

Board of Directors Meeting: October 18, 2023 – Public Comments

Date	Name	2. Approval of September 20, 2023 Board Meeting Minutes
		None
Date	Name	5. Public Comment on Non-Agenda Items
		None
Date	Name	6. Consent a. Accept Monthly Ridership Report – September 2023 b. Approval of Monthly Financial Reports – July/August 2023 c. Approve Resolutions authorizing the General Manager to submit any required documents for two Affordable Housing Sustainable Communities (AHSC) grants from the State of California Strategic Growth Council and Department of Housing and Community Development and authorizing entering into Agreements with project parties d. Approve a Resolution Authorizing the Board Chair to Execute First Amendment to Grant of Easement with Syufy Enterprises to clarify rights and duties including providing pedestrian and bicycle access for multi-use pathway users and providing access for SMART’s rail passengers to and from the Larkspur Station e. Approve a Resolution No Authorizing the General Manager to execute all Restricted Grant Agreements, and any amendments thereto, with the California Department of Transportation (Caltrans) for the Clean California Transit Grant Program Funds
		None
Date	Name	7. Strategic Marketing Communications and Public Outreach Plan – Presented by Communications and Marketing Manager, Julia Gonzalez
10/17/2023	Mike Arnold James Schmidt	Attached
Date	Name	8. Pathway Wayfinding Update (Information) – Presented by Senior Planner, Zoe Unruh
		None
Date	Name	9. SMART’s Disadvantaged Business Enterprise (DBE) Plan and Goals for Federal Fiscal Years 2024-2026 (Information) – Presented by Chief Financial Officer McKillop
		None

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Date	Name	10. Approve a Resolution to Amend SMART’s Schedule of Fees – Presented by Chief Financial Officer McKillop
10/17/2023	Carolyn L. Wasem	Attached
Date	Name	11. Approve a Resolution Authorizing the General Manager to Execute a Funding Agreement with the City of Petaluma to include paving work in the Petaluma North Station Platform, Grade Crossing Reconstruction and Pathway Contract – Presented by Chief Engineer, Bill Gamlen
		None
Date	Name	12. Approve a Resolution to Amend the Fiscal Year 2024 Adopted Budget to budget additional funds for the Petaluma North Station, the McDowell Crossing, and two Sonoma County Pathway segments project - Presented by Chief Financial Officer McKillop
		None
Date	Name	13. Approve a Resolution Authorizing the General Manager to Execute Construction Contract No. CV-BB-23-004 with Stacy and Witbeck/Ghilotti Bros, A Joint Venture in the amount of \$32,569,404 for the construction of a new SMART passenger rail station in Petaluma and two segments of pathway and the reconstruction of McDowell Boulevard at-grade crossing – Presented by Chief Engineer, Bill Gamlen
		14. Conference with Legal Counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a): Number of Cases (3) 1) James Duncan v. Sonoma-Marin Area Rail Transit; City of Santa Rosa, Real Party in Interest; County of Sonom, Real Party in Interest; Sonoma County Superior Court Case No. SCV-266092 2) James Duncan v. SMART; CPUC No. C.21-06-011 3) Application of City of Santa Rosa for a Crossing at Jennings Avenue; CPUC No. A.15-05-014
		None

From: [Michael Arnold](#)
To: [Leticia Rosas](#); [Eddy Cumins](#); [Lucan, Eric](#)
Subject: Comment on Agenda Item
Date: Tuesday, October 17, 2023 4:54:20 PM

Chair of SMART Board of Directors and Directors

The agenda item regarding the Districts planned or potential marketing and public outreach to “inform taxpayers about the benefits of SMART” deserves your very careful attention

1. The appropriateness of expending taxpayer taxed funded for SMART education of rail merits is questionable
2. The statements that SMART may make in pursuit of their “education” mission deserve particular attention to truth and validity
SMART’s claims will undoubtedly be reviewed and examined in considerable detail. Those that have questionable validity or may be largely
Indefensible by observed experience and factual evidence may very well rebound to adversely impact the SMART’s objective.

Regards,

Micheal Arnold
James Schmidt
SMART Taxpayers

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From: [Carolyn Wasem](#)
To: [Board Questions](#); "David.Rabbitt@sonoma-county.org"; "Andrea.Krout@sonoma-county.org"
Cc: "David.Rabbitt@sonoma-county.org"; "Andrea.Krout@sonoma-county.org"; [Debora Fudge](#)
Subject: Comments to be distributed to the Board prior to 10.18.23 meeting
Date: Tuesday, October 17, 2023 4:54:30 PM
Attachments: [image001.png](#)

Please provide the comments to the Board of Directors, prior to the meeting. These comments are specific to Item 10 on the agenda.

Board of Directors
Sonoma Marin Area Rail Transit
5402 Old Redwood Hwy., Ste. 200
Petaluma, CA 94954

Re: Comments on the October 18, 2023, Agenda - Item 10: Resolution to Amend SMART's Schedule of Fees

Dear Board Members,

Jackson Family Wines (JFW) prides itself on its leadership in addressing many issues around climate change and water conservation/resiliency. Indeed, many of our efforts were inspired by some of SMART's current Board members. Over the last 15 years, we have made great strides in reducing our ghg footprint – and today our on-site solar energy portfolio makes JFW the leader in the US wine industry. On the water front, we have cut our water use intensity in half since 2008. These successes would not be possible without collaboration with many individuals, including agencies, such as yourself.

I am writing this letter today address concerns associated with Item #10 on the Board Agenda for October 18, 2023 meeting. This item directly impacts JFW's water conservation and resiliency efforts.

For the last 23 years, under a license agreement with Northwestern Pacific Railroad Authority, JFW has used a pipeline (in the right of way for the Smart Train between Shiloh and River Roads) to deliver treated production water from our wine-making facility on Kittyhawk Boulevard (at the Airport Business Center) for irrigation at the Kendall Jackson Wine Estates and Garden Center on Fulton Road. The terms of the 2000 license agreement are as the follows:

- A one-time \$114,000 service fee for ongoing use of pipeline for 25 years, equating to approximately \$4,500 (\$80 per 100 linear feet) per year.

Item #10 in the Board packet recommends:

- Increasing the licensing rate almost 10 times compared to the 2000 license agreement, costing JFW approximately \$42,000 a year (\$1.5 million over 25 years).
- The proposed escalator of 3% annually will quickly disincentivizes JFW from continuing the pipeline use.

Additionally, an extended period for vacating the license should be considered. It would be very difficult for JFW, or any other licensee to find alternatives to wastewater use and implement/permit those new uses within a two-year time frame, or most certainly within a 30 day timeline referenced in the Schedule of Fees.

I would suggest that working with landowners, who are undertaking efforts to achieve sustainability goals such as water conservation/ resiliency, is critical to our climate successes as a community. It might be worth considering an alternate fee schedule for landowner partners currently implementing, or preparing to implement, water systems that address climate variability and over-dependence on ground water.

The proposed fees before you today will disincentivize landowners from participating in such valuable programs, such as the one that JFW spearheaded nearly 25 years ago.

JFW stands ready to work with you to develop an alternate program for partners who want to collaborate with SMART on water resilience so that our local communities can better address the challenges of climate change.

Thank you.

Carolyn Wasem
Sr. VP, External Affairs
Jackson Family Wines

C: 707-326-0876

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