

**Sound Transit
Board Meeting Summary Minutes
April 26, 2001**

Call to Order

Board Chair David Earling called the meeting to order at 2:30 p.m. in the Sound Transit Board Room, 401 South Jackson St., Seattle, Washington.

Roll Call

Chair

(P) Dave Earling, City of Edmonds Council President

Vice Chairs

(P) David Enslow, City of Sumner Councilmember

(P) Greg Nickels, King County Councilmember

Board Members

(P) Jack Crawford, City of Kenmore Deputy Mayor

(P) Ann Davis, City of Lakewood Councilmember

(P) Bob Drewel, Snohomish County Executive

(P) Mary Gates, City of Federal Way Councilmember

(A) Jane Hague, King County Councilmember

(P) Ed Hansen, City of Everett Mayor

(P) John Ladenburg, Pierce County Executive

(P) Doug McDonald, WSDOT Secretary

(P) Richard McIver, City of Seattle Councilmember

(P) Rob McKenna, King County Councilmember

(A) Kevin Phelps, City of Tacoma Deputy Mayor

(A) Paul Schell, City of Seattle Mayor

(A) Ron Sims, King County Executive

(P) Cynthia Sullivan, King County Councilmember

(P) Jim White, City of Kent Mayor

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

The following Board member arrived after roll call:

Ron Sims, King County Executive.

Mr. Earling introduced and welcomed Doug McDonald, WSDOT Secretary, to the Board of Directors.

Public Comment

The following individuals presented comments to the Board. Comments are on file with the Board Administrator.

Mr. Art Lewellan

Ms. Ruth Korkowsky

Report of the Chair

Mr. Earling thanked Mr. Nickels and Mr. Enslow for chairing meetings of the Board and Executive committees during his recent absence.

Mr. Earling stated that he had received a letter from Mr. William W. Millar, President, American Public Transit Association (APTA) in appreciation of Sound Transit's hosting of the 2001 Commuter Rail Conference. Mr. Earling thanked the staff and called for a presentation on the conference at the next Board meeting. Mr. Earling also thanked Board members Nickels, Enslow, and Phelps for their participation.

The Puget Sound Regional Council (PSRC) recommended the passage of Destination 2030, which includes Sound Transit's Phase I plan. It will go to the general assembly next.

Executive Director Report

Ms. Joni Earl, Acting Executive Director, reported on the April 23, 2001 Project Review Committee (PRC) meeting. Ms. Earl provided copies of the PRC agenda from the meeting, and informed the Board that the PRC was briefed by Mr. Mike Williams on the scope of work for joint operation of the Metro Bus Tunnel, and that he would be available to bring the same information to the Board in late May.

Ms. Earl noted that Motion No. M2001-15, approving the Central Link Project Review Committee (PRC) called for independent staffing for the committee. The Finance committee approved a contract for up to \$250,000 for staffing to be provided by Cedar River Associates. Ms. Earl informed the Board that the PRC is requesting a budget to allow for expert opinions and for conducting studies not allowed for in the motion, and that she could approve these requests under the direction of the Executive Committee or the Board. Ms. Earl said that she would have a more detailed discussion with the Executive Committee at its May 4th meeting.

Ms. Earl also gave a status report on project control. Sound Transit is now implementing the plan. This information has also been provided to the Citizen Oversight Panel (COP) as well.

Citizen Oversight Panel Report

Mr. Reid Shockey, Chair of the Citizen Oversight Panel (COP) gave the panel's report. Mr. Shockey thanked the Board for the opportunity to provide monthly reports to the Board as well as its six-month review.

Mr. Shockey thanked Mr. Enslow for attending the COP meeting, and invited any other Board members to attend COP meetings.

Mr. Shockey noted the motion to appoint Mr. Stephan Wambach to the COP, and that he endorses his appointment. Mr. Shockey said that Kristi Mandt, was resigning from the COP, and asked the Board to appoint someone to fill her vacancy as well.

Mr. Shockey said that today's COP report follows up on their previous report in March. He said the agency is taking significant steps to re-examine the Link project and to work with stakeholders, and that support for the project is strong. Mr. Shockey stated that the COP recognizes the agency's efforts to address problems such as system integration, accountability, and strategic communications. He also said that since the April 12, 2001 Board meeting, Sound Transit has been more open in sharing preliminary financial analysis related to Sound Move, but that the COP is concerned about issues such as Sounder Commuter Rail's Tacoma-to-Seattle line requesting more money only three months after the 2001 Budget was adopted.

The COP is still concerned about the financing plan, and used the Sounder Commuter Rail Cost-to-Complete discussion as an example, and stated that some potential sources of revenue require Board policy decisions, and the risks and trade-offs were not presented. Another concern of the COP regards the financial assumption on cash flow for Link. Specifically Grant Anticipation Notes (GANs) and their repayment with MOS II. The COP is also concerned that project control is taking too long to integrate, and asked the Board to monitor this effort.

Mr. Earling thanked Mr. Shockey for appointing Ray Gould, COP member, to the Executive Director Search Committee.

Mr. Shockey noted that Steve Goldblatt from the COP is sitting on the PRC, Tom Luthy, also from COP, is sitting on the Board Governance Task Force.

At the request of Mr. Earling, Ms. Earl commented on the Sounder Commuter Rail Cost-to-Complete discussion presented at the April 12, 2001 Board meeting. Savings from operating costs due to delays caused by negotiations can be transferred to capital to fill the gap between the 2001 Adopted Budget and the projected expenditures. Expenditures are still within the Sounder budget. Three months after the budget was adopted, all of Sounder's contracts were in place for the Seattle-to-Tacoma line, and staff was able to present more accurate figures.

Action Items

Consent Agenda

Approval of the Minutes of the January 11, January 25, February 8, March 8, and March 22, 2001 Board meetings

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

Items Referred by the Finance Committee

Motion No. M2001-05 – Authorizing the Executive Director to execute an agreement with the Washington State Department of Transportation to provide \$7M toward a WSDOT project to construct transit and HOV improvements within the City of Issaquah on SR900 between Newport Way and I-90

It was moved by Mr. Nickels that Motion No. M2001-05 be approved as recommended.

Mr. Nickels stated that Resolution No. R99-6 directed staff to bring back an agreement on a fully funded project for SR900, and that the Finance Committee had reviewed the agreement and recommended the if for approval by the Board.

The motion to approve Motion No. M2001-05 was seconded by Ms. Gates.

Mr. McDonald introduced Mr. Phil Fordyce, WSDOT Area Administrator for East King County.

Mr. Fordyce stated that the partnership between Sound Transit WSDOT, the City of Issaquah, and the local developer has created a project that meets everyone's needs.

The motion to approve Motion No. M2001-05 was carried by the unanimous vote of all Board members present.

Motion No. M2001-25 – Authorizing the Executive Director to execute and amendment to increase the amount of the sole source contract with the Rainier Valley Chamber of Commerce, Rainier Valley Transit Advisory Council, to provide community-to-community group outreach for the Link light rail project and community transit-related issues. This action authorizes an increase of \$12,800 to the original contract amount of \$97,200 for a total authorized contract amount not to exceed \$110,000 for continued services through June 2001.

(Board member Sims arrived at this time.)

It was moved by Mr. Nickels, seconded by Mr. Davis, and carried by the unanimous vote of all Board members present that that Motion No. M2001-25 be approved as recommended.

Items Not Referred by Committee

Motion No. M2001-40 – Appointing Stephen C. Wambach to the Citizen Oversight Panel to fill the position vacated in Pierce County

It was moved by Mr. Ladenburg, seconded by Mr. Phelps, and carried by the unanimous vote of all Board members present that Motion No. M2001-40 be approved as presented.

Discussion Items

President's Executive Order on Project Labor Agreement

Mr. Alec Stephens, Diversity Programs Manager, presented the discussion item on the Project Labor Agreement (PLA).

Resolution No. R99-21 and Motion No. M99-08 authorized Sound Transit to enter into PLAs for Link light rail and Sounder Commuter Rail stations. The PLAs obligate relevant unions to provide workers for the projects, and in exchange the unions agree to “no strike” provisions and uniform work rules. The PLA also applies to non-union contractors, and allows them to work on the project without becoming a union shop.

In February, the President issued an Executive Order prohibiting agencies from mandatory PLAs on projects receiving federal funds. The scope of the Executive Order impacts the Tacoma Dome Station, the 56th Street Station in Tacoma, the Lakewood Sounder Commuter Rail station, the Edmonds and Mukilteo Commuter Rail stations, and Central Link light rail. It is unclear if the tunnel contract for first Hill to the University District would be impacted, as the RFP had been issued and proposals received before the Executive Order was issued.

The President amended the Executive Order to allow the Department of Transportation (DOT) the flexibility to approve projects with PLAs in place before the Order was issued. Staff plans to request approval from DOT to use the PLA as originally approved, unless the Board directs staff otherwise.

Discussion of Motion No. M2001-15-1 – Amendment to Motion No. M2001-15 – Defining a scope of work for the Central Link Project Review Committee (formerly called the Technical Advisory Committee) and directing the Executive Director, in consultation with the Committee Chair, to appoint the members of the committee

Mr. McKenna presented the amendment to the scope of the PRC to the Board for discussion. The wording suggested would address the PRC's scope and the impacts of recent events on the Board's work program. Mr. McKenna said it was important to consider while attempting to respond to the DOT Inspector General's report and simultaneously considering options for light rail, since the direction is different than envisioned in the Board's six month work program. Because of these events, the PRC's scope has expanded beyond what was originally envisioned. The Board is responsible for setting the policy for the PRC.

Ms. Sullivan said that she serves as an ex-officio member of the PRC, and that one of the benefits of the PRC is their flexibility. She said that Board direction may limit the PRC's ability to address relevant issues to help the Board find solutions.

Mr. McIver said that the workshop may give a basis for understanding how the project will take shape in terms of budget, timing, and funding, but is concerned that once the Board starts revising the scope of the PRC, it will mean delays in decision-making for the project.

Mr. Earling said the Board will consider bringing the amendment back to its next meeting.

Committee Reports

Board Governance Task Force

Ms. Gates, Board Governance Task Force Chair, said that the second meeting of the task force occurred yesterday, April 25, 2001. Before that, meeting stakeholders were contacted to invite them to provide their input into the process. Ms. Gates thanked Tom Luthy of the COP for his participation.

Ms. Gates said the task force is looking at committee structure, and timing of meetings. She said that she is already seeing changes as part of the process of examining how the Board relates to staff and to the public. Ms. Gates suggested that she may call for a Board retreat to discuss the task force findings, and the task force may make specific recommendations. In response to Mr. Earling, Ms. Gates said she believes the task force will have completed its work within the 90 day time frame suggested when the task force was created.

The next meeting of the task force is May 23, 2001, at 1:30 p.m.

C-Link Task Force

Mr. McIver, C-Link Task Force Chair, reported that staff gave an excellent presentation on geotechnical issues on University Link. The task force also discussed options for crossing Portage Bay and joint operations in the transit tunnel.

Mr. McIver informed the Board that the third supplement to the Memorandum of Agreement with the City of Seattle will soon be up for approval, covering work from May through December 2001, for a total of \$1,590,792.

Executive Committee

No Report.

Executive Director Search Committee

Mr. Ladenburg, Executive Director Search Committee Chair, reported that the committee met with the consultants and included a summary in the Board packets today. The committee reviewed 13 resumes in executive session and he was very impressed with the quality of people that applied for the position.

Finance Committee

Mr. Nickels, Finance Committee Chair, reported that the committee was continuing its review of the financing plan assumptions. Changes need to be made in response to the DOT Inspector General's report.

The Audit and Reporting Subcommittee held its second workshop, and he thanked Mr. Shockey for participating.

Mr. Nickels said that the committee had recommended a contract with Cedar River Associates for staffing for the PRC to the board.

Ms. Earl informed the Board that Motion No. M2001-15 included a statement authorizing the Executive Director to enter into a sole source contract for staffing of the PRC, and that no additional Board action would be required to approve the contract.

Government Affairs Task Force

Mr. Drewel, Government Affairs Task Force Chair, reported that the task force has been in recess. Patrice Hardy, Government Relations Specialist has been providing weekly reports regarding the state legislative session, which meets the task force's needs for the short term.

Transit-Oriented Development Task Force

Ms. Sullivan, Transit-Oriented Development Task Force Chair, reported that the task force is holding its meetings in abeyance until staff is hired.

Executive Session

Mr. Earling stated that the Board would convene an executive session to discuss with legal counsel litigation to which Sound Transit is a party when public knowledge regarding the discussion is likely to result in an adverse legal consequence to the agency for approximately ten minutes.

The Board recessed for executive session at 3:43 p.m.

The Board was called back to order at 3:55 p.m.

Other Business

None.

Next Meeting

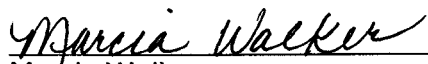
Thursday, May 10, 2001 - 2:30 to 4:30 p.m.
Union Station Board Room
401 South Jackson Street
Seattle, Washington

Adjourn

The meeting was adjourned at 4:00 p.m.


David Earling
Board Chair

ATTEST:


Marcia Walker
Board Administrator