



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 14, 2018 - 10:30 a.m.

MINUTES

A. CALL TO ORDER

Chair Wagenet called the meeting to order at 10:34 a.m.

B. ROLL CALL

Directors Present: Hart, Peters, McCowen, Marks, Breen, Chair Wagenet

Directors Absent: Fennell, Kelley, Hagele

Others Present: Executive Director – Mitch Stogner, Legal Counsel - Chris Neary and Jennifer O’Brien, American Rail Engineers – Dave Anderson, Guillon Inc. Project Manager – Steve Honeycutt, and Recording Secretary – Hiedy Torres

C. AGENDA APPROVAL

Upon Motion by Director Breen, seconded by Director Peters the Agenda was Approved with one change that Item E.3 will be Discussion Only.

Motion Carried:

AYES:6- Hart, Peters, McCowen, Marks, Breen, Chair Wagenet

NOES: 0

ABSENT: 3- Fennell, Kelley, Hagele

ABSTAIN: 0

D. PUBLIC COMMENT

No Public Comment

Director Hagele arrived at 10:50 a.m.

E. CONDUCT OF BUSINESS

1. Discussion and Possible Action Regarding Letter of Support for City of Willits' Rail with Trail Project Grant Application

Public Comment:

Phil Dow, Director of Mendocino Council of Governments – Mr. Dow said he sees a great benefit from this project for the City of Willits and asks that NCRA approve the Letter of Support.

Upon Motion by Director McCowen, seconded by Director Peters the Board Approved Letter of Support for City of Willits' Rail with Trails Project Grant Application.

Motion Carried:

AYES: 7- Hart, Peters, Hagele, McCowen, Marks, Breen, Chair Wagenet

NOES: 0

ABSENT: 2- Fennell, Kelley

ABSTAIN: 0

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

Chris Neary, Legal Counsel- Mr. Neary said that this item will need to be further reviewed for maximum cost savings efforts and requested that this item be continued at the April 11, 2018 Board of Directors meeting.

Public Comment:

Mike Wilson, Humboldt County Supervisor District 3 – Mr. Wilson said that the NCRA's Rails with Trails policy has some inconsistencies that are not affording the public the same access as the private entities in Humboldt County. He also said that he thinks that any revenues NCRA derives from the sale of excess property should be used in the communities where the excess rail property is located.

Chair Wagenet requested that Supervisor Wilson provide his comments in writing so that the NCRA Board has a better understanding of his specific concerns.

3. Discussion and Possible Action Regarding Letter to Caltrans Affecting Disposition of Excess Property

Public Comment:

Steve Honeycutt, Guillon Inc – Mr. Honeycutt updated the Board on progress on the Ukiah Depot project, the Mason Street property, and excess railroad property in Cloverdale.

Leishara Ward, Caltrans District 1 – Ms. Ward explained the process and requirements for declaring excess property.

She outlined a process that includes the below described elements and said that CTC staff could direct Dist. 1 staff to work with CTC staff to resolve excess property issues at the staff level without the requirement that NCRA address the CTC Commissioners at monthly CTC meetings.

- 1) NCRA submits a letter of intent to Caltrans requesting declaration of excess property;
- 2) Caltrans submits the request to the CTC for its review;
- 3) CTC reviews the request and grants approval in accordance with the Funds Transfer Agreement;
- 4) CTC authorizes Caltrans to handle the transaction;
- 5) Caltrans approves/denies the request

Director McCowen suggested that NCRA staff seek Caltrans' opinion prior to making an excess property determination.

This Item was Discussion Only.

4. Discussion and Possible Action Regarding Sale of Balloon Tract Easements at W. 2nd Street in Eureka

This Item was continued to the April 11, 2018 Board of Directors meeting at the request of the Board.

5. Discussion and Possible Action Regarding Legislation, SB1029 (McGuire) Pertinent to NCRA

Public Comment:

Mike Wilson, Humboldt County Supervisor District 3 – Mr. Wilson would like to see a change in NCRA’s vision and derive the most public benefit from this amazing asset and he said that it is imperative to maintain the corridor for future use and current public benefit.

Upon Motion by Director Hart, seconded by Director Marks the Board Approved Support of SB1029(McGuire) to the extent it is consistent with NCRA’s Strategic Plan presented to the CTC on January 31,2018. The Board also directed staff to continue to work with Senator McGuire’s office on this legislation.

Motion Carried:

AYES: 7- Hart, Peters, Hagele, McCowen, Marks, Breen, Chair Wagenet

NOES: 0

ABSENT: 2- Fennell, Kelley

ABSTAIN: 0

F. CONSENT CALENDAR

1. Approval of Minutes – Regular Board Meeting – February 14, 2018
2. Approval of NCRA Financial Statements – February 2018
3. Approval of Warrants Issued – February 2018
4. Approval of Cal Card Statement – February 2018
5. Approval of Property Management Report FEC Real Estate Services – February 2018

Upon Motion by Director Marks, seconded by Director Peters Agenda Items F.1 through F.5 were Approved as presented.

Motion Carried:

AYES: 7- Hart, Peters, Hagele, McCowen, Marks, Breen, Chair Wagenet

NOES: 0

ABSENT: 2- Fennell, Kelley

ABSTAIN: 0

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

No report provided.

H. STAFF REPORT – Mitch Stogner – Executive Director

No report provided.

I. LEGAL COUNSEL REPORT – CJ Neary

No report provided.

J. MATTERS FROM THE BOARD

Dir. Breen- Dir. Breen said that a committee comprised of North Bay Transit members, Public Works representatives has been meeting to discuss the rising tides that have impacted Hwy. 37. He suggested that NCRA participate in these meetings since it has an exclusive freight easement along highway 37 in the impacted area.

Dir. Peters – Dir. Peters said he has attended some of these committee meetings in the past.

K. CLOSED SESSION

Public Comment:

Mike Wilson, Humboldt County Supervisor District 3 – Mr. Wilson said that Humboldt County does not benefit from the 2006 Lease Agreement with NWP Co. He said this agreement creates another layer of approvals that Humboldt County and the surrounding cities must consider when planning trail projects. He asked that local governments involved in trail planning and implementation be exempted from approval by the rail operator as per the 2006 lease with NWP Co.

Chair Wagenet adjourned the meeting to Closed Session at 12:40 p.m.

1. CONFERENCE WITH LEGAL COUNSEL PUBLIC EMPLOYEE EVALUTAION ANDAPPOINTMENT

- a. Executive Director – Mitch Stogner

2. 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
U.S. Supreme Court Case # 17-915;
Marin County Superior Court Case # CIV1103605

- b. CATS V. NORTH COAST RAILROAD AUTHORITY
U.S. Supreme Court Case #17- 915;
Marin County Superior Court Case # CIV1103591

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.

- 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

Chair Wagenet convened the meeting to Open Session at 1:32 p.m.

L. ANNOUNCEMENT OUT OF CLOSED SESSION

The Board met in Closed Session on two matters of Existing Litigation. Received information. No action taken.

The Board evaluated the Executive Director. Gave direction. Contract will be on the next meeting agenda.

The Board had a brief discussion regarding Real Estate.

M. ANNOUNCEMENT OF NEXT MEETING

Regular Board Meeting
Wednesday, April 11, 2018 - 10:30 a.m.
Novato Sanitary District
500 Davidson Street, Novato, CA
Marin County

N. ADJOURNMENT

Chair Wagenet adjourned the meeting at 1:35 p.m.