

**Sound Transit
Executive Committee Minutes**

September 5, 2002

Call to Order

Executive Committee Vice Chair Dave Earling called the meeting to order at 10:12 a.m.

Attendance

(P) Ron Sims, Chair	(P) Chuck Mosher
(P) Dave Earling, Vice Chair	(P) Greg Nickels
(P) John Ladenburg, Vice Chair	(P) Julia Patterson
(A) Bob Drewel	(A) Kevin Phelps
(P) Dave Enslow	(A) Cynthia Sullivan
(P) Doug MacDonald	

Also attending: Board members Jack Crawford and Mary Gates

Roll Call

Ms. Jane Emerson, Board Coordinator, indicated a quorum of the Executive Committee was not present at roll call.

The following Board members arrived after roll call.

Ron Sims
John Ladenburg
Dave Enslow
Greg Nickels

Public Comment

None.

Report of the Chair

Mr. Earling stated that the Executive Committee was working from a revised agenda deleting the Smart Card discussion under Item 7. He advised that the discussion would take place at the September 12, 2002, Board meeting.

Executive Director Report

Ms. Earl introduced the Associated General Contractors (AGC) Chief Executive Officer Roland Dewhirst, President Bob Adams, and Seattle District Manager Jerry Dindorf. Ms. Earl stated that the two agencies had worked together to form a partnering agreement, similar to an agreement the AGC has with WSDOT. Ms. Earl and Mr. Dewhirst signed the partnering agreement at the Executive Committee meeting.

(Mr. Ladenburg, Mr. Enslow, and Ms. Gates arrived at this time.)

Mr. Marty Minkoff, Sounder Director, and Mr. Martin Young, Sounder Operations Manager, briefed the Executive Committee on beginning third roundtrip Sounder service between Tacoma and Seattle.

Ms. Agnes Govern, Regional Express Director, and Ms. Andrea Tull, Project Manager, presented an update on the Mercer Island Park-and-Ride lot.

(Mr. Nickels arrived at this time.)

Burlington Northern Santa Fe Meeting

Mr. Ladenburg reported that he, Mr. Sims, Mr. Drewel, and Ms. Earl had traveled to Texas and met with executives at Burlington Northern Santa Fe (BNSF) on Tuesday. He said the meeting went well. The executives at BNSF continue to have concerns about capacity in going north.

Action Items

Items within the Executive Committee's Authority

Minutes of the August 1, 2002, Executive Committee meeting

It was moved by Mr. Mosher, seconded by Mr. Earling, and carried by the unanimous vote of all members present that the minutes of the August 1, 2002, Executive Committee meeting be approved as presented.

Items for Recommendation to the Board

Motion No. M2002-101 – A motion of the Board of the Central Puget Sound Regional Transit Authority adopting the Sound Transit Technology Plan for funding the development and implementation of advanced transit technologies and authorizing the Executive Director to take necessary steps to implement the Plan.

Ms. Barbara Gilliland, Planning and Development Program Manager, and Mr. Nick Marquardt, Project Manager, presented Motion No. M2002-101.

It was moved by Mr. Earling, seconded by Mr. Mosher, and carried by the unanimous vote of all members present that Motion No. M2002-101 be forwarded to the Board with a do-pass recommendation.

Items for Executive Committee Action – Subject to Ratification by the Board

Mr. Sims explained that the next four action items were before the Executive Committee because of the need to act on them in advance of the September 12, 2002, Board meeting. He further stated that the Board would have acted on them at the August 22, 2002, meeting, had the meeting not been cancelled.

He advised that on September 13, 2001, the Board adopted Motion No. M2001-74 revising the responsibilities for the Board's permanent committees. Under the Executive Committee responsibilities, #10 states: '(The Executive Committee may) act in lieu of the Sound Transit Board in an emergency or special circumstance, subject to ratification by the Board.' Mr. Sims stated that by the Executive Committee taking action, the Executive Director would be

authorized to execute the contracts prior to the September 12, 2002, Board meeting. The action items will come before the Board at the next meeting for ratification.

Motion No. M2002-91 – A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the executive director to execute a contract with Bayley Construction in the amount of \$9,135,679 with a Sound Transit controlled 10% contingency of \$913,568 for a total authorized amount not to exceed \$10,049,247 for construction of the Lynnwood Transit Center/Park-and-Ride Lot

Mr. Crawford stated that at the August 1, 2002, Finance Committee, the committee unanimously voted to move Motion No. M2002-91 forward to the Board with a do-pass recommendation.

It was moved by Mr. Earling, seconded by Mr. Mosher, and carried by the unanimous vote of all members present that Motion No. M2002-91 be approved subject to ratification by the Board.

Motion No. M2002-93 – A motion of the Board of the Central Puget Sound Regional Transit Authority to authorize the Executive Director to execute a Memorandum of Agreement with Amtrak for cost reimbursement for the construction of Sounder Commuter Rail elements at the Everett Station (commuter rail platform and station track) within the Burlington Northern Santa Fe right-of-way in the amount of \$660,000 and a 10% contingency of \$66,000 for a total authorized amount not to exceed \$726,000

Mr. Crawford stated that at the August 1, 2002, Finance Committee, the committee unanimously voted to move Motion No. M2002-93 forward to the Board with a do-pass recommendation.

It was moved by Mr. Earling, seconded by Mr. Nickels, and carried by the unanimous vote of all members present that Motion No. M2002-93 be approved subject to ratification by the Board.

Mr. Sims stated that the Finance Committee did not have a quorum at the August 15, 2002, meeting. It was the agreement of the members present to forward the following two motions directly to the Board for action. Because the August 22, 2002, Board meeting was cancelled, the items are before the Executive Committee for action and will go the next Board meeting for ratification.

Motion No. M2002-97 – A motion of the Board of the Central Puget Sound Regional Transit Authority to execute a contract amendment with CH2M Hill to incorporate underground utilities into the final design of Martin Luther King Jr. Way South in the amount of \$1,220,000 plus a 3.3% contingency of \$40,000 totaling \$1,260,000 and for a new total authorized contract amount not to exceed \$9,457,572

It was moved by Mr. Earling, seconded by Mr. Mosher, and carried by the unanimous vote of all members present that Motion No. M2002-97 be approved subject to ratification by the Board.

Motion No. M2002-98 – A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a contract amendment with Hatch Mott MacDonald/Sverdrup Joint Venture to provide additional civil engineering final design services for the Beacon Hill Station in the amount of \$2,571,701 for a new total authorized contract amount not to exceed \$12,016,263

It was moved by Mr. Earling, seconded by Mr. Nickels, and carried by the unanimous vote of all members present that Motion No. M2002-98 be approved subject to ratification by the Board.

Discussion Item

Mr. Sims advised that the discussion on the Eastgate HOV Direct Access Project would be held over to the September 12, 2002, Board meeting.

Sound Transit's 2001 Agency Performance Evaluation

Mr. Sims addressed the 2001 Agency Performance Evaluation. He explained that he discussed this in length with Ms. Earl and asked her to write a memo concerning the lump sum award (copy on file). Following their discussion, he was asking the committee for concurrence to Ms. Earl's recommendation for a 2% agency lump sum award for the year 2001 and to abolish the program in its current form.

It was moved by Mr. Mosher, seconded by Mr. Ladenburg, and carried by the unanimous vote of all members present that staff prepare a motion for the Board recommending the agency's performance for 2001 shall be awarded at 2%, and a recommendation to abolish the Agency Performance Evaluation in its current form from 2002 forward.

Executive Session

Mr. Desmond Brown, Legal Counsel, advised that the Executive Committee would convene an executive session in accordance with RCW 42.30.220, to discuss with legal counsel potential litigation. He said the executive session was expected to last for 5 to 10 minutes, at which time the Executive Committee would reconvene the meeting.

Mr. Sims stated that following the executive session, there would be potential action.

The Executive Committee was recessed into executive session at 11:30 a.m.

The Executive Committee reconvened in open session at 11:40 a.m.

Motion No. M2002-107 – A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the Executive Director to execute a settlement agreement substantially in the form of Exhibit A and to take steps necessary to implement the settlement agreement, including the execution of other necessary documents.

Mr. Sims stated that Motion No. M2002-107 required action at this time to authorize the Executive Director to execute the settlement agreement prior to the September 12, 2002, Board meeting. The action will come before the Board at its next meeting for ratification.

It was moved by Mr. Ladenburg, seconded by Mr. Mosher, and carried by the unanimous vote of all members present that Motion No. M2002-107 be approved subject to ratification by the Board.

Other Business

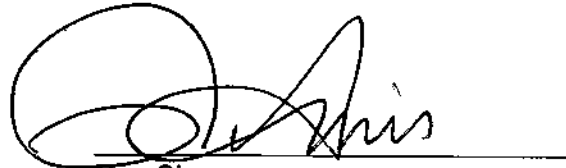
None.

Next Meeting

Thursday, October 3, 2002, from 10:00 to 11:30 a.m. in the Union Station Board Room, 401 South Jackson Street, Seattle, Washington.

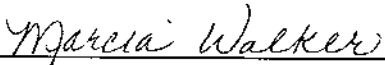
Adjourn

The meeting was adjourned at 11:45 a.m.

A handwritten signature in black ink, appearing to read "Ron Sims", written over a horizontal line.

Ron Sims
Executive Committee Chair

ATTEST:



Marcia Walker
Board Administrator