should be completed before another ballot measure, that the Committee did not discuss the FEIR brochure, and that a Sonoma only alternative was not recommended. Allen Tacy, Petaluma, stated NCRA had the capacity and new machinery to do additional maintenance along the corridor. Lionel Gambill, Novato, stated there had been twenty years of studies that examined and rejected a Sonoma only rail alternative and this information was documented in the DEIR. He noted that Portland was buying a fleet of Colorado Railcar vehicles and suggested one be moved here for the public to see. Karen Nygren, Tiburon, stated she was disappointed in the Ad Hoc recommendations and wished they had gone further. Christine Culver, Sonoma County Bicycle Coalition, thanked the committee for inviting them, noted her support of Mr. Peri's comments and asked that colleges be included in a list of major employment centers. Cynthia Murray, Northbay Leadership Council, thanked the committee for including them and for recommending a 2008 ballot measure given the measure had fallen short by only 1.3%. She suggested that the Board consider other months for a 2008 measure, the use of more Caltrans funding for the pathway and the study of alternative locations for the Novato South station.

Vice Chair McGlashan made a motion to direct staff to begin work on the three recommendations with the additional considerations of additional weekday service, work with transit districts to define transfer capabilities and the Novato station alternatives, adding freight and safety barriers to Recommendation 3-1, the consideration of additional funding sources for the pathway, as well as alternative months for a 2008 ballot measure. He suggested the information and white papers be prepared by September, 2008 and that drafts be reviewed by the Executive Committee. He concluded with a commitment to work with the City of Larkspur as the project moves forward.

Director Reilly seconded the motion. Director Fudge wanted to confirm that staff would address defining all funding sources for the pathway that might result in a 100% funded program. Director Dillon-Knutson suggested that the Novato Station issue substantially involve the City's staff. The motion passed unanimously.

### **XI. Closed Session**

Chair Kerns stated the Board would now go into Closed Session.

### **XII. Report Out of Closed Session**

Mr. Dion stated that in regard to item (a), an update was given to the Board with nothing further to report. In regard to item (b), an update was given to the Board with nothing further to report. In regard to item (c), an update was given to the Board, and direction was given to Staff. There was nothing further to report

**XIII Next Meeting Date May 16, 2007, 1:30p.m San Rafael City Council Chambers**

Chair Kerns stated the next meeting would be on May 16, 2007 at the San Rafael City Council Chambers at 1:30 pm

**XV Adjournment.**

The meeting adjourned at 4:00 p.m.