

SOUND TRANSIT BOARD MEETING
Summary Minutes
December 10, 2009

Call to Order

The meeting was called to order at 1:14 p.m. by Chair Greg Nickels, in the Ruth Fisher Boardroom, 401 South Jackson Street, Seattle, Washington.

Roll Call

Chair

(P) Greg Nickels, City of Seattle Mayor

Vice Chairs

(P) Aaron Reardon, Snohomish County Executive

(P) Claudia Thomas, Lakewood Councilmember

Boardmembers

(P) Mary-Alyce Burleigh, Kirkland Councilmember

(P) Fred Butler, Issaquah Deputy Council President

(A) Richard Conlin, Seattle Council President

(P) Dow Constantine, King County Executive

(P) David Enslow, City of Sumner Mayor

(P) Paula Hammond, WSDOT Secretary

(P) John Marchione, City of Redmond Mayor

(P) Joe Marine, City of Mukilteo Mayor

(P) Pat McCarthy, Pierce County Executive

(P) Julia Patterson, King County Councilmember

(A) Larry Phillips, King County Councilmember

(P) Paul Roberts, Everett Councilmember

(P) Peter von Reichbauer, King County Councilmember

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

Report of the Chair

This is the last Board meeting for Chair Nickels as a Sound Transit Boardmember. Chair Nickels has attended 378 Board meetings, chaired approximately 175 Finance Committee meetings from 1993 to 2001, and served with 43 Boardmembers. Chair Nickels accomplished all four goals he set as Chair; opening Central Link light rail, getting ST2 on the ballot, breaking ground on U-Link, and replacing the First Hill light rail station.

Chief Executive Officer's Report

On December 19, 2009, a ribbon cutting ceremony will be held for the opening of the SeaTac/Airport Station. Light rail service to the airport will begin at 10am on December 19, 2009.

Discussion Item: East Link – Downtown Bellevue Update

Don Billen, East Corridor Program Manager, updated the Board on the East Link project's outreach efforts and alignment alternatives through downtown Bellevue. In November, Sound Transit briefed the Bellevue City Council, held a public workshop, held a work session with the project's design team and City of Bellevue staff, and began the process of developing a joint evaluation of alignment alternatives using criteria from the EIS process and the City's Light Rail Best Practices process.

The C9T 110th tunnel alternative would approach south downtown either up 112th or across the Red Lion site. The tunnel would begin on the south side of Main Street and continue under 110th. The subway station would have an entrance at Bellevue City Hall and an entrance near the Puget Sound Energy building.

The C9A 110th at-grade alternative follows the C9T alignment, but would be elevated over 112th and run at-grade in the median of 110th. C9A includes one lane in each direction for business and residential access and left turn pockets to allow freeway access in the southbound direction. The station is located on NE 6th next to the Meydenbauer Center, with bus access at the Bellevue Transit Center.

The C11A 108th at-grade alternative runs on 108th and shifts the East Main Station west toward 108th, providing better access into the old downtown Bellevue. The alignment continues at-grade in the median of 108th and turns through the Bellevue Transit Center, requiring a rebuild of the transit center, and exits downtown Bellevue on an elevated alignment.

Bellevue City Councilmember Kevin Wallace submitted a memo to Sound Transit proposing a new elevated alignment alternative along 114th (memo on file with Board Administration). The City of Bellevue has requested an evaluation of the Wallace proposal and for an extension to evaluate tunnel funding options to coincide with the evaluation process for the new downtown alignment alternatives.

The Wallace proposal would run elevated along the west side of I-405 on the eastern edge of downtown Bellevue. The proposal includes providing an elevated moving sidewalk in excess of 1,000 feet to the Bellevue Transit Center and elimination of the East Main Station. The City of Bellevue has requested evaluation of the Wallace proposal in order to compare costs, ridership and environmental impacts of each of the alignment options.

Mr. Billen detailed the upcoming schedule related to selecting a preferred downtown alignment. If the Board gives direction, staff will evaluate the Wallace proposal. The evaluation of the new downtown Bellevue alternatives will be completed by the end of January 2010. Stakeholder outreach will continue through January. Staff will report the findings on the evaluations of the alternatives at the February 11, 2010 Board meeting. The Board will have the opportunity to re-evaluate the preferred alternative for downtown Bellevue through February and potentially could select a preferred alternative for downtown Bellevue at a March 2010 Board meeting.

Joni Earl, CEO, stated that if the Board gives direction to evaluate the Wallace proposal, the cost and ridership analysis would be completed by late January 2010, allowing Bellevue to evaluate tunnel funding options.

There were no objections from Boardmembers to the request to evaluate the Wallace proposal.

Public Comment

(Comments on file with the Board Administrator)

Will Knedlik
Betsy Blackstock

Consent Agenda

Voucher Certification for October 1, 2009 through October 15, 2009
Voucher Certification for October 16, 2009 through October 31, 2009
Minutes of the September 24, 2009 Meeting
Minutes of the October 8, 2009 Meeting
Minutes of the October 22, 2009 Meeting
Minutes of the November 12, 2009 Meeting

It was moved by Vice Chair Thomas, seconded by Boardmember Marine, and carried by the unanimous vote of all members present that the consent agenda be approved as presented.

Action Items

Items referred by Finance Committee

Resolution No. R2009-21 – Amending the Adopted 2009 Budget for Central Link from \$31,611,739 to \$50,611,739

It was moved by Vice Chair Reardon and seconded by Boardmember Butler that Resolution No. R2009-21 be approved as referred by the Finance Committee.

Board action to amend the adopted budget requires a two-thirds affirmative vote of the entire membership of the Board. Chair Nickels called for a roll call vote.

<u>Ayes</u>		<u>Nays</u>
Mary-Alyce Burleigh	John Marchione	Paul Roberts
Fred Butler	Joe Marine	Claudia Thomas
Dow Constantine	Pat McCarthy	Peter von Reichbauer
Dave Enslow	Julia Patterson	Greg Nickels
Paula Hammond	Aaron Reardon	

The motion to approve Resolution No. R2009-21 carried by the unanimous vote of the 14 Boardmembers present.

Resolution No. R2009-23 – Adopting an annual budget for the period from January 1 through December 31, 2010

It was moved by Vice Chair Reardon and seconded by Boardmember Butler that Resolution No. R2009-23 be approved as referred by the Finance Committee.

Vice Chair Reardon announced that the Finance Committee deferred action on an amendment, giving direction to staff to clarify the amendment and bring it before the full Board.

Brian McCartan, CFO, described the amendment.

It was moved by Boardmember Butler and seconded by Boardmember Enslow, to amend Resolution No. R2009-23 as follows:

Amend the 2010 budget to add \$150,000 for development of a framework and Board policy for the ST2 R&T program and identification of the most promising technologies for initial ST2 investment. Upon adoption of the Research and Technology policy by the Board, an additional \$350,000 would be approved to begin implementation of the Board approved technology investments in 2010.

The motion to amend Resolution No. R2009-23 passed by the unanimous vote of all Boardmembers present.

Board action to adopt the annual budget requires a two-thirds affirmative vote of the entire membership of the Board. Chair Nickels called for a roll call vote on Resolution No. R2009-23 as amended.

<u>Ayes</u>		<u>Nays</u>
Mary-Alyce Burleigh	John Marchione	Paul Roberts
Fred Butler	Joe Marine	Claudia Thomas
Dow Constantine	Pat McCarthy	Peter von Reichbauer
Dave Enslow	Julia Patterson	Greg Nickels
Paula Hammond	Aaron Reardon	

The motion to approve Resolution No. R2009-23 as amended carried by the unanimous vote of the 14 Boardmembers present.

Resolution No. R2009-22 – Adopting the 2010 Service Implementation Plan, authorizing the chief executive officer to implement service changes in September 2010 and February 2011, and approving the use of preliminary 2011-2015 service changes for planning and forecasting purposes

It was moved by Vice Chair Reardon, seconded by Boardmember Butler, and carried by the unanimous vote of all Boardmembers present that Resolution No. R2009-22 be approved as presented.

Items referred by the Finance and Executive Committees

Motion No. M2009-106 – Authorizing the chief executive officer to execute an agreement with King County to provide ST Express bus operations and maintenance services for the period of January 1, 2010, through December 31, 2012, with two additional one-year options to extend

It was moved by Vice Chair Reardon, seconded by Boardmember Butler, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-106 be approved as referred by the Finance and Executive Committees.

Motion No. M2009-107 – Authorizing the chief executive officer to execute an agreement with Pierce Transit to provide ST Express bus operations and maintenance services for the period of January 1, 2010, through December 31, 2012, with two one-year options to extend

It was moved by Vice Chair Reardon, seconded by Boardmember Butler, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-107 be approved as referred by the Finance and Executive Committees.

Motion No. M2009-108 – Authorizing the chief executive officer to amend the existing ST Express bus operations and maintenance service agreement with Community Transit by extending the term of the agreement through March 31, 2010

It was moved by Vice Chair Reardon, seconded by Boardmember Marine, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-108 be approved as referred by the Finance and Executive Committees.

Resolution No. R2009-24 – Adopting a Scope Control Policy and superseding Motion No. M2002-121

It was moved by Vice Chair Reardon, seconded by Vice Chair Thomas, and carried by the unanimous vote of all Boardmembers present that Resolution No. R2009-24 be approved as referred by the Finance and Executive Committees.

Items not referred by Committee

Motion No. M2009-102 – Authorizing the chief executive officer to execute a ten-year lease with two additional one to five-year options to renew with Union Street Improvement Company, L.L.C. for office space located at 315 5th Avenue S. in Seattle, WA, in an amount not to exceed \$13,277,315 for the ten-year term

Bonnie Todd, Operations Director, gave the staff presentations on Motion Nos. M2009-102 and M2009-103. Motion Nos. M2009-102 and M2009-103 did not go through the formal Finance Committee process due to the confidential nature of the lease negotiations. The leases contain termination clauses without penalty after seven years. Sound Transit can sublease the office space.

It was moved by Vice Chair Reardon, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-102 be approved as presented.

Motion No. M2009-103 - Authorizing the chief executive officer to execute a ten-year lease with two additional three or five-year options to renew with Seattle Union Station, L.L.C. for office space located at 625 5th Avenue S. in Seattle, WA, in an amount not to exceed \$18,497,643 for the ten-year term

It was moved by Vice Chair Reardon, seconded by Boardmember Butler, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-103 be approved as presented.

Motion No. M2009-110 – Confirms the chief executive officer's authority to negotiate transaction documents for Sound Transit's acquisition of property interests in the Southern Portion of the BNSF Woodinville Subdivision and the Redmond Spur, generally consistent with the terms of the Memorandum of Understanding Regarding Acquisition of the Woodinville Subdivision among Sound Transit, the Port of Seattle, King County, the City of Redmond, Puget Sound Energy and the Cascade Water Alliance, for a purchase price not to exceed \$14,000,000, and consistent with the general premises upon which the maximum purchase price was developed

Joni Earl, CEO, detailed a proposed transaction of the Southern Portion of the BNSF Woodinville Subdivision and the Redmond Spur between the Port of Seattle (POS), King County, and BNSF. The close date goal for the transaction is by the end of 2009. When the transaction is completed, POS and King County will have the ownership and easement rights of the Southern Portion of the BNSF Woodinville Subdivision and the Redmond Spur until transfers to other partners in the negotiations are made. POS requested the partners receive confirmation from legislative authorities on the price and facts of the transaction. Sound Transit would receive a 1.1-mile area that touches all proposed East Link alignment alternatives. The action confirms the Memorandum of Understanding (MOU) between the partners signed by Ms. Earl and gives Ms. Earl the authority to negotiate an amount up to \$14,000,000 for the transaction. Ms. Earl stated that the MOU stipulates that King County has the right of first refusal to purchase the portions of the acquisition south of milepost 5.0, followed by the other MOU signatories.

It was moved by Vice Chair Reardon, seconded by Boardmember Roberts, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-110 be approved as presented.

Motion No. M2009-114 - Authorizing the board chair to execute a fifth amendment to the employment agreement with Joan M. Earl, Sound Transit chief executive officer

Motion No. M2009-114 was brought to the Board by Chair Nickels. The Executive Committee met in executive session to discuss Ms. Earl's performance. The action will extend Joni Earl's contract by three years. In 2010, Ms. Earl's base pay would not be increased, however would be eligible for a performance award not to exceed \$6,000. Sound Transit would contribute to Ms. Earl's deferred compensation plan at the maximum level. This action would also raise the limit on the amount of earned and unused leave that can be cashed out upon Ms. Earl's departure from the agency. In 2011 and 2012, Ms. Earl would be eligible for a base pay increase of 3% to 6%, pending Board approval. 2012 is a mutual option year, and contains a 2-month sabbatical for Ms. Earl. Sound Transit will be managing the third-most extensive transit program in the country, yet Ms. Earl's base pay is below industry standards. In year's past, Ms. Earl has refused base pay increases and an offer of a car allowance.

It was moved by Vice Chair Thomas, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-114 be approved as presented.

Motion No. M2009-113 - Electing the Sound Transit Board Chair and two Vice Chairs for two-year terms each, beginning January 1, 2010

Chair Nickels announced that the Board's rules and operating procedures require Secretary of Transportation, Paula Hammond, to chair the part of the meeting for the election of officers. Chair Nickels turned the meeting over to Secretary Hammond.

Secretary Hammond announced that the Board's rules and operating procedures call for the Executive Committee to meet in November and develop recommendations for officers. Since the Executive Committee did not hold a November meeting, the Board must suspend the rules to elect officers. The rules may be temporarily suspended by an affirmative vote of two-thirds of the Board members in attendance.

It was moved by Boardmember Marine, seconded by Boardmember Enslow, and carried by unanimous vote of all members present that the rules be temporarily suspended.

Secretary Hammond explained the rules do not specify a system for nominating officers. Ms. Hammond suggested using nominations from the floor as the method to nominate officers.

It was moved by Boardmember Hammond, seconded by Boardmember Burleigh, and carried by the unanimous vote of all members present that the "nominations from the floor" method of nominating be used today.

Secretary Hammond reminded the Board that the Chair and each Vice Chair must be from different counties.

Secretary Hammond asked for nominations for Board Chair. Boardmember McCarthy nominated Aaron Reardon as Chair of the Sound Transit Board. Boardmember Butler seconded the nomination of Vice Chair Reardon. Vice Chair Reardon confirmed that he is willing to serve as Board chair. There were no further nominations. The nominations were closed by Secretary Hammond.

Secretary Hammond asked for nominations for Board Vice Chair from Pierce County. Boardmember McCarthy nominated Claudia Thomas as Board Vice Chair. Boardmember Marine seconded the nomination of Vice Chair Thomas. Vice Chair Thomas confirmed that she is willing to serve again as Board Vice-Chair. There were no further nominations. The nominations were closed by Secretary Hammond.

Secretary Hammond asked for nominations for Board Vice Chair from King County. Boardmember Constantine nominated Fred Butler as Board Vice Chair. Boardmember Marchione seconded the nomination of Boardmember Butler. Boardmember Butler confirmed that he is willing to serve as Board Vice Chair. There were no further nominations. The nominations were closed by Secretary Hammond.

Secretary Hammond asked for a single vote on the three nominees.

It was moved by Boardmember Burleigh, seconded by Boardmember Marine, and carried by unanimous vote of all members present to elect Aaron Reardon as Board Chair, Claudia Thomas as Board Vice Chair, and Fred Butler as Board Vice Chair, for two-year terms each beginning in January 1, 2010.

Recognition of Outgoing Boardmembers

Chair Nickels announced that Boardmembers Anderson and Triplett left the Board in November, and Boardmember Burleigh will depart the Board at the end of 2009. Joni Earl announced Chair Nickels's service on the Board will also end at the end of 2009. Gifts were presented and comments in support and appreciation for the outgoing Boardmembers' service were made.

Marcia Walker, Board Administrator, read a Proclamation of the Board into the record honoring Chair Nickels (Proclamation on file with Board Administration).

Executive Session

None.

Other Business

None.


Next Meeting

Thursday January 14, 2010
1:30 to 4:00 p.m.
Ruth Fisher Boardroom


Adjourn

The meeting was adjourned at 3:47 p.m.

ATTEST:



Marcia Walker
Board Administrator



Aaron Reardon
Board Chair