



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

## **NORTH COAST RAILROAD AUTHORITY (NCRA)**

### **Board of Directors Meeting**

Healdsburg City Council Chambers  
401 Grove Street, Healdsburg, Ca.  
Sonoma County  
Wednesday, June 12, 2019 - 10:30 a.m.

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#### **FINAL MINUTES**

#### **A. CALL TO ORDER**

Chair Marks called the meeting to order at 10:30 a.m.

#### **B. ROLL CALL**

**Directors Present:** Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**Directors Absent:** Kelley

**Others Present:** Executive Director – Mitch Stogner, Legal Counsel – Elizabeth Coleman, Recording Secretary – Hiedy Torres

#### **C. AGENDA APPROVAL**

Upon motion by Director McCowen, seconded by Director Peters the Agenda was Unanimously Approved as presented.

#### **D. PUBLIC COMMENT**

Allan Hemphill – Mr. Hemphill said that he does not agree with what Senator McGuire has said about the NCRA in recent press statements. He said that it is okay to advocate a good idea, but you don't have to do it at the expense or reputation of those who have worked long and hard for this agency to preserve the right-of-way.

Uri Driscoll – Mr. Driscoll said that he brought a proposal to the Board in January regarding rail cycles. He said he needs clarification on creating a draft contract to present to NCRA and advice regarding how to move forward with this proposal. He also said that rail cycles have been ordered and he has received major community support for this project.

Director Hart asked Legal Counsel to respond.

Elizabeth Coleman, Legal Counsel – Ms. Coleman said that she has received Mr. Driscoll’s proposal and is currently reviewing the draft.

Director Heart – Dir. Hart asked if this proposal will need to go before the CTC?

Elizabeth Coleman – Ms. Coleman said she believes that this proposal will need CTC approval.

**At the request of the Executive Director, Item G.2 was discussed prior to its listing on the Agenda.**

Upon motion by Director Breen, seconded by Director Fennell the Agenda modification was unanimously approved to reflect that Item G.2 will be discussed during Public Comment and not during Staff Report.

Dave Anderson, American Rail Engineers – Mr. Anderson presented several photos depicting a trestle in need of repairs along the Annie & Mary line and gave a detailed description of the status of the trestle. He said that 4 spans need to be removed and replaced, and that the entire bracing is in disrepair.

Director Hart – Director Hart asked where the Annie and Mary trail is located in relation to the damaged trestle ?She asked whether the trestle impacted trail development plans.

Dave Anderson – Mr. Anderson said he does not have the trail plans but if the trail will go over the trestle, then the entire trestle will need extensive repairs.

Director Hart- Dir. Hart asked what is the current use of this trestle?

Director Fennell – Dir. Fennell said that the trestle is driven under for a driveway for residents and that extensive repair are needed.

Director Hart – Dir. Hart said that she is concerned about the liability.

Elizabeth Coleman – Ms. Coleman said that a known hazard that was not repaired would most likely lead NCRA to court.

Director Hart – Dir. Hart requested that a list of repair costs be added as an Agenda item and presented at the next Board meeting.

Mike Pechner – Mr. Pechner said that creating a trail is a disservice to our community and said he cannot believe how the NCRA has been treated by the legislature and Senator McGuire. He also said that passenger and freight rail need to work together to resolve rail line issues, and he said that spurs have been removed along the line.

Paul Downing – Mr. Downing said he hopes the rail can be railbanked to save parts of the line.

Richard Brand – Mr. Brand said that SMART is not capable of managing freight and that they should not be the entity responsible for freight service

## **E. CONDUCT OF BUSINESS**

- 1.** Discussion and Possible Action Regarding Resolution No. 2019-03 Approving 2019-2020 Draft Agency Budget; Discussion and Possible Action Regarding Resolution No. 2019-04 Approving 2019-2020 Draft Property Budget; Discussion and Possible Action Regarding Resolution No. 2019-05 Approving 2019-2020 Draft RRIF Budget; Discussion and Possible Action Regarding Resolution No. 2019-06 Approving 2019-2020 Draft TCRP Budget

Upon motion by Director McCowen, seconded by Director Peters, the Board Unanimously Approved Resolution No. 2019-03 Approving 2019-2020 Draft Agency Budget.

**Motion Carried:**

**AYES:** 8 - Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**NOES:** 0

**ABSENT:** 1- Kelley

**ABSTAIN:** 0

Upon motion by Director McCowen, seconded by Director Peters the Board Unanimously Approved Resolution No. 2019-04 Approving 2019-2020 Draft Property Budget.

**Motion Carried:**

**AYES:** 8 - Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**NOES:** 0

**ABSENT:** 1- Kelley

**ABSTAIN:** 0

Upon motion by Director McCowen, seconded by Director Peters the Board Unanimously Approved Resolution 2019-05 Approving 2019-2020 Draft RRIF Budget.

**Motion Carried:**

**AYES:** 8 - Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**NOES:** 0

**ABSENT:** 1- Kelley

**ABSTAIN:** 0

Upon motion by Director McCowen, seconded by Director Hagele the Board Unanimously Approved Resolution 2019-06 Approving 2019-2020 Draft TCRP Budget.

**Motion Carried:**

**AYES:** 8 - Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**NOES:** 0

**ABSENT:** 1- Kelley

**ABSTAIN:** 0

2. Discussion and Possible Action Regarding Approval of 2017-18 Single Year Audit by Pisenti and Brinker

Upon motion by Hart, seconded by Director McCowen the Board Unanimously Approved 2017-18 Single Year Audit by Pisenti & Brinker.

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

Upon motion by Director McCowen, seconded by Director Breen the Board Unanimously Approved a 90-day Extension of Project Management Agreement with Guillon Inc. and Authorized the Executive Director to make minor edits in consultation with Legal Counsel.

4. Discussion and Possible Action Regarding Approval of Designation of Applicants Agent Resolution for Non-State Agencies Federal Disaster Assistance related to Flood damage that occurred in February 2019

Upon motion by McCowen, seconded by Director Peters the Board Unanimously Approved Designation of Applicants Agent Resolution for Non-State Agencies Federal Disaster Assistance related to Flood damage that occurred in February 2019.

**Motion Carried:**

**AYES:** 8 - Hagele, Peters, McCowen, Hart, Haschak, Breen, Fennell, Chair Marks

**NOES:** 0

**ABSENT:** 1- Kelley

**ABSTAIN:** 0

**5. Discussion Regarding Railbanking Process under Federal Law**

Discussion only.

**Public Comment:**

Mike Pechner – Mr. Pechner said that Senator McGuire’s bill says that rail will be open from Willits to Southfork and around the Humboldt Bay. He also said that historical depot sites need to be preserved and all bridges need to be included in railbanking.

Paul Downing – Mr. Downing said that all spurs need to be maintained and remain in place.

Uri Driscoll – Mr. Driscoll said that sections of the rail are extremely valuable and need to be maintained. He said that rails with trails is possible and he would like to see that happen.

**F. CONSENT CALENDAR**

1. Approval of Minutes – Regular Board Meeting – April 10, 2019
2. Approval of NCRA Financial Statements – April and May 2019
3. Approval of Warrants Issued – April and May 2019
4. Approval of Cal Card Statement – April and May 2019
5. Approval of Property Management Report - November 2018 through March 2019

Upon motion by Director Peters, seconded by Director Breen the Board Unanimously Approved Agenda Items F.1 through F.5 as presented.

**G. STAFF REPORT – Mitch Stogner – Executive Director**

1. Amendment to 2011 Coordination Agreement with SMART
2. Update regarding Annie & Mary Trail Phase 1

This item is on calendar and will be going before the CTC in July for review.

3. Amendment to Agreement with JCC regarding Ukiah Depot
4. SB 1029, SB 356, McGuire Amendment to 2019-20 State Budget

**H. MATTERS FROM THE BOARD**

Director Fennell – Dir. Fennell said that a railroad zone was created in Humboldt County. She also thanked Caltrans for working with the county on various projects. She also said that the new trail is very popular.

Chair Marks convened the meeting to Closed Session at 12:43 pm.

**I. CLOSED SESSION**

**1. CONFERENCE WITH LEGAL COUNSEL**

- a.** KOSEWIC v. NORTH COAST RAILROAD AUTHORITY  
Sonoma County Superior Court Case No. SCV - 263454

Chair Marks reconvened the meeting to Open Session at 12:53 p.m.

**J. ANNOUNCEMENT OUT OF CLOSED SESSION**

The Board gave direction to Legal Counsel on the matter KOSEWIC v. NORTH COAST RAILROAD AUTHORITY.

**K. ANNOUNCEMENT OF NEXT MEETING**

Regular Board of Director Meeting  
Wednesday, July 10, 2019 - 10:30 a.m.  
501 Low Gap Road, Ukiah, CA  
Mendocino County

**L. ADJOURNMENT**

Chair Marks adjourned the meeting at 12:54 p.m.