



## AGENDA: SMART DISTRICT BOARD MEETING

June 20, 2007

1:30 PM

Sonoma County Board of Supervisors Chambers  
575 Administration Drive, Suite 102-A, Santa Rosa

- I. Call to Order
- II. Minutes of the May 16, 2007 SMART Meeting – **DISCUSSION/ACTION\*\***
- III. Consent Agenda – **DISCUSSION/ACTION\*\***
  - III-1 SMART Financial Update Project Cost Report - **INFORMATION \*\***
  - III-2 Petaluma SPUR Relocation MOU
  - III-3 Army Corps Relocation Agreement
  - III-4 FY 2007-08 COLA Adjustment Resolution 2007-04
- 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. TCRP Grant Approval – (Lillian Hames) - **DISCUSSION/ACTION\***
  - A. Authorization for Joe Walsh Contract
  - B. Enhanced Engineering Contract
- IX. NCRA Presentation – (Mitch Stogner) - **DISCUSSION/ACTION\***
  - A. Upcoming EIR and Schedule
  - B. Project Assumptions
- X. SMART Office Space – (Lillian Hames/) **DISCUSSION/ACTION\***
  - A. Resolution 2007-04
- XI. Community Outreach Recommendation – (Lillian Hames) - **DISCUSSION/ACTION\*\***
  - A. Manager of Community of Outreach Job Description
- XII. The Results Group Contract Approval – (Lillian Hames) - **DISCUSSION/ACTION\*\***
- XIII. Federal Environmental Impact Statement Contract Approvals – (Lillian Hames/Greg Dion) – **DISCUSSION/ACTION\*\***

- A. Aspen Environmental
- B. Dowling Associates Inc.

**XIV. PERS Retirement Program Implementation – (Lillian Hames/John Nemeth) –  
DISCUSSION/ACTION\*\***

- A. Final Application

**XV. FY 2007-2008 SMART Preliminary Budget – (Lillian Hames/Scott Catania)  
DISCUSSION/ACTION\*\***

- A. Resolution 2007-05

**XVI. 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. (Marin County Superior Court, case number  
CV065011)

- 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) Right-of-Way from NWP Milepost  
46.8 in Rohnert Park, Sonoma County.

District Negotiator: Lillian Hames, General Manager

Negotiating Parties: City of Rohnert Park

Owner: SMART District

- d. 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

**XVII. Report on Closed Session**

**XVIII. Railroad Square Exclusive Negotiating Agreement (John Nemeth –  
DISCUSSION/ACTION\*\***

A. Recommended Agreement

**XIX.** Next Meeting Date: July 18, 2007, **1:30 pm**, San Rafael City Council Chambers, San Rafael – **DISCUSSION/ACTION**

**XX.** 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  
May 16, 2007  
San Rafael City Council Chambers  
1400 Fifth Street  
San Rafael, 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  
Hal Brown  
Jim Eddie  
Deb Fudge  
Barbara Pahre

Directors Reilly, Jehn, Dillon-Knutson and Mackenzie were absent

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

Chair Kerns asked for approval of the April 18, 2007 SMART Board meeting minutes. Director Brown moved to approve the minutes, Director Eddie seconded.

**III Consent Agenda**

Chair Kerns brought up the Consent Agenda and asked for approval. Director Breen 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. William Alleck of Maglev Transit Group described that he would like to see a MagLev system implemented in the SMART corridor. He noted that China and Japan had maglev, as well as test systems in Korea.

**VI SMART General Manager Report**

Ms. Hames informed the Board that staff had been working on the Budget for 07-08 and would be bringing a preliminary draft in June. The EIS would have an impact on the budget, as well as CalPers. Ms. Hames noted that in an effort to show how the pedestrian bicycle corridor safety structure would be built, there was an opportunity to do a demo project and fence in the property adjacent to the Petaluma Depot site.

Chair Kerns stated he would assume the fences would be interlinked with each other for continuous fencing. Ms. Hames stated yes and staff would look into local fencing companies for this project.

### **VII Real Estate Committee Report**

Lucrecia Milla reported that at the May 2007 Real Estate Committee Meeting, the New Railroad Square LLC gave an update to their program which was agendaized for today. Also, the City of Petaluma had completed design for the freight building for their new sub lease and would be putting the bid out for construction. Chair Kerns asked if that would be a community center. Ms. Milla stated yes. Chair Kerns noted the repairs to the exterior had maintained their high quality over the last several years. Director Boro asked if the building in Petaluma was one of the buildings SMART might use for future office space. Ms. Hames stated although that was a possibility, the more cost effective location would be in one of the buildings to be located on the future development. Director Boro asked if SMART would have a right to use the property if needed. Ms. Hames stated yes, but we would need to terminate the lease with the City of Petaluma.

### **VIII Environmental Impact Statement Review and Direction on Contracts**

Ms. Hames presented the proposed scope of works for the EIS (Federal Environmental Impact Statement) from Aspen Environmental and the Dowling Inc for the completion of the federal environmental clearance process. She reminded the Board that Vicki Hill would continue as the project manager of this work and that the process would involve review and approval of the Federal Transit Administration (FTA). PAUSE

Ms. Vicki Hill was present to address any questions the Board might have. Ms. Hames presented the SMART EIS Organizational Chart. Ms. Hames proceeded to present the work tasks outlined in the attached work scopes and addressed the work that would be done by different subconsultants. Ms. Hames stated SMART could rely on the EIR data from 2006 but that additional analysis and updated information would be required for the EIS.

Chair Kerns asked the timeline. Ms. Hames stated staff would be working with FTA to determine the schedule and that the final work scope and schedule was designated as the first work task. Given the review process anticipated for all FTA sponsored EIS documents there was no expectation that the report could be finalized before 2008.

Ms. Hames concluded that this was a first draft and that the final contract work scope and budget would be provided next month.

David Schonbrunn stated he was glad to hear that new demographic information would be used in the work. He also suggested that the Minimum Operable Segment be a rail line from Windsor to Novato. Karen Nygren suggested global warming be included in the scope of work as it related to new sea level considerations. She also wanted the scope to include an analysis of potential freight operations and parking demands. Roger Roberts, MCL, asked that financial capacity analysis be included in the EIS. Lionel Gambill suggested that the Green Goat locomotive be used for freight trains.

Ms. Hames noted the Organizational Chart showed the financial feasibility element of the project. She also stated that the travel forecasting model was the same one used previously, with new demographic information and input from the Metrolink forecasting model approved by FTA. Ms. Hames introduced Steve Colman of Dowling Associates, who spoke to the issue of travel forecasting.

Vice-Chair McGlashan commented that it would be good if the work would address new demographics and Ms. Nygren's comments about parking in Marin. He went on to note that the Board has known for 2 ½ years that the EIS would not be completed before a 2008 ballot measure. He went on to state that it was his understanding that work with FTA was time intensive and SMART did not control the FTA's review schedule. .

### **IX Status of Railroad Square Proposal/Update on Creative Housing's Proposal**

Ms. Hames informed the Board that at the May 2007 Real Estate Committee Meeting, Creative Housing presented a revised proposal. Due to the housing market they were forced to make revisions their proposal. John Nemeth proceeded to provide the Board with an update on the current negotiations.

He noted that changes were proposed to the building on the southern end of the SMART site, along Third Street. That block would continue to have retail/restaurant used on the ground floor; however, the three floors above are now proposed to be office space, rather than housing. The middle block of the SMART site would continue to host the public marketplace on the ground floor, however rather than housing above, it would be the new location of a screened parking structure. The north end of the SMART site would involve housing as before, 118 units, albeit without any retail or other uses on the ground floor. The Plant 5 building just west of the SMART site, owned by the Cannons LLC, would no longer be incorporated in to the project, which was previous site of a proposed parking structure. He went on to state that the current proposal included the Berkowitz Property on the south side of Third Street remaining as the proposed location for 48 units of affordable housing.

Mr. Nemeth noted that at the Real Estate Committee, Chair McGlashan suggested that we have multi-hour sessions with Mike Kerns and himself and the development team to understand the current proposal and review any potential changes. Director Boro suggested financial feasibility be a major element of that discussion. The Board continued to discuss the pros and cons of the current proposal. Chair Kerns asked if the public had any comments.

David Schonbrunn stated it was his opinion that SMART should not approve this proposal based on the housing reduction and addition of the parking structure. Ann Hutchings stated she was extremely disappointed in the abrupt changes and read from a letter from the Accountable Development Coalition, suggesting use of Prop 1C funding. Lionel Gambill suggested the project be phased to meet market constraints. Karen Nygren stated the changes were not acceptable and suggested a more transit oriented approach. Richard Derringer, Odyssey Development, spoke of his interest in being involved in the development of Railroad Square given his involvement in the adjacent housing project. Steve Birdleough, Friends of SMART, suggested a slower approach that could be timed to the market. Kate Tokoruda suggested SMART review the other two proposals in case the negotiations with Creative Housing were not satisfactory as she felt affordable housing should be a requirement of the SMART project.

### **X. Public Employee's Retirement System Update**

Ms. Hames updated the Board regarding the PERS retirement program. At the last Board meeting Director Breen suggested Social Security payments be maintained by SMART and not eliminated. John Nemeth stated staff would be bringing back the CalPERS contract for approval in June. Staff would also look into what other rail districts do in this regard.

**XI. Closed Session**

Chair Kerns stated the Board would now go into Closed Session. Mr. Greg Dion stated there was a typo, in item (a) the matter of Suarez, it should state it was under Marin County Superior Court.

**XII. Report Out of Closed Session**

Mr. Dion stated that in regard to item (a), an update was given to the Board and direction was given to Staff. In regard to item (b), an update was given to the Board with and direction was given to Staff. In regard to item (c), an update was given to the Board, and direction was given to Staff. Also, the Board authorized Chair Kerns and Vice-Chair McGlashan to meet with the developers and staff on June 1<sup>st</sup> or another date there after to meet.

**XIII Next Meeting Date June 20, 2007, 1:30p.m Sonoma County Board of Supervisors Chambers**

Chair Kerns stated the next meeting would be on June 20, 2007 at the Sonoma County Board of Supervisors Chambers at 1:30 pm

**XV Adjournment.**

The meeting adjourned at 3:50 p.m.