

SOUND TRANSIT BOARD MEETING
Summary Minutes
February 12, 2004

Call to Order

The meeting was called to order at 1:17 p.m. by Chair John Ladenburg in the Sound Transit Board Room, 401 S. Jackson Street, Seattle, Washington.

Roll Call

Chair

(P) John Ladenburg, Pierce County Executive

Vice Chairs

(P) Greg Nickels, City of Seattle Mayor

(P) Mark Olson, Everett City Councilmember

(P) Fred Butler, Issaquah Deputy Council President

(P) Jack Crawford, Kenmore City Councilmember

(P) David Enslow, Sumner City Councilmember

(P) Doug MacDonald, WSDOT Secretary

(P) Connie Marshall, City of Bellevue Mayor

(P) Richard McIver, Seattle City Councilmember

(P) Julia Patterson, King County Councilmember

(P) Dwight Pelz, King County Councilmember

(P) Kevin Phelps, Tacoma City Councilmember

(A) Larry Phillips, King County Council Chair

(A) Aaron Reardon, Snohomish County Executive

(P) Ron Sims, King County Executive

(P) Claudia Thomas, Lakewood City Councilmember

(P) Pete von Reichbauer, King County Council Vice Chair

Ms. Marcia Walker, Board Administrator, indicated a quorum of the Board was present at roll call.

The following Board members arrived after roll call:

David Enslow

Doug MacDonald

Julia Patterson

Dwight Pelz

Ron Sims

Report of the Chair

Mr. Ladenburg stated that the Board would be working from a revised agenda.

(Board members Enslow and Sims arrived at this time.)

Mr. Ladenburg added that he was changing the order of the agenda and would be taking public comment on each item at the time it is introduced.

(Board member MacDonald arrived at this time.)

Chief Executive Officer's Report

Ms. Earl stated that a joint meeting was held the day before with the City of Seattle, King County Metro, and representatives of the business community to discuss the Downtown Seattle Transit Tunnel (DSTT), the Pine Street stub tunnel construction, and the mitigation improvements needed before closing the DSTT for retrofit.

(Board members Patterson and Pelz arrived.)

Executive Session

At 1:22 p.m. the Board convened a ten-minute executive session to discuss with legal counsel potential litigation to which Sound Transit is likely to become a party.

The Board reconvened in open session at 1:33 p.m.

Consent Agenda

December 17, 2003, Special Board meeting minutes
January 15, 2004, Board meeting minutes
Voucher Certification for January 1 through January 15, 2004

It was moved by Mr. Phelps, seconded by Mr. Sims, and carried by the unanimous vote of all Board members present that the Consent Agenda be approved as presented.

Action Items

Referred by Finance Committee

Motion No. M2004-03 - Authorizing the Chief Executive Officer to execute a contract with RCI-Herzog, A Joint Venture, for light rail construction in the Rainier Valley in the amount of \$128,302,911 with a 12 percent contingency in the amount of \$15,396,349 for a total authorized contract amount not to exceed \$143,699,260

Mr. Desmond Brown, General Counsel, advised that when the Finance Committee considered Motion No. M2004-03 at its January 8, 2004, meeting, one of the proposers had filed a bid protest. Following the administrative process, the proposer filed a lawsuit in the King County Superior Court seeking an injunction barring the award of the contract. The lawsuit was considered during a lengthy hearing and the court denied the injunction.

It was moved by Mr. Phelps and seconded by Mr. Nickels that Motion No. M2004-03 be approved as presented.

Public Comment

The following individuals presented comments to the Board on Motion No. M2004-03. Comments are on file with the Board Administrator.

Mr. Eddie Rye, Jr.
Mr. J.D. Mason
Ms. Jodie Behrendt

Mr. John Dippold
Mr. Andrew Albrecht
Mr. John Rinard
Mr. Stan Kawamoto
Mr. Elton Mason
Mr. Mark Madden
Mr. Henry Coates
Mr. David Lyal
Mr. Terry Calloway
Ms. Joy D. Sailors
Mr. Harold Wright
Ms. Julie Gatzkiewicz

The motion to approve Motion No. M2004-03 was carried by the unanimous vote of all Board members present.

Not Referred by Committee

Motion No. M2004-08 - Adopting a Link Noise Mitigation Policy and authorizing the Chief Executive Officer to implement the policy as defined

Public Comment

None.

Mr. James Irish, Link Environmental Manager, presented Motion No. M2004-08 (copy of presentation on file with the Board Administrator).

It was moved by Mr. Nickels, seconded by Ms. Marshall, and carried by the unanimous vote of all Board members present that Motion No. M2004-08 be approved as presented.

Motion No. M2004-09 - Authorizing the Board Chair to execute the second amendment to the employment agreement with Chief Executive Officer, Joni Earl

It was moved by Mr. Sims and seconded by Mr. Phelps that Motion No. M2004-09 be approved as presented.

Public Comment

None.

Mr. Sims spoke to Motion No. M2004-09 stating that in 2003, Sound Transit identified 28 milestones and achieved 26 of them, including the award of the \$500 million full funding grant agreement. He stated that when he was Board Chair, he and Ms. Earl had an agreement that she would accept additional compensation upon completion of a series of benchmarks. He stated that the agency's performance in 2003 speaks to Ms. Earl's leadership.

Mr. Crawford stated that the effective date of the motion was originally October 9, 2003. He understood that Ms. Earl had asked to have it changed to January 1, 2004. Mr. Crawford offered a friendly amendment to keep the effective date of October 9, 2003.

The motion to approve Motion No. M2004-09, with Mr. Crawford's friendly amendment, was carried by the unanimous vote of all Board members present.

Motion No. M2004-10 – Authorizing Board member travel for the year 2004 within the State of Washington and to Washington DC, for the purpose of briefing legislators and congressional delegates on behalf of Sound Transit

Public Comment

None.

It was moved by Ms. Thomas, seconded by Mr. Phelps, and carried by the unanimous vote of all Board members present that Motion No. M2004-10 be approved as presented.

Executive Committee Report

Mr. Ladenburg advised the Board that at the February 5, 2004, Executive Committee meeting, the members received presentations on the Newcastle Transit Center, Phase 2 Planning, and the D Street Grade Separation Project funding. Due to time restraints, Motion No. M2004-08 was forwarded directly to the Board and the Board acted on it earlier in the meeting.

Other Business

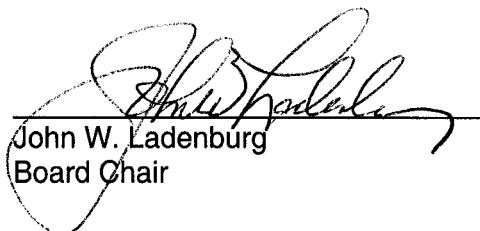
Ms. Earl stated that she had just been informed by Legal Counsel that the State Court of Appeals heard a request earlier in the day concerning the bid protest for light rail construction in the Rainier Valley. Therefore, she would not be executing the contract until the Court of Appeals reviews the protest. That hearing is scheduled for Friday, February 20, 2004, at 9:00 a.m.

Next Meeting


Thursday, February 26, 2004
1:00 to 4:00 p.m.
Union Station Board Room
Seattle, Washington

Adjourn

The meeting was adjourned at 2:26 p.m.


John W. Ladenburg
Board Chair

ATTEST:


Marcia Walker
Board Administrator