

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, November 8, 2017 - 10:30 a.m.

AGENDA

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. AGENDA APPROVAL**
- D. PUBLIC COMMENT**

Commenters are requested to complete a Public Comment Card and provide completed card to the Recording Secretary prior to commenting. Comments will be limited to three minutes per person and not more than ten minutes per subject, so that everyone can be heard. "Public comment" time is limited to matters under the jurisdiction of the Authority that may not have been considered by the Authority previously and are not on the agenda. No action will be taken. Members of the public may also comment during specific agenda items when recognized by the Chair.

- E. CONDUCT OF BUSINESS**

- 1. Discussion and Possible Action Regarding Proposed Agreement with FEC Real Estate Services regarding February 2017 AT&T Settlement Agreement**
- 2. Discussion and Possible Action Regarding Amendment to the June 20, 2011 Operating and Coordination Agreement Between SMART and NCRA**
- 3. Discussion and Possible Action Regarding Long-Term Lease for NCRA Balloon Track Easements Including the Eureka Office Building on W. 2nd Street in Eureka**
- 4. Discussion and Possible Action Regarding Settlement Agreement with Sparetime Supply for Commercial Crossing near Shell Lane in Willits, Mendocino County**

- F. CONSENT CALENDAR**

- 1. Approval of Minutes – Regular Board Meeting – September 13, 2017**
- 2. Approval of NCRA Financial Statements – September 2017**

3. **Approval of NCRA Financial Statements – October 2017**
4. **Approval of Warrants Issued – September 2017**
5. **Approval of Warrants Issued - October 2017**
6. **Approval of Cal Card Statement – September 2017**
7. **Approval of Cal Card Statement - October 2017**
8. **Approval of Property Management Report FEC –July and August 2017**
9. **Approval of Property Management Report FEC – September 2017**
10. **Approval of Property Management Report FEC – October 2017**

G. STAFF REPORT – Mitch Stogner – Executive Director

1. City of Arcata - Annie & Mary Trail Connectivity Project, Planning Phase – Support Letter
2. Summary of Discussion with Senator McGuire’s Office
3. BCDC Complaint
4. JCC Contract Amendment Executed Sept 27th, 2017
5. Humboldt County Association of Governments Letter
6. Manila Community Services District Letter
7. Eureka Chamber of Commerce Meeting

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

I. LEGAL COUNSEL REPORT – CJ Neary

J. MATTERS FROM THE BOARD

K. CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Government Code Section 54956.9(a) two cases
 - a. **FRIENDS OF THE EEL RIVER V. NORTH COAST RAILROAD AUTHORITY**
California Supreme Court Case # S222472
 - b. **CATS V. NORTH COAST RAILROAD AUTHORITY**
California Supreme Court Case # S222472
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Government Code Section 54956.9(b)

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

a. Ukiah Depot Property, Including Mason Street Property

Government Code Section 54956.9.8

Negotiation Regarding Disposition of Ukiah Depot Property, including Mason Street Property

Agency Negotiators: Mitch Stogner, Chris Neary

Under Negotiation: Price, Terms; Interaction with Judicial Council on Joint Courthouse Off-Site Improvements.

b. NWP Co.

Government Code Section 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 and Resolution of Outstanding Debt.

L. ANNOUNCEMENT OUT OF CLOSED SESSION

M. ANNOUNCEMENT OF NEXT MEETING

Regular Board Meeting

Wednesday, December 13, 2017 - 10:30 a.m.

Novato Sanitary District

500 Davidson Street, Novato, CA

Marin County

N. ADJOURNMENT

AGENDA NOTE

All items appearing on the agenda are subject to action by the Board of Directors. Staff recommendations are subject to action by the Board of Directors. Staff recommendations are subject to change by the Board.

AMERICAN WITH DISABILITIES ACT (ADA) REQUESTS

To request disability-related modifications or accommodations for accessible locations or meeting materials in alternative formats (as allowed under Section 12132 of the ADA) please contact the NCRA office at 707 463-3280, at least 72 hours before the meeting.

ADDITIONS TO AGENDA

The Brown Act, Section 54954.2, states that the Board may take action on off-agenda items when: a) a majority vote determines that an "emergency situation" exists as defined in Section 54956.5, or b) a two-thirds vote of the body, or a unanimous vote of those present, determines that there is a need to take immediate action and the need for action arose after the agenda was legally posted, or c) the item was continued from a prior, legally posted meeting not more than five calendar days before this meeting.

ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES

Written materials related to an item on this agenda submitted to the Board of Directors are available for public inspection in the NCRA office located at 419 Talmage Road, Suite M, Ukiah California. Documents maintained for public inspection are considered to be draft documents until approved by the Board of Directors. Some of these documents may also be posted on the NCRA website, but the official record is maintained for public inspection in the NCRA office.

CLOSED SESSION

If agendaized, NCRA may adjourn to a closed session to consider litigation or personnel matters. Discussion of litigation or pending litigation may be held in closed session by authority of Government Code Section 54956.9; discussion of personnel matters by authority of Government Code Section 54957; to confer with their negotiator regarding real property by authority of Government Code Section 54956.8.