



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, July 11, 2018 - 10:30 a.m.

MINUTES

A. CALL TO ORDER

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

B. ROLL CALL

Directors Present: Hagele, Kelley, Breen, Hart, Marks, Fennell, Peters, Wagenet

Directors Absent: McCowen

Other Present: Exec. Dir. – Mitch Stogner, Legal Counsel – Chris Neary, Guillon Inc. – Steve Honeycutt.

Director McCowen joined the meeting at 10:33 a.m.

C. AGENDA APPROVAL

Upon Motion by Director Kelley, seconded by Director Peters the Agenda was approved with the following Closed Session addition as requested by Legal Counsel: Conference with Legal Counsel – Potential Litigation – Black Point Bridge.

D. PUBLIC COMMENT

No public comment.

E. PRESENTATIONS – Steve Honeycutt, Guillon Inc. – Project Update Ukiah Depot Improvements

F. CONDUCT OF BUSINESS

1. Discussion and Possible Action Regarding Extension of Project Management Agreement with Guillon Inc.

Upon Motion by Director Fennell, seconded by Director Peters the Board unanimously approved Extension of Project Management Agreement with Guillon Inc.

2. Discussion and Possible Action Regarding Agreement between SMART and the City of Novato concerning Quiet Zones

Upon Motion by Director McCowen, seconded by Director Kelley the Board unanimously approved Agreement between SMART and the City of Novato concerning Quiet Zones.

3. Discussion and Possible Action Regarding License Agreement Humboldt Bay Municipal Water District

Upon Motion by Director Kelley, seconded by Director Marks the Board unanimously approved License Agreement with Humboldt Bay Municipal Water District.

4. Discussion and Possible Action Regarding SB1029 (McGuire)

No Action taken. Discussion only.

Public Comment:

Roger Graeber – Mr. Graeber said he has had the opportunity to review some railroad right-of-way leases and each lease had a reversionary clause that if property is not used for railroad purposes then the property goes back to the seller.

G. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting – May 9, 2018
2. Approval of Minutes – Regular Board Meeting – June 13, 2018
3. Approval of Minutes – Property Committee Meeting – June 21, 2018
4. Approval of NCRA Financial Statements – June 2018
5. Approval of Warrants Issued – June 2018
6. Approval of Cal Card Statement – June 2018
7. Approval of Property Management Report – June 2018

Upon Motion by Director McCowen, seconded by Director Peters the Board approved Consent Calendar Items G.2 through G.7 and Item G.1 with the following revision: May 9, 2018 Minutes will be revised to reflect the following: Upon Motion by Director Fennell, seconded by Director Marks the Board Approved a Revised Letter to Sen. McGuire incorporating the concerns as previously stated.

Motion Carried:

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

NOES: 0

ABSTAIN: 2 – Hagele, Hart

ABSENT: 0

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

No report provided. Operator not present.

At the request of Chair Wagenet, an Ad-Hoc Operator Report Committee was appointed. The Committee will be comprised of Director Peters and Director Marks.

I. STAFF REPORT – Mitch Stogner – Executive Director

No information to report.

J. LEGAL COUNSEL REPORT – CJ Neary

Mr. Neary said that in the last 60 days the Black Point Bridge was struck by a barge. He said that this information will be discussed in Closed Session. Mr. Neary also said that information regarding Ghilotti Construction has recently been received and this may result in this item being added to Closed Session. Attorney Neary also advised the Board that he was recording a Memorandum of its 2013 Remediation Agreement with NWP Co, to provide constructive notice of the terms of that agreement.

K. MATTERS FROM THE BOARD

No Matters from the Board.

The Board convened to Closed Session at 12:28 p.m.

L. 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

Marin County Superior Court Case # CIV1103605

b. CATS V. NORTH COAST RAILROAD AUTHORITY

Marin County Superior Court Case # CIV1103591

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.

- 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. CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION
Government Code Section 54956.9(c) two cases

4. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

- a. Black Point Bridge

M. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board reconvened to Open Session at 1:40 p.m.

The Board met in Closed Session on two matters of Real Estate Negotiation, received information and no action was taken.

The Board appointed an Ad-Hoc Committee comprised of Director Hart and Director Hagele for the Cloverdale Property to review any related issues that may arise.

The Board also met on two items of Existing Litigation, received information and no action was taken, and one Item of Potential Litigation was discussed, and no action taken.

N. ANNOUNCEMENT OF NEXT MEETING

Regular Board Meeting
Wednesday, August 8, 2018 - 10:30 a.m.
Novato Sanitary District
500 Davidson Street, Novato, CA
Marin County

O. ADJOURNMENT

Director Wagenet adjourned the meeting at 1:42 p.m.