



## AGENDA: SMART DISTRICT BOARD MEETING

April 19, 2006

1:30 PM

Sonoma County Board of Supervisors Chambers  
575 Administration Drive, Suite 102-A, Santa Rosa

- I. Call to Order
- II. Minutes of the March 15, 2006 SMART Meeting – **DISCUSSION/ACTION\*\***
- III. Consent Agenda – **DISCUSSION/ACTION\*\***
  - III-1. SMART Financial Update Project Cost Report - **INFORMATION \*\***
  - III-2. Dowling Contract Amendment - **INFORMATION/ACTION \*\***
- IV. Agenda Review
- V. Public Comment on Items Not on the Agenda (Comments Limited to 3 Minutes)
- VI. SMART General Manager Report (Lillian Hames) – **DISCUSSION**
- VII. Real Estate Committee Report (Lucrecia Milla) – **DISCUSSION**
- VIII. Railroad Square Proposals Update (John Nemeth) - **DISCUSSION/ACTION\*\***
- IX. Santa Rosa Cannery LLC Easement (Lucrecia Milla)- **DISCUSSION/ACTION\***  
(Action Item Approval of Easement Agreement)
- X. SMART Ballot Measure (Sally McGough) - **DISCUSSION/ACTION\***
- XI. Gap Closure Pathway Proposal (Mike Strider) - **DISCUSSION/ACTION\***
- XII. **Closed Session**
  - a. Closed Session: Conference with Real Property Negotiator (Govt. Code. Section 54956.8)  
  
Property: Northwestern Pacific Railroad (NWP) Right-of-Way from NWP Milepost 53.8 in Santa Rosa, Sonoma County.  
  
District Negotiator: Lillian Hames, General Manager  
  
Negotiating Parties: Santa Rosa Cannery LLC  
Owner: SMART District

b. Closed Session: Conference with Real Property Negotiator (Govt. Code, Section 54956.8)  
Property: Northwestern Pacific Railroad (NWP) Right-of-Way from NWP Milepost 5H 25.92 in Novato, Marin County.

District Negotiator: Lillian Hames, General Manager  
Negotiating Parties: Novato Sanitary District  
Owner: SMART District

c. Closed Session: Pending Litigation (Govt. Code, section 54956.9, subd. (a))  
Jerico Products, Inc. v. SMART, United States District Court, Case # CV-00210 (JSW).

d. Closed Session: Pending Litigation (Govt. Code, section 54956.9, subd. (a))  
U.S. Coast Guard Activity No. 2026382, regarding Black Point Bridge

e. Closed Session: Pending Litigation (Govt. Code, section 54956.9, subd. (a))  
Frances Wilson v. SMART, et al. Marin County Superior Court, Case # CV-060059.

f. Closed Session: Conference with Legal Counsel-Anticipated Litigation.  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Marin Audubon Society v. SMART, File# 2708-1

g. Closed Session: Conference with Legal Counsel-Anticipated Litigation.  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9  
Anna Carissa Suarez v. SMART, et al.

**XIII.** Report on Closed Session

**XIV.** Next Meeting Date: May 17, 2006, **1:30 pm**, San Rafael City Council Chambers, San Rafael – **DISCUSSION/ACTION**

**XV.** Adjournment - **ACTION**

DISABLED ACCOMMODATION: if you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation.

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\* Information will be provided at the meeting. \*\* Information attached.



**MINUTES OF SMART BOARD MEETING**  
**March 15, 2006**  
**1:30 PM**  
**San Rafael City Council Chambers**  
**City Hall**  
**1400 Fifth Street**  
**San Rafael, CA**

**I Call to Order**

Chairman Boro brought the meeting to order. Chairman Boro introduced Ms. Carole Dillon-Knutson, Mayor of Novato, newly appointed Director for SMART Board replacing Pat Eklund. The following Directors were present:

Hal Brown  
Jim Eddie  
Carole Dillon-Knutson  
Deborah Fudge  
Mike Healy  
Bob Jehn  
Mike Kerns  
Peter Breen  
Charles McGlashan

Absent: Barbara Pahre and Mike Reilly

**II Minutes of the February 15, 2006 SMART Meeting**

Chair Boro asked for approval of the February 15, 2006 SMART Board meeting minutes. Ms. Lillian Hames requested that correction be made on page 5, 5<sup>th</sup> paragraph to change three lanes to two lanes. Co-Chair Kern moved to approve the minutes, Director McGlashan seconded. Director Breen abstained. With this correction the minutes were approved.

**III Consent Agenda**

Chair Boro brought up the Consent Agenda and asked for approval. Co-Chair Kerns moved the item and Director Jehn seconded. With no dissenting votes, the Consent Agenda passed unanimously.

**IV Agenda Review**

Chair Boro asked if there were any other changes to the Agenda from staff or the Board. There were none.

### **V Public Comment on Non-Agenda Items**

Chair Boro asked for public comment on items not appearing on the agenda. David Schonbrunn of TRANSDEF requested that staff address his request to study positive train control signal systems for SMART. Director Jehn noted that the Board had directed staff on a preferred vehicle that did not require a positive train control system and that this direction was reflected in the project description. Chairman Boro asked staff to look into this issue and report back. Mike Arnold asked if transcripts of Board meetings were available. Ms. Hames responded that transcripts were not kept but the public could review tapes of previous meetings. He asked what actions were necessary to place SMART on the ballot. Greg Dion stated he would look into that and report back. Mr. Arnold requested that a review panel also consider ridership forecasts and address a 2002 discrepancy in a previous ridership forecast. Mr. Lionel Gambill noted that the discrepancy on the 2002 ridership projections was the result of an error in the trip tables provided by the Marin Congestion Management Agency and the difference was only a small number of riders.

Dawn Montoya, Executive Director of North Bay Council, stated that the Council had voted to endorse the SMART funding measure. She noted her organization looks forward to working with the SMART Board to provide alternative transportation solutions for North Bay commuters. Dennis Brown asked that response to comments in the EIR address errors in original travel forecasts. Walter Stakosh requested that the EIR include the most recent quiet zone ruling from the FRA. James Kelly stated more alternatives to congestion are required.

### **VI SMART General Manager Report**

Ms. Hames mentioned that Nina West would be out of the office due to a death in the family and that Ms. Linda Bailey would be taking the minutes today. Ms. Hames stated that the Executive Committee gave direction to staff to prepare an application for retirement program for full time employees for SMART and directed staff to proceed with application to CALPERS. Ms. Hames reminded the Board that only two Form 700 had been submitted and asked that these be forwarded to staff. She went on to state the papers transferring title to SMART for the southern portion of the corridor were recently signed and the closing date would be March 22, 2006. Last, Ms. Hames asked Director McGlashan to inform the Board of former Vice Chair Rose's situation. He stated that Annette Rose and her husband suffered a catastrophic fire at their home on Saturday morning and people had inquired as to how they could help. Information can be accessed through Director McGlashan's website for contributions and an upcoming fund raiser to help will be announced.

### **VII Real Estate Committee Report**

Lucrecia Milla gave a brief overview of the March Real Estate Committee meeting.

### **VIII Committee Appointment**

Chair Boro noted the huge outcry of support leading him to appoint Mike Kerns as the new chairman of the Real Estate Committee. Chair Boro's motion was seconded by Director McGlashan and approved by the Board.

### **IX SMART Survey Information**

Ms. Hames stated that results of a recent public survey on SMART were now available. Jim Moore, of Moore Methods, would be presenting via conference call and Rick Brown would present the survey slide show. The survey was conducted from March 1 through March 8<sup>th</sup> with the objective to measure the disposition of likely general election voters towards funding passenger rail through a ¼ cent sales tax measure. There were 800 likely general election voters in Marin and Sonoma Counties that were surveyed (400 in each county). Support for a tax measure was estimated in the 70% range for four different questions. Director Brown asked if the statement that only 191 people would ride the train impacted voters. Jim Moore stated it did not change their responses. Karen Nygren stated she was polled and had a difficult time answering the questions because she could not respond with a “maybe”. Mike Arnold asked if respondents were phoned ahead of time and prompted to respond a certain way. Mr. Moore responded no that’s the not the approach he uses. Ms. Hames asked Mr. Moore to give a brief overview of his client base. Mr. Moore stated his firm has conducted surveys for the majority of transportation sales measures in California including both San Francisco campaigns, both Alameda campaigns, all three Santa Clara campaigns, both Sacramento campaigns, and Southern California, as well. Joy Dalgren asked what percentage declined to be interviewed. Mr. Moore stated about 30%, which is standard for these surveys.

Co-Chair Kerns stated that it is time to move forward with this sales tax measure. He noted that North Bay residents clearly support passenger rail service. He said it was time to stop debating this issue and to now give the public a chance to vote on the measure.

### **X. Blue Ribbon Panel**

Chair Boro stated that at the last meeting, staff was directed to develop criteria and solicit candidates for a Blue Ribbon Panel to review SMART’s cost estimates. He noted that the Executive Committee had met earlier and reviewed 20 candidates for the panel. The Executive Committee recommended five members: Howard Goode, David Kutrosky, Michael McGinley, Joel Walsh and Kam Shadan. Ms. Hames gave a brief overview of the rail project management and implementation experience of the each member.

She noted that each had over 20 years experience with rail project development, with an emphasis on commuter rail. Projects of the panel included Caltrain, Metrolink, Tri-Met, Capital Corridor and Muni.

Director McGlashan asked if Dianne Steinhauer could be added to the panel. Chair Boro stated the Executive Committee wanted to limit the panel to the proposed size with a focus on rail project management experience. Director McGlashan asked if there was a way to include her at the meeting. Director Jehn stated that informing the two executive directors of the county transportation authorities of the panel’s agendas and allowing them to attend the meetings might work. Mike Arnold stated that Working Paper 5 underestimated costs by \$100 million. Ms. Hames noted that the 2004 cost estimate for the rail project was \$340 million.

Chair Boro directed staff to move forward with the panel members recommended by the Executive Committee and to report back to the Board on their conclusions.

### **XI Railroad Square RFP Status Report**

John Nemeth gave an update on the Railroad Square RFP process. The proposals were due on March 24<sup>th</sup>. The next phase of the process is the selection of a developer team to move forward into an exclusive negotiating agreement (ENA) with SMART for the development of the site. Mr. Nemeth outlined the proposed schedule and meetings proposed by the Real Estate Committee. Director Boro asked for and received approval of the proposed schedule from the Board.

### **XII SMART EIR Status Report**

Sally McGough updated the Board on SMART's EIR process. She noted that 132 letters had been received and approximately 1,700 comments were received of which approximately 50% were duplicates. She noted that staff and the consultant team were currently addressing those comments, revising travel forecasts, evaluating alternatives and developing analysis for off-model issues. She noted that staff hopes to have the response to comments completed by mid-summer. Director McGlashan asked if the response to comments would be completed prior to the November ballot measure. Ms McGough stated that was staff's intent. Ms. Hames noted that staff and consultants were working hard to provide responses as soon as possible. Chair Boro asked if there were any public comments.

Don Wilhelm of Novato stated the responses need to include bus system expertise. Willard Richards asked if travel forecasts could be released earlier. David Schonbrunn asked if scoping comments would be addressed. Lewis Lem informed the Board of his review of SMART's cost estimates. Joy Dalgren asked about a Sonoma only alternative. Ann Thomas said the EIR did not adequately cover freight noise and asked about the coordination of ferry and train schedules. Karen Nygren asked if the Board would proceed to the ballot if the EIR was not complete. Mike Arnold said SMART's press release stated that the ballot measure is filed and that policy issues should be discussed by the Board. Chair Boro noted that SMART had voted to place it on the ballot. Baisha Crane asked if it was a law for the EIR to be complete 60 days prior to the election and why DMU vehicles were selected over light rail vehicles.

### **XIII Novato Strategic Plan Presentation**

John Schlag presented information on Novato's Strategic Plan to the Board. He reviewed the seven sections of the plan and explained how it would relate to SMART. Chair Boro thanked Mr. Schlag for his diligence and his attitude in light of the projection problems. He noted that if Mr. Schlag would like to send the slides to Ms. Hames, she could distribute them to the Board.

David Schonbrunn mentioned that the City of Novato was the only City that did not want a station in its downtown and that this should be evaluated.

### **XIV Closed Session**

Chairman Boro asked to clear the room so that the Board could move into the closed session.

**XV Report Out on Closed Session**

Greg Dion reported that the Board had given direction to the staff on each of the Closed Session items.

**XVI Next Meeting Date**

Chairman Boro stated the next Board meeting will be on April 19, 2006, 1:30 p.m. at the Sonoma County Board of Supervisors Chambers, Santa Rosa

**XVII Adjournment**

The meeting was adjourned at 4:05 p.m.

**Sonoma Marin Area Rail Transit  
Project Draw-Downs  
November 1, 2000 through March 31, 2006**

<b>Consultants:</b>	<b>HDR Eng.</b>	<b>HDR Eng.</b>	<b>The Results Group</b>	<b>Parsons Brinkerhoff</b>	<b>CD&amp;A</b>	<b>*</b>	<b>**</b>
<b>TCRP Projects:</b>	<b>Systems Planning</b>	<b>On Call Rail Engineering</b>	<b>Community Outreach</b>	<b>EIR EIS/PE</b>	<b>Station Planning</b>	<b>Management/ Administration</b>	<b>Total TCRP Funds Obligated to Date</b>
Estimated Completion (mo/year)	Jan-07	Jan-07	Jan-07	Jan-07	Jan-07	Jan-07	
Total TCRP Authorization							<b>7,700,000.00</b>
Contract Amount	239,292.00	935,708.00	1,080,040.00	3,396,030.00	531,935.00	1,200,000.00	<b>7,383,005.00</b>
Optional Tasks	0.00	0.00	0.00	511,416.00	50,000.00	0.00	<b>561,416.00</b>
Total Contracts	239,292.00	935,708.00	1,080,040.00	3,907,446.00	581,935.00	1,200,000.00	<b>7,944,421.00</b>
Less: Contracts Paid to Date	(239,280.26)	(808,159.14)	(868,296.64)	(3,470,321.09)	(434,751.00)	0.00	<b>(5,820,808.13)</b>
Remaining Balance Contracts	11.74	127,548.86	211,743.36	437,124.91	147,184.00	1,200,000.00	<b>2,123,612.87</b>
Less: Other Expenses Paid to Date	0.00	0.00	0.00	(158,626.50)	(25,000.00)	(1,333,030.83)	<b>(1,516,657.33)</b>
Less: Right of Way Expenses	0.00	0.00	0.00	0.00	0.00	(78,941.98)	<b>(78,941.98)</b>
Remaining Project Balance	11.74	127,548.86	211,743.36	278,498.41	122,184.00	(211,972.81)	528,013.56

\* Includes project management, SCTA/SMART staff time, legal, printing, accounting and miscellaneous services.

\*\* Measure M revenue to be used once the TCRP Funds have been exhausted and \$150,000 of the \$7,700,000 has been re-allocated for Right of Way Expenses



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**MEMORANDUM**

**DATE:** April 19, 2006  
**TO:** SMART Board of Directors  
**FROM:** Gregory T. Dion, Legal Counsel  
**RE: BOARD AGENDA ITEM: III-2**

**Staff Report: Dowling Contract Correction**

**Issue Summary**

Before the Board is a correction to the Dowling Associates Contract. Dowling Associates has been contracted with to provide responses to transportation and modeling related comments to the DEIR. At its February 15, 2006 regular board meeting, the Board approved a second amendment to the Dowling Associates Contract. The February staff report to the Board indicated that Dowling Associates Contract had been previously set at a not to exceed amount of \$25,000.00 and that the second amendment to the contract was to increase the contract amount by \$96,390.00. Thus, the total contract amount, as requested and recommended by staff, should be a not to exceed amount of \$121,390.00.

The contract amendment presented to the Board in February incorrectly set the not to exceed amount. Rather than indicating that the contract would be increased by \$96,390.00 for a total amount of \$121,390.00, as set forth correctly in the February staff report, the contract amendment indicates that the contract shall be increased to a not to exceed amount of \$96,390.00. Accordingly, the contract needs to be corrected to reflect the correct authorized amount of \$121,390.00.

**Staff Recommendation**

Staff recommends that the Board approve the correction to the Dowling Associates Contract.

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4040 Civic Center Drive, Suite 200  
San Rafael, California 94903  
(415) 492-2859 / (Fax) 492-2854

**SECOND AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN SONOMA-MARIN AREA RAIL TRANSIT DISTRICT AND  
DOWLING ASSOCIATES, INC.**

This Second Amendment is made by and between the Sonoma-Marín Area Rail Transit District (hereinafter referred to as “SMART”) and Dowling Associates, Inc. (hereinafter “CONSULTANT”) for the purpose of having the CONSULTANT provide skilled and knowledgeable professional consulting services in regard to an analysis of individual shuttle routes serving selected rail stations, which analysis shall be made part of the administrative draft of the Environmental Impact Report (“DEIR”) for SMART’s commuter rail project (the “Project”).

WHEREAS, CONSULTANT and SMART entered into an Agreement to employ CONSULTANT to provide consulting services in regard to an analysis of individual shuttle routes serving selected rail stations, which analysis is to be made part of the DEIR;

WHEREAS, said Agreement provided for compensation in an amount not to exceed fifteen thousand dollars (\$15,000.00);

WHEREAS, the parties agreed to increase the compensation to a not to exceed amount of twenty-five thousand dollars (\$25,000.00);

WHEREAS, SMART has held two public hearings to receive comments on its DEIR and has received written comments to the DEIR;

WHEREAS, CONSULTANT and SMART desire to amend the Agreement to allow CONSULTANT to perform additional services including:

- A. Travel Model Review, Checking and Sensitivity Analysis
- B. Traffic Impact Analysis at Station Sites and NWP Crossings
- C. Response to Comments on Transportation Issues and Alternatives
- D. Model Forecasts
- E. Meetings with Local Jurisdictions and SMART staff

NOW, THEREFORE, in consideration of the recitals set forth above, the parties hereto agree to amend the Agreement as follows:

First, the parties agree to amend section 1.1 of the Agreement entitled “SCOPE OF WORK” to provide that CONSULTANT shall perform additional services including

response to transportation related comments received on SMART’s DEIR, as noted above;

Second, the parties agree to amend section 2 of the Agreement entitled “COMPENSATION” as follows:

Delete: “. . . in no event shall the amount paid to CONSULTANT hereunder exceed fifteen thousand dollars (\$15,000.00) . . . .”

Add: “. . . in no event shall the amount paid to CONSUTLANT hereunder exceed ninety-six thousand dollars (\$121,390.00) . . . .”

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as set forth below.

**DOWLING ASSOCIATES, INC.**

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Dowling Associates, Inc.

**SONOMA-MARIN AREA RAIL TRANSIT DISTRICT**

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Lillian Hames, General Manager, SMART

**APPROVED AS TO FORM:**

DATED: \_\_\_\_\_

By \_\_\_\_\_  
Gregory T. Dion  
Deputy County Counsel  
County of Sonoma  
SMART Legal Counsel



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## MEMORANDUM

**DATE:** April 19, 2006  
**TO:** SMART Board of Directors  
**FROM:** John Nemeth, Rail Planning Manager  
**RE:** Santa Rosa Railroad Square Update – MP 53.8

### **Agenda Item VIII**

#### **Issue Summary**

Staff is presenting a general overview of the three recently submitted proposals for development of SMART's Railroad Square property in Santa Rosa. A corresponding summary matrix will be available at the meeting.

#### **Analysis / Background**

The Request for Proposals (RFP) for SMART's Railroad Square property was released in late January with a due date of March 24<sup>th</sup>, 2006. SMART received proposals from each the three short-listed development teams that were invite to participate. They include the Railroad Square Associates LLC, led by the John Stewart Company, the Railroad Square LLC led by Creative Housing Associates, and the Railroad Square Development LLC, led by CIM & Domus Development.

SMART staff will provide a general overview of the proposals at the April 18<sup>th</sup> Santa Rosa City Council Meeting. A hard copy of each proposal is available at the Sonoma County Library - Central Branch for public review. Free CD versions of the proposals are also available upon request. Lastly, SMART is working to make these proposals available on its website.

#### **Next Steps**

In May, the Ad Hoc Selection Committee will meet three times in order to recommend one team for participation in an Exclusive Negotiating Agreement (ENA). That schedule is as follows:

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4040 Civic Center Drive, Suite 200  
San Rafael, California 94903  
(415) 492-2855 / (Fax) 492-2854

Meeting #1: Developer Presentations  
May 1<sup>st</sup>, 6-10pm  
Santa Rosa City Council Chambers  
City Hall, 100 Santa Rosa Ave, Santa Rosa, CA

Meeting #2: Staff / Consultant Technical Analysis  
May 12<sup>th</sup>, 2-4 pm  
Santa Rosa City Council Chambers  
City Hall, 100 Santa Rosa Ave, Santa Rosa, CA

Meeting #3 Deliberation and Recommendation  
May 24<sup>th</sup>, 10am-noon  
Santa Rosa City Council  
City Hall 100 Santa Rosa Ave, Santa Rosa, CA

The Committee consists of SMART Board Members McGlashan, Jehn and Eddie and Santa Rosa City Council members Mike Martini and John Sawyer.

**Staff Recommendation**

This item is for information only.