



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

NORTH COAST RAILROAD AUTHORITY (NCRA) Board of Directors Meeting

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

MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

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

Directors Absent: Hart

Others Present: Executive Director – Mitch Stogner, NCRA Legal Counsel – Chris Neary and Jennifer O’Brien, NWP Co. Legal Counsel – Doug Bosco, Former NCRA Director – Allan Hemphill, Caltrout North Coast District Director, Caltrans District 1- Leishara Ward, Recording Secretary – Hiedy Torres

C. AGENDA APPROVAL

Upon Motion by Director McCowen, seconded by Director Peters the Board Approved the Agenda with the addition of one Closed Session Litigation item as requested by Legal Counsel, pursuant to Govt. Code 5639.9.2. and the Board decided to address item E.4 as follows:

- 1) Design Revision #1 – Engineered Footings for Future Railroad Bridge - will be discussed in Closed Session and any Action will follow Closed Session.
- 2) Design Revision #2 – Treatment of Rails and ties along Railroad Alignment and Design Revision #3 – Placement of Fill Material along Railroad Alignment - will be discussed in Open Session.

Motion Carried:

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

NOES: 0

ABSENT: 1- Hart

ABSTAIN: 0

D. PUBLIC COMMENT

No public comment.

E. CONDUCT OF BUSINESS

1. Presentation to Honor Allan Hemphill for Years of Service with NCRA

Allan Hemphill was presented a plaque by the Board and the Board thanked Mr. Hemphill for his 24 years of service with the NCRA.

2. Discussion and Possible Action Regarding License Agreement with the City of Ukiah for 3 Water Pipe Crossings in Ukiah, Mendocino County

Upon Motion by Director Marks, Seconded by Director McCowen the Board Unanimously Approved License Agreement with City of Ukiah for 3 Water Pipe Crossings in Ukiah, Mendocino County.

Motion Carried:

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

NOES: 0

ABSENT: 1- Hart

ABSTAIN: 0

3. Discussion and Possible Action Regarding Resolution No. 2018-01 Amendment to the NCRA Agency Budget and Resolution No. 2018-02 Amendment to the NCRA Property Budget for FY 2017-18

Upon Motion by Director Peters, Seconded by Director Hagele the Board Unanimously Approved Resolution No. 2018-01 Amendment to the NCRA Agency Budget and Resolution No. 2018-02 Amendment to the NCRA Property Budget for FY 2017-18.

Motion Carried:

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

NOES: 0

ABSENT: 1- Hart

ABSTAIN: 0

4. Discussion and Possible Action Regarding Design Revisions to Woodman Creek Fish Restoration Project

Public Comment:

Paul Downing – Mr. Downing said he thinks NCRA should consider this project.

Mike Pechner – Mr. Pechner said that cutting rails into shorter lengths will destroy the rails and that all materials should be saved.

Darren Mierau, Caltrout – Mr. Mierau said that only 8 rails will be cut out of the 200 that will be treated.

Upon Motion by Director Fennell, Seconded by Director McCowen the Board Unanimously Approved Design Revision #2 - Treatment of Rails and ties along Railroad Alignment and Design Revision #3 – Placement of Fill Material along Railroad Alignment to the Woodman Creek Fish Restoration Project.

Motion Carried:

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

NOES: 0

ABSENT: 1- Hart
ABSTAIN: 0

Discussion of Item E.5 followed Closed Session.

5. **Workshop – NCRA Strategic Plan and the Development of NCRA Legislation for 2018**

Discussion only.

F. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting – January 10, 2018
2. Approval of Minutes – Property Committee Tele-Conference – January 8, 2018
3. Approval of NCRA Financial Statements – January 2018
4. Approval of Warrants Issued – January 2018
5. Approval of Cal Card Statement – January 2018
6. Approval of Property Management Report FEC Real Estate Services – January 2018

Upon Motion by Director Marks, seconded by Director McCowen the Board Unanimously Approved Agenda Items F.1 through F.6 as presented.

Motion Carried:

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

NOES: 0

ABSENT: 1- Hart

ABSTAIN: 0

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

Mr. Bosco introduced Chris Prevost. Mr. Prevost will be assisting NWP Co. in moving historic railcars to the Golden Gate Railroad Museum in Schellville for storage and future display at the museum. Mr. Bosco also said that NWP Co. has contracted to store around 160 empty LPG cars at the authorized location in Schellville.

Director Marks inquired as to whether NWP Co. will be involved in debris clean-up in Sonoma County resulting from the recent wildfire damages.

Mr. Bosco said that NWP Co. will not be assisting in hauling debris caused by the October 8 wildfire because the Corps. Of Engineers delayed a decision in appointing contractors for this debris removal project.

Director Breen inquired as to whether NWP Co. had the capability to run freight on the lines to Windsor?

Mr. Bosco said that NWP Co. does presently have that capability.

Mr. Bosco said that he appreciates Allan Hemphill's dedication to freight rail restoration and greatly admires his patience and determination. He said that Allan has given up so much of his personal time

because of his dedication to the railroad and he has been a great contributor to the rail restoration efforts on the North Coast.

H. STAFF REPORT – Mitch Stogner – Executive Director

No report provided.

I. LEGAL COUNSEL REPORT – CJ Neary

Mr. Neary introduced Jennifer O’Brien. Mr. Neary also thanked Allan Hemphill for his years of service and explained that Mr. Hemphill ran the railroad for a number of years in the 1990’s.

J. MATTERS FROM THE BOARD

Dir. Kelley said he was pleased that NWP Co. will be storing LGP cars again.

Dir. McCowen said he is aware that the City of Willits and the Ukiah Valley Trail Group have shown interest in constructing a trail in the Willits area and he requests that we add this to the next Agenda to show NCRA support of this project.

Dir. Marks announced the grand opening of the Eureka Trail which runs from the northern part of Eureka to the southern part. He also that the Harbor District will be welcoming the first cruise ship out of 5 in the next year. He said that Timber Heritage is looking into the logistics of running a speeder train to assist passengers.

Dir. Fennell said that Humboldt County was nominated by World Traveler magazine as the #1 destination in the U.S. this year. She also said that the Humboldt County Supervisors re-appointed Dir. Marks to the NCRA Board.

Dir. McCowen asked that the Exec. Dir. review the agreement with Timber Heritage and to make any needed adjustments and bring them before the Board for approval.

The Board convened to Closed Session at 11:43 a.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

3. ANTICIPATED LITIGATION

Govt Code 54956.9(b)

- a. Design Revisions to Woodman Creek Fish Restoration Project

The Board reconvened to Open Session at 12:55 p.m.

L. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board met in Closed Session on 2 Items of Existing Litigation, received information and no action was taken.

The Board also met in Closed Session on 1 Item of Anticipated Litigation. Item was referred to legal counsel to consult with Caltrout to explore issues related to the agreement and potential resolution and bring it back to the Board at the earliest possible time.

M. ANNOUNCEMENT OF NEXT MEETING

Regular Board Meeting
Wednesday, March 14, 2018 - 10:30 a.m.
Mendocino County Board of Supervisors Chambers
501 Low Gap Road, Ukiah, CA
Mendocino County

N. ADJOURNMENT

Chair Wagenet adjourned the meeting at 2:42 p.m.