



North Coast Railroad Authority
419 Talmage Road, Suite M
Ukiah, Ca 95482

NORTH COAST RAILROAD AUTHORITY (NCRA) Board of Directors Meeting

Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Ukiah, CA
Mendocino County
Wednesday, March 8, 2017 – 10:30 a.m.

DRAFT MINUTES

A. CALL TO ORDER

Director Wagenet called the meeting to order at 10:33 a.m.

B. ROLL CALL

Directors Present: McCowen, Kelley, Stroeh, Fennell, Peters, Marks, Wagenet

Directors Absent: Hemphill

Others Present: Executive Director Mitch Stogner, American Rail Engineers Dave Anderson, Guillon Inc. Steve Honeycutt

C. AGENDA APPROVAL

Upon Motion by Director Stroeh, seconded by Director Peters the Board Approved the Agenda with one change, Item G.5 was not received and will be removed from the Agenda.

Motion Carried:

AYES: 7- McCowen, Kelley, Stroeh, Fennell, Peters, Marks, Wagenet

NOES: 0

ABSTAIN: 0

ABSENT: 1- Hemphill

D. PUBLIC COMMENT

No Public Comment.

E. PRESENTATIONS

Agenda Item E.2 was discussed before Item E.1, Minutes reflect this change.

- 1. Guillon Inc. - Steve Honeycutt** – Ukiah Depot update, including Mason St. Property North of East Perkins St. in Ukiah

Mr. Honeycutt gave the Board an update on the Ukiah Depot site. He said the permitting process with the Dept. of Fish and Game and the Corps of Engineers are delayed and are holding up the bidding process for the site. Director McCowen suggested that he draft letters to these Agencies in support of the project to assist with expediting the permitting process and was encouraged by the Board of Directors to begin this letter writing process. Mr. Honeycutt also said that the homeless encampment that is now present on the Ukiah Depot site is causing some frustration and contamination and he has requested assistance from the Ukiah Police Department in evicting the trespassers.

Director McCowen said he will be meeting with the City of Ukiah managers, Ukiah Police Department, and Ukiah City representatives on Friday, March 10 to address some of these issues and he requested the letter that was distributed to Ukiah Police Department in March of 2016 be sent again with a current date. He will give an update as information is received.

Director Fennell suggested setting up a program with the local law enforcement agencies to handle the homeless encampment issues.

Mr. Honeycutt said he will continue to work with staff, Director McCowen and the Ukiah Police Department to address the encampment in the area and he will explore the cost of lighting, security fencing, patrols, etc.

Mr. Honeycutt also gave an update on the Mason St. property in Ukiah. A preliminary agreement with Union Pacific has been signed to quit claim the property. Once this quit claim is approved he can explore best use for this land.

2. **American Rail Engineers (ARE) - Dave Anderson** – Update regarding the following:
 - a. Automation of Black Point Bridge;
 - b. Clay St. Crossing at Ukiah Depot;
 - c. State Fish & Wildlife Levees protecting Trackway in Schellville;
 - d. Misc. Engineering projects from Healdsburg to Arcata

Mr. Anderson presented a slide show of current engineering projects in Sonoma, Mendocino, and Humboldt Counties. He said he has completed on-site visits to the above-mentioned locations and he provided the Board with project status updates.

F. CONDUCT OF BUSINESS

1. **Discussion and Possible Action regarding Resolution Declaring Certain Property North of Citrus Fair Dr. in Cloverdale to be Excess Railroad Property**
2. **Discussion and Possible Action regarding Approving an Exemption from Competitive Bidding Procedure for Listing Agreement with Guillon Inc.**
3. **Discussion and Possible Action regarding Approval of Listing Agreement with Guillon Inc. for Sale or Lease of Excess Railroad Property North of Citrus Fair Dr. in Cloverdale**

Upon Motion by Director Fennell, seconded by Director Peters the Board Approved to Defer Agenda Items F.1 through F.3 to the next Board of Directors Meeting on April 12, 2017.

Motion Carried:

AYES: 7- McCowen, Kelley, Stroeh, Fennell, Peters, Marks, Wagenet
NOES: 0
ABSTAIN: 0
ABSENT: 1- Hemphill

G. CONSENT CALENDAR

- 1. Approval of Minutes – Regular Board Meeting – Feb 8, 2017**
- 2. Acceptance of NCRA Financial Statements – February 2017**
- 3. Acceptance of Warrants Issued – February 2017**
- 4. Acceptance of Cal Card Statement – February 2017**

Upon Motion by Director McCowen, seconded by Director Peters the Board Approved Agenda Items G.1 through G.4 as presented.

Motion Carried:

AYES: 7- McCowen, Kelley, Stroeh, Fennell, Peters, Marks, Wagenet
NOES: 0
ABSTAIN: 0
ABSENT: 1- Hemphill

H. STAFF REPORT – Mitch Stogner – Executive Director

Mr. Stogner said that an MOU with SMART has been finalized that includes several important requirements and will set the ground rules for NWP Co. storage of liquefied petroleum gases near Schellville. The requirements included in the MOU are that SMART will install Positive Train Control system on 2 NWP Co. locomotives, SMART will pay \$100,00 for a turnout in Rohnert Park, and NWP Co. will furnish SMART with certain employment records relative to its engineers and operators. The MOU also included a quit claim for freight easement at the Petaluma Station.

I. OPERATOR REPORT – Doug Bosco – NWP Co. Legal Counsel

No Report.

J. LEGAL COUNSEL REPORT – CJ Neary

Mr. Neary gave an update on Existing Litigation with SMART, a request for dismissal has been filed and granted.

K. MATTERS FROM THE BOARD

Mr. Kelley- he noted reading an article in the Sacramento Bee related to the positive opportunities SMART will have due to the Petaluma Station quit claim.

Director Fennell- said weed abatement and homeless encampment clearing is under way in Humboldt County along the Eureka Slough and the Timber Heritage Association has been assisting.

Director Marks- stated that he vacant Eureka office has had another suspicious fire. He said The Harbor District has been discussing the move of a 1091 Navy ship to the Samoa Cookhouse for use as a Naval Museum.

McCowen- he suggested contacting the Eureka Fire Department for a training burn at this location. He also said that Daniel Steel has not followed through with an agreement made last year to move large amounts of miscellaneous materials from the NCRA right-of-way. He suggested referring this matter to legal counsel.

The Board convened to Closed Session at 12:20 p.m.

L. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9(a) (two cases)

- a. NCRA vs. SMART
Surface Transportation Board # FD 36077
- b. NCRA vs. AT&T, Mendocino Superior Court
Case No. SCUK-CVPO-15-0066151
- c. Friends of the Eel River, Californians For Alternatives to Toxic vs. NCRA et al.
Supreme Court Case No. S222472

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9 (b) (two cases)

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

- a. Ukiah Depot Property, including Mason Street Property
Negotiation Regarding Disposition of Ukiah Depot Property, including Mason Street Property
Agency Negotiators: Mitch Stogner, Chris Neary
Under Negotiation: Price, Terms
- b. NWP Co.
Gov. Code 54956.8
Parties to Negotiation: NCRA; NWP Co.
Agency Negotiators: Mitch Stogner, Chris Neary
Under Negotiation: Payment Provisions of 2006 Lease Agreement with NWP Co. including other Consideration, including Track Abandonment and Methodology of Consideration Calculations

M. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board reconvened to Open Session at 1:01 p.m.

The Board met in Closed Session on 2 items of Existing Litigation, received information, no action taken. The Board considered conference with Real Property Negotiations, gave direction. The Board also met on 2 items of Anticipated Litigation, no action taken.

N. ANNOUNCEMENT OF NEXT MEETING

**Regular Board Meeting
April 12, 2017 at 10:30 a.m.
Novato Sanitary District**

**500 Davidson Street, Novato, CA
Marin County**

O. ADJOURNMENT

Chair Wagenet adjourned the meeting at 1:09 p.m.

DRAFT