

## 2012 SOUND TRANSIT BOARD MEETING

### Summary Minutes

August 23, 2012

#### CALL TO ORDER

The meeting was called to order at 1:34 p.m. by Vice Chair Julia Patterson, in the Ruth Fisher Boardroom, 401 South Jackson Street, Seattle, Washington.

#### ROLL CALL

##### Chair

(A) *Pat McCarthy, Pierce County Executive*

##### Vice Chairs

(P) *Julia Patterson, King County Councilmember*

(A) *Aaron Reardon, Snohomish County Executive*

##### Boardmembers

(A) *Claudia Balducci, Bellevue Councilmember*

(P) *Fred Butler, Issaquah Deputy Council President*

(A) *Richard Conlin, Seattle Councilmember*

(P) *Dow Constantine, King County Executive*

(P) *Dave Earling, City of Edmonds Mayor*

(P) *David Enslow, City of Sumner Mayor*

(A) *Paula Hammond, WSDOT Secretary*

(A) *John Marchione, City of Redmond Mayor*

(P) *Joe McDermott, King County Councilmember*

(P) *Mike McGinn, City of Seattle Mayor*

(P) *Mary Moss, Lakewood Councilmember*

(P) *Larry Phillips, King County Councilmember*

(P) *Paul Roberts, Everett Councilmember*

(P) *Marilyn Strickland, City of Tacoma Mayor*

(P) *Peter von Reichbauer, King County*

*Councilmember*

Ms. Katie Flores, Board Coordinator announced that a quorum of the Board was not present at roll call.

#### REPORT OF THE CHAIR

Vice Chair Patterson announced that Chief Executive Officer Joni Earl was not able to attend today's meeting. Chief Financial Officer Brian McCartan was present in her place.

Ms. Patterson invited Jeannie Summerhays, the Ecology Department's Northwest Regional Director to present an award to Sound Transit for its work on the Qwuloolt Estuary Restoration Project. Sound Transit was involved in the project as mitigation for the Seattle to Everett Sounder track and signal project.

Ms. Summerhays presented the Environmental Excellence award to Sound Transit, and described the Qwuloolt Estuary Restoration Project. The project comprises 353 acres on the Snohomish River in Snohomish County. Through Sound Transit's work, the restoration added parcels of land and expanded the project without the construction of additional levies.

Ms. Patterson thanked the Department of Ecology for the award, and recognized the FTA as a federal funding partner for the track and signal project.

Boardmember Moss threw the first pitch at a Tacoma Rainiers Baseball game last weekend. It was reported that she shocked the catcher with her curve ball. The Rainiers went on to win the game.

A public hearing was held on August 9, 2012 on the disposal of real property acquired for the Northgate Link Extension. Boardmember Butler reported that he presided over the public hearing where six people gave public comment on Sound Transit's intent to dispose of surplus property having a value greater than \$50,000. The proposed use of the land is for a future Transit Oriented Development (TOD) project. Comments centered on delaying the Board's final action on the properties to allow for additional public involvement in the decision process and using the properties for a public plaza instead of a structured TOD project.

(Ms. Flores observed that a quorum of the Board was now in attendance).

## **CHIEF EXECUTIVE OFFICER'S REPORT**

Mr. McCartan provided information on the surplus property declaration action on today's Board agenda. Sound Transit needs to acquire and lease properties from the University of Washington to build the U District Station. Once station construction is complete, the air space above the station and entrances would be available for future development. Sound Transit and the University of Washington have contemplated a potential exchange of property interests to accommodate construction of the station and a future TOD project. Sound Transit is seeking land rights from UW in exchange for future air rights that UW would retain.

The surplus property declaration is a procedural step that is needed to advance property negotiations between the parties, but it does not pre-determine the ultimate use of the property. A property transaction agreement between Sound Transit and the UW Board of Regents is scheduled for Board for consideration this fall.

A TOD project at the U District Station is consistent with Sound Transit Board policies that promote the use of surplus properties for TOD projects that would generate additional transit ridership and revenue. TOD at the U District Station is also consistent with the station design plans.

The North Link Final Supplemental Environmental Impact Statement addressed TOD and joint development potential at stations, and staff has determined that this surplus action is in compliance with SEPA. Any future development over the station would need a separate SEPA determination once the TOD project is defined. The UW would be responsible for any future environmental or permit reviews.

A letter from the University of Washington Real Estate Office that outlines the UW's intention to work with the community to determine the ultimate design for the TOD should the Sound Transit Board and the UW Board of Regents agree with the transaction was included in Boardmember packets.

Sound Transit received the Government Finance Officers Association's Distinguished Budget Presentation Award for our 2012 Adopted Budget. This award is the only national awards program in governmental budgeting. In order to receive the budget award, Sound Transit had to satisfy nationally-recognized guidelines for effective budget presentation. The guidelines assess how well the budget serves as a policy document, financial plan, operations guide and communications device. Sound Transit was rated proficient in all four categories and met other mandatory criteria to receive the award.

Last Friday, a groundbreaking ceremony for the Northgate Link Extension Project was held at the future Roosevelt Station site. Chair McCarthy and Boardmembers Dow Constantine, Mike McGinn, and Joe McDermott attended along with local government leaders. The groundbreaking was followed by a large community celebration that 350 to 400 people enjoyed.

Boardmember packets included a Service Delivery quarterly performance report for the second quarter 2012.

## **CITIZEN OVERSIGHT PANEL PARKING MANAGEMENT**

Citizen Oversight Panel (COP) Chair Stuart Scheuerman presented a letter from the panel. The COP recommends accelerating pilot projects for a transit user permit system in anticipation of future parking charges. The Board spent a lot of time discussing issues of parking management at its retreat in April. The COP received a briefing from staff in July on follow-up items from the retreat. The panel feels that Sound Transit should focus on providing parking to transit users and introduce parking fees as a pilot program at facilities that are over capacity. A copy of the letter was in Boardmember's packets.

Vice Chair Patterson thanked Mr. Scheuerman for his letter and the COP's work.

## **PUBLIC COMMENT**

(Comments on file with the Board Administrator)

Paul W. Locke  
Philip Thiel  
Jorgen Bader, Seattle Community Council Federation  
Chris Daikus  
N. Sue Alden  
Shefali Ranganathan, Transportation Choices Coalition  
Scott Soules  
Matthew Johnson  
Steve Wilkins  
A.B. Knox  
Peter Steinbrueck  
Stephen Antiput  
Nate Cole Daum  
Renee Staton  
Brock Howell, King County Program Director for Futurewise

## **REPORTS TO THE BOARD**

Mr. McCartan reported on the Bond Sale authorized by the Board in June. The Board authorized staff to refund Agency bonds. The initial pricing had four times more buyers than bonds. \$51 million in savings was realized, a 14% savings. The large number of buyers was due to Sound Transit's strong credit rating, the favorable view of the Northwest economy, and the way the bonds were structured.

## **CONSENT AGENDA**

Vice Chair Patterson announced that Boardmember von Reichbauer needed to leave the meeting early, but asked to participate in the remainder of the meeting by teleconference. The Board Rules and Operating Procedures allow members to attend meetings by teleconference with a two-thirds affirmative vote of those members in attendance.

**It was moved by Boardmember Roberts, seconded by Boardmember Phillips, and carried by the required two-thirds vote of 11 members present that Boardmember von Reichbauer be allowed to participate in the Board meeting by telephone. Boardmember McDermott voted in the minority.**

Minutes of the May 24, 2012 Board Meeting

Minutes of the June 28, 2012 Board Meeting

Minutes of the July 26, 2012 Board Meeting

Motion No. M2012-50: Approving the submittal of the Transit Development Plan 2012-2017 and 2011 Annual Report to the Washington State Department of Transportation.

Motion No. M2012-51: Authorizing the chief executive officer to execute a sole source contract with Browne, Bortz & Coddington, Inc., to conduct a disparity study for Sound Transit, for a total authorized contract amount not to exceed \$225,000.

**It was moved by Boardmember Roberts, seconded by Boardmember McDermott, and carried by unanimous vote that the consent agenda be approved as presented.**

## **ACTION ITEMS**

Vice Chair Patterson announced that Resolution No. R2012-17 and Resolution No. R2012-19 would be held until later in the meeting because both require a two-thirds affirmative vote of the entire Board, which is 12 members. There were less than 12 members present at this time.

The next seven items were on the Capital Committee's August 9, 2012 agenda, but the Committee did not have enough members in attendance to take action on them. The Committee did hear staff presentations and discussed the items thoroughly, however.

Motion No. M2012-52: Authorizing the chief executive officer to execute a contract with Frank Coluccio Construction Company to provide construction services for two retaining walls located in the vicinity of the Beacon Hill Tunnels eastern portal on 26th Avenue South within the Central Link Initial Segment project in the amount of \$219,677, with a 10% contingency of \$21,968, for a total authorized contract amount not to exceed \$241,645.

**It was moved by Boardmember Butler, seconded by Boardmember Strickland, and carried by unanimous vote that Motion No. M2012-52 be approved as presented.**

Motion No. M2012-53: Authorizing the chief executive officer to execute a contract with Pease Construction, Inc. to construct certain layover facility improvements for the Lakewood Layover project in the amount of \$3,283,130, with a 10% contingency of \$328,313, for a total authorized contract amount not to exceed \$3,611,443.

**It was moved by Boardmember Butler, seconded by Boardmember Enslow, and carried by unanimous vote that Motion No. M2012-53 be approved as presented.**

Motion No. M2012-54: Authorizing the chief executive officer to implement an Owner Controlled Insurance Program for the Northgate Link Extension by entering into all necessary agreements and contracts with selected insurance companies through Sound Transit's insurance broker, for a total authorized amount not to exceed \$31,800,000.

**It was moved by Boardmember Butler, seconded by Boardmember Moss, and carried by unanimous vote that Motion No. M2012-54 be approved as presented.**

Resolution No. R2012-20: Approving the chief executive officer's declaration of surplus real property, including the method of disposition to use future proceeds from selling the property for the open Northgate Link Extension or other capital projects.

**It was moved by Boardmember Butler, seconded by Boardmember Moss, and carried by unanimous vote that Resolution No. R2012-20 be approved as presented.**

Motion No. M2012-55: Authorizing the chief executive officer to execute a purchase and sale agreement with Washington Housing Equity Alliance for \$669,000 to sell the surplus real properties at 5701, 5707 and 5715 Martin Luther King Jr. Way South, Seattle WA to construct a transit-oriented mixed-use affordable family housing project

**Motion No. M2012-55 was moved by Boardmember Butler and seconded by Boardmember Roberts.**

Capital Committee Chair Fred Butler noted that Washington Housing Equity Alliance has decided not to commit to purchasing half of the alley that was previously included in the purchase and sale agreement. As a result, the buyer requested a reduction in the purchase price to \$606,570. Washington Housing Equity Alliance still plans to work cooperatively with Sound Transit to pursue an alley vacation with the City of Seattle for the project.

**It was moved by Boardmember Butler, seconded by Boardmember Phillips and carried by unanimous vote to reduce the amount of the purchase and sale agreement with Washington Housing Equity Alliance from \$669,000 to \$606,570 to reflect the change in the properties to be purchased under the agreement, and revise the staff report to reflect the agreement.**

**It was carried by unanimous vote that Motion No. M2012-55 be approved as amended.**

Motion No. M2012-56: Authorizing the chief executive officer to execute a contract with Parson Brinckerhoff, Inc., to provide design build project management services for the South 200th Link Extension in the amount of \$14,636,286, plus a 10% contingency of \$1,463,629, for a total authorized contract amount not to exceed \$16,099,915.

**It was moved by Boardmember Butler, seconded by Boardmember Earling, and carried by unanimous vote that Motion No. M2012-56 be approved as presented.**

Motion No. M2012-57: Authorizing the chief executive officer to execute a contract amendment with H-J-H Final Design Partners, a joint venture of HNTB Corporation, Jacobs Engineering Group, Inc., and Hatch Mott MacDonald, to provide Phase 2 final design services for the portion of the East Link project from South Bellevue to the Overlake Transit Center in the amount of \$83,000,000, for a new total authorized contract amount not to exceed \$87,800,000.

**It was moved by Boardmember Butler, seconded by Boardmember McDermott, and carried by unanimous vote that Motion No. M2012-57 be approved as presented.**

Item not referred by Committee

Motion No. M2012-58: Reappointing Dr. Josh Benaloh, Mr. Stuart Scheuerman, Mr. Bruce Seiber and Mr. Vic K. Sood to the Citizen Oversight Panel, to serve a second term of four years beginning September 2012 and expiring September 2016.

Kathy Albert, Executive Program Advisor, gave a staff presentation on the motion.

**It was moved by Boardmember Butler, seconded by Boardmember Enslow, and carried by unanimous vote that Motion No. M2012-58 be approved as presented.**

Items referred by the Operations and Administration Committee

Vice Chair Julia Patterson announced that Pete von Reichbauer was participating in the meeting by teleconference so the Board had the required 12 members to vote.

Resolution No. R2012-17: (1) Amending the Adopted 2012 ST Express Transit Operations budget to increase it from \$102,561,773 to \$102,726,265 to fund the ST Express cost increases for operations and maintenance of the Downtown Seattle Transit Tunnel, and (2) amending the Adopted 2012 Central Link Transit Operations budget to increase it from \$54,189,294 to \$54,411,843 to fund the Central Link cost increases for operations and maintenance of the Downtown Seattle Transit Tunnel.

**It was moved by Boardmember Roberts and seconded by Boardmember Earling that Resolution No. R2012-17 be approved as presented.**

Board Vice Chair Patterson called for a roll call vote because amending the adopted budget requires a two-thirds affirmative vote of the Board (12 members).

Ayes

Fred Butler  
Dow Constantine  
Dave Earling  
Dave Enslow

Joe McDermott  
Mike McGinn  
Mary Moss  
Larry Phillips

Paul Roberts  
Marilyn Strickland  
Pete von Reichbauer  
Julia Patterson

Nays

**The motion to approve Resolution No. R2012-17 carried by unanimous vote of 12 Boardmembers.**

Resolution No. R2012-19: Amending the Adopted 2012 ST Express Transit Operations Budget from \$102,726,265 to \$103,447,261 to fund additional Sound Transit costs due to Community Transit's new contract with First Transit.

**It was moved by Boardmember Roberts and seconded by Boardmember Earling that Resolution No. R2012-19 be approved as presented.**

Board Vice Chair Patterson called for a roll call vote because amending the adopted budget requires a two-thirds affirmative vote of the Board (12 members).

Ayes

Fred Butler  
Dow Constantine  
Dave Earling  
Dave Enslow

Joe McDermott  
Mike McGinn  
Mary Moss  
Larry Phillips

Paul Roberts  
Marilyn Strickland  
Pete von Reichbauer  
Julia Patterson

Nays

**The motion to approve Resolution No. R2012-19 carried by unanimous vote of 12 Boardmembers.**

**EXECUTIVE SESSION**

At 3:14 p.m., Vice Chair Patterson announced that the Board would convene an executive session for 25 minutes to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price. The executive session is authorized by RCW 42.30.110 subsection (1)(b).

At 3:39 p.m. the executive session was extended by 15 minutes.

Vice Chair Patterson reconvened the meeting at 3:53 p.m.

**OTHER BUSINESS**

None.

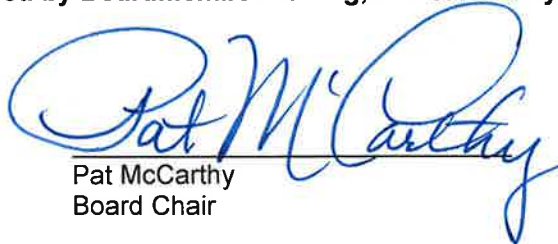
**NEXT MEETING**

Thursday, September 27, 2012  
1:30 to 4:00 p.m.  
Ruth Fisher Boardroom

**ADJOURN**

**It was moved by Boardmember Phillips, seconded by Boardmember Earling, and carried by unanimous vote to adjourn the meeting.**

The meeting was adjourned at 3:53 p.m.



Pat McCarthy  
Board Chair

ATTEST:



Marcia Walker  
Board Administrator

APPROVED on September 27, 2012, KWF