

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



## **NORTH COAST RAILROAD AUTHORITY (NCRA) Board of Directors Meeting**

Humboldt County Board of Supervisors Chambers  
825 5th Street, Eureka, CA  
Humboldt County  
Wednesday, January 10, 2018 - 10:30 a.m.

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### **MINUTES**

#### **A. CALL TO ORDER**

Chair Wagenet called the meeting to order at 10:31 a.m.

#### **B. ROLL CALL**

**Directors Present:** Breen, Peters, McCowen, Fennell, Marks, Kelley, Hagele, Wagenet

**Directors Absent:** Hemphill

**Other Present:** Executive Director - Mitch Stogner, Legal Counsel – Chris Neary, American Rail Engineer – David Anderson, Guillon Inc. – Steve Honeycutt, and Recording Secretary – Hiedy Torres.

#### **C. AGENDA APPROVAL**

Upon Motion by Director Peters, seconded by Director Kelley the Agenda stood as presented.

Motion Carried:

AYES:8- Breen, Peters, McCowen, Fennell, Marks, Kelley, Hagele, Wagenet

NOES: 0

ABSENT: 1- Hemphill

ABSTAIN: 0

#### **D. PUBLIC COMMENT**

Pete Oringer, Timber Heritage Association (THA) – Mr. Oringer thanked the NCRA Board for use of its right-of-way and apprised the Board of a recent land purchase the THA had made for 7 acres of former Harbor District land. He also said that THA is working on a grant from Humboldt County that would include EPA mandated clean-ups and a tourist train feasibility study.

Dennis Rael – Mr. Rael said he has been attending NCRA Board meetings for over 10 years and he has yet to see a train in Humboldt County and he said that he thinks the county should be in control of its own asset(trackway and rail infrastructure in Humboldt county).

Patty Clary, Californians for Alternatives to Toxins (CATS) – Ms. Clary said she has represented her clients for over 6 and a half years in the lawsuit against NCRA and it has been a long and bizarre road. She said she would like to see the NCRA lawsuit settled and asked that the Board have a serious Closed Session discussion about a settlement agreement.

**E. CONDUCT OF BUSINESS**

**1. Discussion and Possible Action Regarding Long-Term Lease of NCRA Balloon Tract Easements Including the Eureka Office Building on W. 2<sup>nd</sup> Street in Eureka**

The Board Authorized NCRA project engineer, Dave Anderson to negotiate the property parameters of the Long-Term Lease and bring it back for Board review at its February 2018 meeting.

No Action Taken.

**2. Discussion and Possible Action Regarding NCRA Strategic Plan**

Upon Motion by Director Kelley, seconded by Director Fennell the Board Authorized Director McCowen and staff to continue progress towards a final draft of the NCRA Strategic Plan and present the final document to the CTC on January 31, 2018 in Sacramento.

Motion Carried:

AYES:8-

NOES: 0

ABSENT: 1- Hemphill

ABSTAIN: 0

**3. Final Appointments to the NCRA Committees for Calendar Year 2018**

Upon Motion by Director Kelley, seconded by Director Breen the Board Approved Final Appointments to NCRA Committees for Calendar Year 2018 with modification that included; Hagele will be appointed to the NCRA Ad Hoc Strategic Plan Committee and the Ad Hoc NCRA/SMART Coordination Committee and Director Peters will be appointed as Chair of the NCRA Finance Committee.

Motion Carried:

AYES:8-

NOES: 0

ABSENT: 1- Hemphill

ABSTAIN: 0

**F. CONSENT CALENDAR**

1. Approval of Minutes – Regular Board Meeting – December 13, 2017
2. Approval of NCRA Financial Statements – December 2017
3. Approval of Warrants Issued – December 2017
4. Approval of Cal Card Statement – December 2017
5. Approval of Property Management Report FEC Real Estate Services – December 2017

Upon Motion by Director McCowen, seconded by Director Kelley Agenda Items F.1 through F.5 were approved as presented.

Motion Carried:  
AYES:8-  
NOES: 0  
ABSENT: 1- Hemphill  
ABSTAIN: 0

**G. OPERATOR REPORT – Doug Bosco – Legal Counsel NWP Co.**

No report provided.

**H. STAFF REPORT – Mitch Stogner – Executive Director**

1. Steve Honeycutt, Guillon Inc.- Update on Ukiah Depot projects
2. Ad-Hoc Legislation Committee report regarding NCRA legislation

**I. LEGAL COUNSEL REPORT – CJ Neary**

No report provided.

**J. MATTERS FROM THE BOARD**

The Board convened to Closed Session at 12:29 p.m.

**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 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.

- c. Cloverdale Property North of Citrus Fair Drive  
Negotiation Regarding Disposition of Cloverdale Property north of Citrus Fair Drive  
Agency Negotiators: Mitch Stogner, Chris Neary  
Under Negotiation: Terms

**L. ANNOUNCEMENT OUT OF CLOSED SESSION**

The Board reconvened from Closed Session at 1:31 p.m.

The Board met in Closed Session on one Item of Existing Litigation – no action taken.

**M. ANNOUNCEMENT OF NEXT MEETING**

Regular Board Meeting  
Wednesday, February 14, 2018 - 10:30 a.m.  
Sonoma County Board of Supervisors Chambers  
575 Administration Drive, Santa Rosa, CA  
Sonoma County

**N. ADJOURNMENT**

Chair Wagenet adjourned the meeting at 1:33 p.m.