

**SACRAMENTO-PLACERVILLE TRANSPORTATION CORRIDOR
JOINT POWERS AUTHORITY**

A G E N D A

**BOARD MEETING
9:00 A.M., MONDAY, August 10, 2009
FOLSOM CITY HALL, COUNCIL CHAMBERS
50 NATOMA STREET, FOLSOM, CALIFORNIA**

ROLL CALL Chair Jack Sweeney and Directors Don Nottoli (Alternate: Roberta Mac Glashan), David Sander (Alternate: Don Nottoli), Linda Budge, and Kerri Howell

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Motion: Regular Board Meeting of May 11, 2009

CONSENT

None

NEW BUSINESS

2. Information: CEO/Member Agency Staff Reports
 - CEO – Introduction of new JPA staff representatives
 - El Dorado County – Bike Trail Project
 - City of Folsom – July 14, 2009 Excursion Rail update to City Council
3. Information: Presentation of Excursion Rail Operating Plan (progress report by FEDS)
4. Motion: Extend Termination Date of Article 16 of the Letter of Intent between the JPA and FEDS, dated October 6, 2008, one year (i.e., to September 1, 2010)
5. Motion: Authorize Staff to negotiate early rights of entry with FEDS for certain excursion rail projects, subject to approval by affected JPA member agencies

CITIZENS ADDRESS BOARD ON MATTERS NOT ON THE AGENDA*

NEXT MEETING

Regular Board Meeting – November 2, 2009

*** NOTE TO CITIZEN PARTICIPANTS**

It is the policy of the Board of Directors of the Sacramento-Placerville Transportation Corridor Joint Power Authority to encourage citizen participation in the meetings of the Board of Directors. At each open meeting members of the public shall be provided with an opportunity to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board of Directors. However, in order that the business scheduled for consideration at such meetings may be disposed of in an orderly matter, citizens wishing to address the Board on matters not on the agenda, whose presentations may be lengthy or in the nature of request for action of some kind on the part of the Board, are requested to first discuss such matters with the Chair or his/her designee. If after such consultation an appearance before the Board is desired, the subject matter may be calendared as an agenda item for a date and time convenient to the parties concerned.

Sacramento-Placerville Transportation Corridor Joint Powers Authority

Minutes of the Regular Meeting of the Board of Directors on

May 11, 2009

9:30 a.m.

City of Folsom

**Folsom Public Library, Conference Room
411 Stafford St., Folsom, California**

The meeting was called to order at approximately 9:07 a.m. CEO John Segerdell called the roll. The following Board Members were present: Chair Jack Sweeney, Kerri Howell and David Sander.

APPROVAL OF MINUTES

1. Motion: Approval of the Special Board Meeting Minutes of October 6, 2008:

Upon motion and second, the Board voted unanimously to approve the special Board meeting minutes of October 6, 2008.

CONSENT

2. Motion: Adoption of FY 2009-2010 Board Meeting Calendar:

Upon motion and second, the Board voted unanimously to approve the FY 2009-2010 Board Meeting Calendar.

NEW BUSINESS

Due to technical difficulties setting up the computer, Chair Jack Sweeney requested that Item 3 (PowerPoint Presentation of Excursion Rail Operating Plan) be postponed temporarily, and that Staff first present Items 4 and 5.

4. Resolution: Approving the FY 2009-2010 Operating Budget:

CEO John Segerdell presented the proposed FY 2009-2010 Operating Budget. Upon motion and second, the Board voted unanimously to adopt a Resolution approving the FY 2009-2010 Operating Budget as presented at the meeting.

5. Resolution: Authorizing Execution of Amendments to Contracts for Professional Services:

Upon motion and second, the Board voted unanimously to adopt a Resolution authorizing execution of amendments to contracts with PGH Wong Engineering, Inc., and Miller Owen & Trost, substantially in the form presented at the meeting.

3. Information: Presentation of Excursion Rail Operating Plan (progress report by FEDS):

Larry Daniels presented a PowerPoint presentation of the current excursion rail operating plan on behalf of the Folsom, El Dorado & Sacramento Historical Railroad Association (FEDS). Mr. Daniels requested that the JPA consider granting the FEDS early rights of entry to commence construction of certain portions of the excursion rail project. Chair Jack Sweeney stated that the FEDS should bring their request for approval of early rights of entry to the Board at the August meeting. Director Kerri Howell further requested that the FEDS meet with the Folsom City Council as soon as possible to discuss the proposed Iron Point station conceptually.

6. Information: CEO/Member Agency Staff Reports:

CEO John Segerdell reported to the Board that the Folsom representative to the JPA Staff, Tom Garcia, would be leaving his employment with the City of Folsom to become the Public Works Director for Calaveras County. Mr. Segerdell and the Board thanked Mr. Garcia for his many years of service to the JPA. There were no reports by member agency staff.

PUBLIC COMMENT

Members of trail advocacy organizations expressed concern that there seems to be no provision for a trail through the Latrobe yard and asked that such provision be made. In addition, Mr. Bob Smart noted the difficulty of accommodating both rail operations and trails east of Latrobe, due to the cuts and fills in that area. He requested that the JPA not permit rail operations east of Latrobe.

NEXT MEETING

The next meeting will be the Regular Board Meeting of August 10, 2009.

The meeting adjourned at 11:03 a.m.

STAFF REPORT

Board Meeting Date: August 10, 2009

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**INFORMATION: CEO/Member Agency
Staff Reports**

**AGENDA ITEM
NO. 2**

DISCUSSION:

The CEO and JPA Staff members will report to the Board on recent activities, including the following:

- 1) CEO – Introduction of new JPA Staff representatives
- 2) El Dorado County – Bike Trail Project
- 3) City of Folsom – July 14, 2009 Excursion Rail update to City Council

BOARD ACTION:

None – this item is information only.

STAFF REPORT

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**INFORMATION: Presentation of
Excursion Rail Operating Plan
(progress report by FEDS)**

**AGENDA ITEM
NO. 3**

DISCUSSION:

At the January 7, 2008, JPA Board Meeting, the Board authorized JPA Staff to issue a Request for Proposal (RFP) for excursion rail operations (ERS). The RFP was issued on January 28, 2008, and JPA Staff received two proposals on March 26, 2008. One proposal was submitted by the Folsom, El Dorado & Sacramento Historical Railroad Association (FEDS) and one by the Pan-American Railway (Pan-Am) from Hayden, Idaho.

On May 12, 2008, the JPA Board approved a motion to authorize JPA Staff to commence discussions with the FEDS, the City of Folsom and the Counties of Sacramento and El Dorado to determine the feasibility of one or both of the operations proposed under the FEDS' Basic Plan, and to ultimately negotiate a lease with the FEDS for a portion of the rail line, subject to approval by the affected member agencies and the JPA Board of Directors.

JPA Staff held several meetings with the FEDS to initiate the planning and lease negotiations for the aforementioned operations. It was subsequently determined that in order for the FEDS to commence negotiations with potential lenders and further refine their operating plans, the parties needed to outline the basic parameters of the proposed lease in a nonbinding Letter of Intent (LOI). Such a document would give credibility to the FEDS' excursion rail proposal for their talks with various institutions, including financial, governmental and regulatory agencies. On October 6, 2008, the JPA Board authorized the CEO to execute a nonbinding LOI with the FEDS.

JPA Staff has continued to meet with the FEDS to review their draft Operating Plan. At the May 11, 2009 Board Meeting, Bill Anderson and Larry Daniels of the FEDS made a progress report to the Board regarding their accomplishments and the proposed ERS Operating Plan, and will make a follow-up progress report to the JPA Board at this meeting.

BOARD ACTION:

None – this item is information only.

STAFF REPORT

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MOTION: Extend Termination Date of Letter of Intent between the JPA and the FEDS

**AGENDA ITEM
NO. 4**

DISCUSSION:

As was noted by the CEO at the May 11, 2009 JPA Board Meeting, the Letter of Intent (LOI) between the JPA and the Folsom, El Dorado & Sacramento Historical Railroad Association (FEDS) includes a provision that the JPA may terminate the LOI on September 1, 2009, if the JPA determines that sufficient progress has not been made in negotiating the lease for excursion rail services.

At the JPA Board meeting on May 11, 2009, the FEDS made a PowerPoint presentation to the JPA Board and Staff that described their accomplishments and the proposed Operating Plan. Following the May 11th Board meeting, JPA Staff met with representatives of the FEDS on May 19th and July 6th to answer questions and to obtain further updates on the FEDS' progress in moving forward with the proposed excursion rail service. While progress has been slower than anticipated, JPA Staff believes that sufficient progress has been made to warrant a one-year extension of the Letter of Intent between the parties.

BOARD ACTION:

JPA Staff recommends that the Board of Directors approve a motion to extend the termination date of the Letter of Intent, dated October 6, 2008, between the JPA and the FEDS from September 1, 2009, to September 1, 2010.

STAFF REPORT

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MOTION: Authorize Staff to negotiate early rights of entry with FEDS for certain excursion rail projects

**AGENDA ITEM
NO. 5**

DISCUSSION:

The Folsom, El Dorado & Sacramento Historical Railroad Association (FEDS) have requested early rights of entry at the following locations in order to commence certain projects related to the proposed excursion rail operation:

1. Latrobe Yard & Shop: The FEDS desire to construct two new tracks, a shop building, and a connected building for a machine shop, administration and future dispatching. The most immediate concern is a facility to store purchased equipment and vehicles. (Affected Member Agency: County of El Dorado)
2. Washout at Milepost 123.6: The FEDS desire to repair the washout area. (Affected Member Agency: County of El Dorado)
3. White Rock Road Crossing: The FEDS desire to commence the process for approval and construction of grade crossing protection at White Rock Road. (Affected Member Agency: County of Sacramento)
4. Iron Point Station and Parking Facilities: While this project is not an immediate concern for the FEDS, they may at some point request an early right of entry to commence construction of some or all of these facilities. (Affected Member Agency: City of Folsom)

All of the foregoing early rights of entry would be subject to the prior review and discretionary approval of the noted affected member agencies, and the JPA cannot grant them without such approvals. At a minimum, JPA Staff anticipates the affected member agencies will require (i) that the rights of entry should terminate if the Letter of Intent expires or is terminated and the parties have not approved a lease for excursion rail operations, and (ii) in the event of such termination, all improvements affixed to the real property would belong to the JPA for the benefit of the affected member agencies.

BOARD ACTION:

JPA Staff recommends that the Board of Directors approve a motion to (i) authorize Staff to coordinate with the staff and attorneys of the affected member agencies to negotiate the foregoing early rights of entry and, (ii) following approval by each affected

member agency, to authorize the CEO to execute and deliver the approved early rights of entry on behalf of the JPA.