



**NORTH COUNTY TRANSIT DISTRICT
MEETING of the
NORTH COUNTY TRANSIT DISTRICT
Board Room
810 Mission Avenue
Oceanside, CA 92054**

**THURSDAY
November 20, 2008
1:00 P.M. – Special
Meeting/Closed Session
2:00 P.M. – Regular Meeting**

NCTD's Mission

Deliver safe, convenient, reliable, and user-friendly public transportation services.

The NCTD Board of Director's purpose is to use our diverse perspectives, knowledge, leadership and community sensitivity to provide advocacy and guidance that enables NCTD to deliver the highest quality intermodal public transportation for our region.

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact the Clerk of the Board at (760) 967-2808.

Persons with hearing impairment please use the California Relay Service (CRS): 800-735-2929 using TTY; 800-735-2922 using voice; 800-855-3000 for Spanish. CRS Customer Service: 800-735-0373 or 800-735-0193 TTY.

Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection in the department of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.

Board Members

*Ed Gallo
Chairman
City of Escondido*

*Dave Roberts
Vice-Chair
City of Solana Beach*

*Julianne Nygaard
City of Carlsbad*

*David Druker
City of Del Mar*

*Jerome Stocks
City of Encinitas*

*Rocky Chavez
City of Oceanside*

*Chris Orlando
City of San Marcos*

*Bob Campbell
City of Vista*

*Bill Horn
County of San Diego*

Interim Executive Director

Raymond Patchett

General Counsel

C. Michael Cowett

**For more information on NCTD,
please check out our web page at:**

www.gonctd.com



The NCTD office located at 810 Mission Avenue, Oceanside, CA is accessible by the COASTER (NCTD Commuter Rail), the SPRINTER (NCTD Light Rail System) and the BREEZE (NCTD Bus). Please log onto www.gonctd.com to check current routes and schedules, or call 1-800-COMMUTE.

SPECIAL MEETING / CLOSED SESSION AGENDA

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- A. CLOSED SESSION**
 - i. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is portion of Assessor Parcel Numbers 164-152-34-00 in Vista (South Santa Fe). Negotiator: NCTD: Tom Lichterman and C. Michael Cowett – Negotiating Party: City of Vista
 - ii. Closed Session Pursuant to Government Code Section 54956.9(c) - Anticipated Litigation – Three Potential Cases
 - iii. Closed Session Pursuant to Government Code Section 54956.9(b) – Anticipated Litigation – One Potential Case
 - iv. Closed Session Pursuant To Government Code Section 54957.6 Re: Personnel Matter – Public Employee Appointment. Title: Executive Director

REGULAR MEETING BEGINNING AT 2:00 PM

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- **CHANGES TO THE AGENDA**
- **PRESENTATION OF COMMENDATIONS**
 - ∅ **Presentation of October 2008 Employees of the Month Commendations to:**
 - * Mr. Chrispulo S. Gamboa, Jr., Storekeeper I
 - * Mr. John L. Gridley, Coach Operator

- **PUBLIC COMMUNICATIONS**

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

All persons wishing to address the Board during the meeting must complete a "Request to Speak" form. These forms are provided in a box at the table in the hallway, and must be completed and given to the Clerk of the Board before that agenda item is called.

	RECOMMENDED ACTION
B. MINUTES FOR REGULAR MEETING FOR OCTOBER 16, 2008 (Pages 6 – 11)	Approve
C. MINUTES FOR SPECIAL MEETING FOR NOVEMBER 5, 2008 (Page 12)	Approve

All matters listed under CONSENT are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on the motion, unless members of the Board, the Executive Director, or the public, request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the Clerk of the Board on the "Request to Speak" form before that agenda item is called.

ITEMS PULLED FROM CONSENT WILL BE MOVED TO THE END OF THE AGENDA

	RECOMMENDED ACTION
D. CONSENT ITEMS (Tabs 1 – 7) Items reviewed and recommended for approval by the Governance Committee (G), Planning Committee (P), Monitoring Committee (M), Staff (S) or Board (B)	
1. Committee and Board Meeting Calendar for 2009 (G) (Attachment 1A)	Approve
2. Annual Board Agenda for 2009 (G) (Attachment 2A)	Approve
3. Memorandum of Understanding with the California Department of Transportation (Caltrans) for Control Point (CP) Carl to CP Farr Second Track Project (G) (Attachment 3A)	Approve
4. Legislative Agenda for Calendar Year 2009 (G) (Attachments 4A and 4B)	Approve
5. Conservation Easement Agreement at the Harmony Grove Mitigation Site (M) (Attachments 5A and 5B)	Approve
6. Bombardier Coach Refurbishment Contract Value Increase (M)	Approve
7. Rain for Rent for Groundwater Discharge System at Stuart Mesa Maintenance Facility (M)	Approve

OTHER BUSINESS (Tabs 8 - 13)

- | | |
|---|---------|
| 8. Public Hearing to Expand Route 388 Service (M) (Attachments 8A and 8B) | Approve |
| 9. Storm Water Pollution Prevention Compliance Work for SPRINTER Environmental Maintenance and Monitoring (M) | Approve |
| 10. Expansion of Mobility/Travel Training Program (M) | Approve |
| 11. Migration of Applications from the Prime Minicomputer to a Client-Server Environment (M) | Approve |
| 12. Quarterly Capital Project Report (M) (Attachment 12A) | Receive |
| 13. SPRINTER Revenue Service Report (M) (Oral Report) | Receive |

- **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

- **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

- **EXECUTIVE DIRECTOR'S REPORT**

- **REMAINING PUBLIC COMMUNICATIONS**

For any remaining speakers who have completed a "Request to Speak" form before the start of the meeting.

- **ADJOURNMENT**

- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**

- ∅ Posting of Board Agenda (Page 34)

- ∅ Rules for Public Speakers at meetings of the North County Transit District (Page 35)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, December 18, 2008
at 810 Mission Avenue, Oceanside, CA***

**MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING
OF NORTH COUNTY TRANSIT DISTRICT HELD OCTOBER 16, 2008** **PAGE 1**

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 1:15 p.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Jerome Stocks (City of Encinitas); Rocky Chavez (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Bill Horn (County of San Diego).

Bob Campbell (City of Vista) arrived at 1:18 pm; Dave Druker (City of Del Mar) arrived at 1:25 pm.

CLOSED SESSION

The Board went into Closed Session at 1:17 p.m. to discuss items i, ii, iii and iv.

- i. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is portion of Assessor Parcel Numbers 263-340-02 through 263-340-07, and 298-520-03 in Solana Beach. Negotiator: NCTD: Tom Lichterman and C. Michael Cowett – Negotiating Party: Shea Properties
- ii. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is portion of Assessor Parcel Numbers 220-201-63, 64, 65, 66, 220-261-09, 13, 15 17, 18, 20, 24, 29, 30, 32, 38 and 220-270-24 through 28 and 31 in San Marcos. Negotiator: NCTD: Tom Lichterman and Ed Singer. Negotiating Party: City of San Marcos
- iii. Closed Session Pursuant to Government Code Section 54954.5 – Conference with Real Property Negotiators – Property is the San Diego County Reserved Rail Freight Easement. Negotiator: NCTD: Tom Lichterman and C. Michael Cowett – Negotiating Parties: Burlington Northern and Santa Fe Railroad
- iv. Closed Session Pursuant To Government Code Section 54957.6 Re: Personnel Matter – Public Employee Appointment. Title: Executive Director

The Board returned from Closed Session at 2:10 p.m. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss items i, ii, iii and iv and in regards to item i the Board authorized the Interim Executive Director to terminate the agreements between NCTD and Shea Properties. He added that in regards to items ii, iii, and iv, there was nothing to report.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Teresa Barth (Alternate, City of Encinitas); Rocky Chavez (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista); Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Teresa Barth led the Board of Directors, staff, and the public in the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Ray Patchett, Interim Executive Director, requested that agenda item 7 be pulled from the Consent Calendar and be heard after item 9 listed under "Other Business". MOTION BY DAVE ROBERTS, SECONDED BY BOB CAMPBELL TO APPROVE THIS CHANGE. MOTION CARRIED UNANIMOUSLY.

PRESENTATION OF COMMENDATIONS

Presentation of September 2008 Employees of the Month Commendations: Mr. Tom Gallagher, Manager of Facility Maintenance, recognized Mr. Michael D. White, General Services Worker; Ms. Kim Stone, Manager of Bus Operations, recognized Mr. Ronald R. Woodard, Coach Operator, as the September 2008 Employees of the Month, with the Board's congratulations.

Richard Hannasch, Director of Administration and Finance, presented an award that NCTD received from the Government Finance Officers Association (GFAO).

PUBLIC COMMUNICATIONS

Ms. Jennifer Knapic, San Marcos, CA spoke on her concerns regarding the capacity of the SPRINTER cars.

Ms. Samantha Ewing, Oceanside, CA spoke on her concerns regarding later evening bus service to the Camp Del Mar area on Camp Pendleton and route 309 to Encinitas.

Mr. Peter Warner, Hanford, CA spoke on his concerns regarding SPRINTER connections.

APPROVAL OF MINUTES

MOTION BY JULIANNE NYGAARD TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 18, 2008, SECONDED BY BOB CAMPBELL. ABSTAIN: TERESA BARTH. MOTION CARRIED.

MOTION BY BILL HORN TO APPROVE THE MINUTES OF THE ANNUAL MEETING OF THE SAN DIEGO NORTHERN RAILWAY OF SEPTEMBER 18, 2008, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Blank Rome Government Relations Contract
2. Legislative Status Update
3. Extra Work Purchase Order to TransitAmerica Services, Inc. for Crossing and Traffic Signal Rehabilitation at Leucadia Blvd in Encinitas
4. FY 2008 4th Quarter Performance Report
5. Quarterly Financial Report for Twelve Months Ended June 20, 2008
6. Federal 5311(f) Grant Applications for Operating Assistance – Routes 306, 386 and 388

MOTION BY DAVE DRUKER TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5 AND 6, SECONDED BY JULIANNE NYGAARD. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

8. Public Hearing for Proposed October 2008 COASTER Schedule Changes

Kurt Luhrsen, Manager of Service Implementation, reviewed: Saturday Fall/Winter and Spring/Summer schedules; weekday adjustments; fiscal impact; implementation timelines; and public comments received.

Chair Gallo opened the Public Hearing at 2:35 pm.

Mr. David Saenz, Vista, CA spoke on his concerns regarding timing connections between MTS and the northbound COASTER.

Mr. Peter Warner, Hanford, CA spoke on his concerns regarding timing connections for train 663.

Chair Gallo closed the Public Hearing at 2:44 pm.

MOTION BY JULIANNE NYGAARD TO APPROVE AGENDA ITEM 8, SECONDED BY ROCKY CHAVEZ. MOTION CARRIED UNANIMOUSLY.

9. Development of a "No Smoking" Ordinance for NCTD

Tom Lichterman, Director of Operations, reviewed the agenda item and the options outlined. In response to a question from the Board, Michael Cowett clarified that the proposed Ordinance would not apply to parking lots at Transit Centers.

Mr. Joe Kellejian, Solana Beach, CA spoke on his concerns regarding health and hazardous issues caused by smoking.

Ms. Jennifer Knapic, San Marcos, CA stated that "no smoking" signs don't work and the policy would have to be enforced.

Ms. Gena Knutson, Escondido, CA stated that she supported a no smoking policy.

Ms. Susan Porter, Oceanside, CA reviewed results of a survey she conducted.

Ms. Debbie Kelley, American Lung Association, spoke on how the Association worked with MTS to implement their ordinance and they learned it was easier to communicate and enforce a total smoking ban versus having designated smoking areas.

Ms. Charlene Guillergan, Spring Valley, CA reviewed observations she made regarding smoking at bus stops and transit centers.

Ms. Victoria McCloskei, Del Mar, CA spoke on the Alliance for Drug Free Youth and presented petitions signed by riders in support of a no smoking ban.

Ms. Judi Strang, Del Mar, CA stated that the North Coastal Council PTA is in support of NCTD's Option 3B.

MOTION BY DAVE ROBERTS TO APPROVE OPTION 3B AND ADOPT ORDINANCE 1,
SECONDED BY TERESA BARTH.

Bill Horn asked what the penalty would be.

Michael Cowett responded that the Ordinance does not include a penalty.

MOTION CARRIED UNANIMOUSLY.

7. Resolution for Funds Swap with SANDAG for SPRINTER Project

Richard Hannasch reviewed the background and need for this fund swap and the discussions that have taken place at SANDAG in support of this.

MOTION BY JULIANNE NYGAARD TO APPROVE AGENDA ITEM 7, SECONDED BY BOB CAMPBELL. MOTION CARRIED UNANIMOUSLY.

10. Simon Wong Engineering Supplemental Agreement for Construction Management Services on the SPRINTER Project

Don Bullock, Manager of Capital Construction, reviewed the need to extend the existing Construction Management services contract through completion of construction and project close-out.

MOTION BY BOB CAMPBELL TO APPROVE AGENDA ITEM 10, SECONDED BY JULIANNE NYGAARD. MOTION CARRIED UNANIMOUSLY.

11. Transit Security Services Contract

Dave Papworth, Chief of Transit Enforcement, reviewed background information on security at the Transit District and stated that state law prohibits contract security officers from issuing citations.

Rocky Chavez requested staff provide security report updates more frequently so trends could be analyzed.

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEM 11, SECONDED BY JULIANNE NYGAARD.

Ms. Jennifer Knapic, San Marcos, CA spoke on her concerns with lack of security officers at the Buena Creek SPRINTER station.

MOTION CARRIED UNANIMOUSLY.

12. SPRINTER Revenue Service Report

Tom Lichterman provided an update for September 2008, including: ridership trends; ridership by trip; parking lot counts; performance trends; activities and observations; Escondido Avenue east gangway in full service; bike locker retrofits completed; fare evasion and enforcement.

Tom Kelleher, Marketing Manager, reviewed: kiosks; posters; ad campaigns; direct mail pieces; inserts; on-line ads and leader boards; NCTD website; Dump the Pump campaign; PURL postcard for colleges; future activities.

NO ACTION REQUIRED.

ROCKY CHAVEZ LEFT AT 3:50 PM.

- **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

Ellen Roundtree, Intergovernmental Affairs Officer, reviewed the SANDAG agenda and state and federal legislative activity.

NO ACTION REQUIRED.

BILL HORN LEFT AT 3:55 PM.

- **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

Dave Roberts thanked staff for helping with the APTA Conference and Expo arrangements. He suggested NCTD trademark our logo.

Bob Campbell reported that FACT will be starting service in October.

Ed Gallo stated that he attended the APTA Conference and Expo and that every transit agency reported that they are having to raise fares and cut routes due to funding issues, that it is not just localized to San Diego. He reported that NCTD won a first place AdWheel Award.

- **INTERIM EXECUTIVE DIRECTOR'S REPORT**

Ray Patchett, Interim Executive Director, reported that ridership is up and that December 6, 2008 is the date set for the COASTER Santa Train.

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

The meeting adjourned at 4:10 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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**MINUTES OF THE SPECIAL MEETING OF NORTH COUNTY TRANSIT DISTRICT HELD
NOVEMBER 5, 2008** **PAGE 1**

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 10:20 a.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Dave Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista); Julianne Nygaard (City of Carlsbad), and Bill Horn (County of San Diego).

Rocky Chavez (City of Oceanside) arrived at 10:22 a.m.

CLOSED SESSION

The Board went into Closed Session at 10:21 a.m. to discuss:

- i. Closed Session Pursuant to Government Code Section 54957.6 – Personnel Matter – Public Employees Appointment. Title: Executive Director

The Board returned from Closed Session at 4:50 p.m. Chair Gallo stated that the Board met in Closed Session to discuss item i and had nothing to report.

PUBLIC COMMUNICATIONS

None.

• **ADJOURNMENT**

The meeting adjourned at 4:51 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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GOVERNANCE COMMITTEE REPORT

TITLE: COMMITTEE AND BOARD MEETING CALENDAR FOR 2009

Time Sensitive Consent

COMMITTEE
RECOMMENDATION:

That the Board of Directors adopt the 2009 Committee and Board Meeting Calendar.

BACKGROUND
INFORMATION:

Each year the Board adopts a Committee and Board meeting calendar for the next calendar year, as directed by Board Policy. It is the responsibility of the Governance Committee to propose a calendar for the Board. The 2008 Committee and Board meeting calendar was as follows:

- The Governance Committee meets at 8:30 am on the first Wednesday of each month,
- the Monitoring Committee meets at 8:30 am on the first Thursday of each month, and
- the Planning Committee meets at 3:00 pm on the first Thursday of each month.
- The Board of Directors meets at 2:00 pm on the third Thursday of each month, with the time adjusted to an earlier start according to the requirements of Closed Session agenda items.

Should the Committee recommend following the same rules schedule as in 2008, there would be a few exceptions as a result of the calendar. The exceptions, shown in italics on Attachment 1A, affect the Planning, Monitoring and Board meetings in January and October.

The Committee meetings are held at the NCTD offices located at 311 South Tremont, Oceanside, and the Board meetings are held at the NCTD offices located at 810 Mission Avenue, Oceanside, unless otherwise noticed.

ATTACHMENT: 1A – Committee and Board Meeting Schedule for 2009

FISCAL IMPACT: None

COMMITTEE

REVIEW: The Committee concurred with this schedule as described in attachment 4A and recommends Board approval of this action on the consent calendar.
11/5/08

STAFF CONTACT:

Ray Patchett
Interim Executive Director
E-mail: rpatchett@nctd.org Phone: 760/967-2867

Key Staff Contact: Jill McNaughton, Clerk of the Board
E-mail: jmcnaughton@nctd.org Phone: 760/967-2808



GOVERNANCE COMMITTEE REPORT

TITLE: ANNUAL BOARD AGENDA FOR 2009

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the Board of Directors review and approve the 2009 Annual Board Agenda.

**BACKGROUND
INFORMATION:**

Each year the Board of Directors adopts an Annual Board agenda for the following calendar year, as directed by Board Policy. This agenda is used as a tool to assist with planning for the next year. It is the responsibility of the Governance Committee to review, develop and propose an agenda to the Board. With the 2009 calendar year quickly approaching, a preliminary draft agenda (Attachment 2A) has been developed to facilitate discussion.

The calendar does not include contract awards or information items.

ATTACHMENT: 2A – 2009 Calendar of the North County Transit District Board of Directors.

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**

11/5/08 The Committee concurred with the 2009 Annual Board Agenda, which is subject to change, and recommends Board approval on the consent calendar.

STAFF CONTACT:

Ray Patchett
Interim Executive Director
E-mail: rpatchett@nctd.org Phone: 760/967-2867

Key Staff Contact: Jill McNaughton, Clerk of the Board
E-mail: jmcaughton@nctd.com Phone: 760/967-2808



GOVERNANCE COMMITTEE REPORT

TITLE: MEMORANDUM OF UNDERSTANDING WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR CONTROL POINT (CP) CARL TO CP FARR SECOND TRACK PROJECT

Time Sensitive [X] Consent [X]

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to execute a Memorandum of Understanding with the California Department of Transportation (Caltrans) regarding the construction of the Control Point (CP) Carl to CP Farr second track project.

BACKGROUND INFORMATION:

NCTD adopted a policy in March 2001 stating that it is a goal of the Board to double-track the coastal railroad corridor to improve capacity, efficiency, and service reliability for passenger services in San Diego County. Over the past several years, NCTD and Caltrans' Division of Rail have cooperated on several projects in furtherance of this important Board goal, including:

- False Bay passing track 2002 (Mission Bay area)
• San Onofre second track extension 2004 (Camp Pendleton)
• O'Neil-Flores second track extension 2006 (Camp Pendleton)
• Oceanside second track extension 2008 (currently under construction)

In all of the above cases, Caltrans and Amtrak have provided virtually all project funding, resulting in significant improvements in the corridor.

Caltrans is now moving forward with the next such project, the extension of double tracking from Cannon Drive in Carlsbad ("CP Farr") to just south of Carlsbad Village Drive ("CP Carl"). This extension will add two miles of additional double track, extending a current three-mile stretch of double track to five miles. This will significantly improve operational flexibility and the ability to make "passing meets" for trains with little or no speed reduction, improve rail service reliability, and improve goods movements.

The project scope of work includes:

- § Construct 2.0 miles of a new second track;
§ Installation of a universal cross-over at Control Point Farr, Mile Post (MP) 231.4;
§ Installation of new Control Point Carl, MP 229.5;
§ Expansion of and upgrading new grade crossings and warning devices at Tamarack Avenue, MP 231.1, SDG&E private crossing, MP 231.06, and Cannon Road, MP 231.4;
§ Improve various drainage facilities;
§ Construct a new 214' long, cast-in-place and precast concrete bridge, MP 230.6, over the Agua Hedionda Lagoon.

The project will include the addition of a new bridge at Agua Hedionda Lagoon (Milepost 230.6), where the District recently replaced the existing single-track bridge in 2006 after the old trestle became damaged by marine borers.

Caltrans and Amtrak will be providing all funding for this project. As has been done on previous Caltrans projects of this kind, NCTD and Caltrans would enter into a Memorandum of Understanding, similar to the attached draft (Attachment 3A), outlining responsibilities on the project.

Staff recommends Board review and authorization of the Interim Executive Director to execute this draft MOU.

ATTACHMENT: 3A - Draft MOU

FISCAL IMPACT: Caltrans and Amtrak will pay all costs of design and construction on this project. NCTD's costs on this project would be reimbursed by a separate contract to be entered into between NCTD and Caltrans. A minor fiscal impact to NCTD involving maintenance of the additional two miles of track will occur, but is compensated by the improvement in capacity and reliability of operations afforded by this project.

**COMMITTEE
REVIEW:**

11/5/08 Staff provided the Committee with an overview of the CP Carl to CP Farr second track project and distributed a map identifying the existing double track, which is approximately 52 percent and single track sections on the San Diego portion of the coastal railroad corridor. The Committee was pleased that this improvement was funded with external revenue sources and recommends Board approval of this action on the consent calendar. The Committee also discussed pursuing other projects through the Caltrans process and including quiet zones as part of the development of projects.

STAFF CONTACT: **Tom Lichterman**
Director of Operations
E-mail: tlichterman@nctd.org Phone: 760/967-2855

Key Staff Contact: Mitch Alderman, Chief Rail Engineer
E-mail: malderman@nctd.org Phone: 760/967-2852



GOVERNANCE COMMITTEE REPORT

TITLE: LEGISLATIVE AGENDA FOR CALENDAR YEAR 2009

Time Sensitive Consent COMMITTEE
RECOMMENDATION:

That the Board of Directors approve the Calendar Year 2009
Legislative and Advocacy Goals

BACKGROUND
INFORMATION:

On an annual basis, the NCTD Board of Directors adopts the District's federal and state legislative goals for the next calendar year. The timing of the goals is based on the beginning of the new federal and state legislative sessions as well as the early deadline for introducing bills and funding request submittals. As directed, by Board policy, the Governance Committee is tasked with initiating this process.

A legislative agenda provides the Board and staff a roadmap to follow and provides a mechanism to enable responses to issues as they arise throughout the course of the year. It also provides a framework for the annual SANDAG/MTS/NCTD Joint Federal Agenda. The agenda and associated goals may be modified as so directed by the Governance Committee and/or Board throughout the year.

As a result of the current economic condition, protecting existing funding sources is going to be particularly challenging over the next year and likely the highest priority of transit agencies throughout the state. Identification and securing non-traditional transit funding sources for transit purposes, although also challenging, might be a high focus goal to consider for next year. An example of non-traditional transit funding might be infrastructure funding identified in an economic stimulus bill.

Other issues for potential consideration as high priority focus for NCTD:

- **Authorization or Reauthorization of a Transportation Program** will be a high Congressional priority next year as SAFETEA-LU, (Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users), the existing federal highway and public transportation authorization expires September 30, 2009. NCTD support of public transportation as part of a multimodal transportation system, including the need for funding of railroad bridge infrastructure rehabilitation to a state of good repair as part of the reauthorization, would be consistent with previous legislative agendas. Recommending this as a high priority focus of the Board might be a consideration of the Governance Committee. Seeking project specific funding in the reauthorization would also be consistent with previous legislative agendas and recommended as a high priority focus.

- **Quality of Life Strategies:** In June 2008, the SANDAG Board of Directors formed “The Quality of Life Ad Hoc Steering Committee” to provide policy direction and guide efforts to collaborate with regional stakeholders on possible approaches to a regional Quality of Life funding strategy. The strategy includes possibly presenting a funding measure to the San Diego voters in November 2010. The measure includes a variety of elements including public transportation funding. Other elements include habitat preservation, shoreline management, and regional water quality enhancements.

An invitation to join the stakeholders group was approved by the Quality of Life committee at their October 17th meeting and subsequently a letter was mailed out to approximately 40 potential participants, including NCTD. The first stakeholder’s meeting is scheduled for November 24, 2008. The Governance Committee might consider Including participation in this process as a high priority focus for the NCTD Board.

The Committee may wish to add/delete or revise NCTD’s 2008 Legislative Agenda. For the Committee’s convenience the 2008 agenda is included as Attachment 4A. To provide the Board and staff with appropriate direction on both the federal and state levels, as well as enable our participation in the regional process to seek federal funding, an adopted legislative program in December 2008 or January 2009 is recommended.

ATTACHMENT: 4A – Approved Calendar Year 2008 Legislative Agenda
4B – Proposed Calendar Year 2009 Legislative Agenda

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**

11/05/08 The Committee reviewed a draft Calendar Year 2009 Legislative and Advocacy Goals Agenda and proposed changes. The additions from the approved FY 2008 Legislative Agenda are notated in red with the deletions shown with a strikeout. Also the table format has been modified slightly, and the items have been moved to represent a priority of focus. The Committee recommends Board approval on the Consent Calendar.

STAFF CONTACT: **Ray Patchett**
Interim Executive Director
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Key Staff Contact: Ellen Roundtree, Intergovernmental Affairs Officer
Email: eroundtree@nctd.org Phone: 760/967-2881



MONITORING COMMITTEE REPORT

TITLE: CONSERVATION EASEMENT AGREEMENT AT THE HARMONY GROVE MITIGATION SITE

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to enter into an in-perpetuity management agreement with the Escondido Creek Conservancy for the management of the Conservation Easement at the Harmony Grove Mitigation Site.

BACKGROUND INFORMATION:

The Harmony Grove conservation easement is a 5.63 acre wetland restoration project, which was required as part of the mitigation for construction of the NCTD SPRINTER line. The project converted an abandoned trailer park in the Harmony Grove area of the County into a high-value wetland. This environmental project has previously received recognition as an outstanding project by the American Public Works Association.

Per the requirements of the permits with the Army Corps of Engineers, United States Fish and Wildlife Service, and California Department of Fish and Game, once the site has been established, NCTD is required to transfer a conservation easement covering the site to an independent conservancy. NCTD has negotiated an agreement with the Escondido Creek Conservancy for management of the site in perpetuity as a conservation easement. The negotiated fee of \$186,000 is established to create an endowment to cover on-going maintenance costs in perpetuity.

Staff is recommending approval of the management agreement with Escondido Creek Conservancy to implement this transfer upon completion of required NCTD monitoring and maintenance. Once the transfer becomes effective, NCTD will have no further obligations for the site.

ATTACHMENT: 5A - Conservation Easement Agreement
5B - Property Appraisal Report

FISCAL IMPACT: The fiscal impact of this item is \$186,000. A total of \$12,094,257 has been budgeted in the SPRINTER capital project under JB# 709501.741000.13230302 for environmental mitigation, of which \$9,566,874 has been expended and an additional \$1,231,467 has been encumbered, leaving an available balance of \$1,295,916.

**COMMITTEE
REVIEW:**

11/6/08 Staff reviewed the proposed arrangement with the Escondido Creek Conservancy for the management of the Harmony Grove Mitigation site in perpetuity. Legal counsel confirmed that NCTD's financial obligation regarding this site would be fulfilled once the Escondido Creek Conservancy accepted the easement. The Committee recommended Board approval of this item on the Consent Calendar.

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MONITORING COMMITTEE REPORT

TITLE: BOMBARDIER COACH REFURBISHMENT CONTRACT VALUE INCREASE

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to execute an increase in the contractual value of RFP 03063, Bombardier Coach Refurbishment Contract, to allow for the continued exterior refurbishments of the COASTER fleet.

BACKGROUND INFORMATION:

In August 2003, a contract for the refurbishment of twenty-two COASTER coaches was awarded to Bombardier Corporation. The original intent was to have all work under this contract completed and the contract closed by August 2008. Due to initial delays associated with the originally unplanned construction of a paint booth at the Stuart Mesa Facility and subsequent District directed work slow downs due to previous budgetary constraints, the period of performance of this contract has been extended to December 2009.

The successful goal of this project has been to maximize asset life and improve the appearance of these vehicles by replacing all floor covering and upholstery, as well as mitigating corrosion with new exterior paint. At the time of contract award, in 2003, it was hoped that four of the twenty-two coaches may not require exterior re-painting by the expected end of this project in August 2008.

The toll taken on these four coaches by the past six years of weather and elements has caused staff to recognize that this is not the case. As a result, the Board-adopted District FY 09 Operating Budget includes the exterior painting of three of these additional coaches, with the last one scheduled for FY 10.

The addition of these four coaches requires a contract increase in an amount based upon the fixed prices of the contract.

This recommendation changes the RFP 03063 contract value which allows the already-allocated and budgeted funds to be spent on this contract.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item increases the contract value of RFP 03063 \$247,700 from \$3,302,300 to \$3,550,000. The exterior refurbishments are included in the Board adopted District FY 09 Operating Budget under account 150.503314. This action is procedural and will allow the expenditure. The final contractual work inclusive in this value will be included in the FY 10 budget.

COMMITTEE

REVIEW: Staff reviewed the proposed increase in the contractual value of the Bombardier
11/6/08 Coach Refurbishment Contract in order to obtain refurbishment services for the
last four of the older COASTER railcars. The Committee recommended Board
approval of this item on the Consent Calendar.

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MONITORING COMMITTEE REPORT

TITLE: RAIN FOR RENT FOR GROUNDWATER DISCHARGE SYSTEM AT STUART MESA MAINTENANCE FACILITY

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to issue a Change Order increasing the purchase order value to Rain for Rent by the not-to-exceed amount of \$4,000.00 for extended work on the Stuart Mesa ground water pumping system.

BACKGROUND INFORMATION:

On January 22, 2007, Karen King, NCTD Executive Director, signed a Declaration of Public Exigency for the Emergency Elimination of Stuart Mesa Groundwater Discharge. The Board was notified by memo of this action on February 7, 2007.

Since construction of the facility in 1996, it has been necessary to pump ground water from an installed sub-drain on the Stuart Mesa Maintenance Facility property in order to prevent damage to sub-surface utility vaults and the storage tracks at the facility. This need became apparent during construction of the facility due to the high water table and adjacent farming operation. At certain times of the year, the level of the water table and the volume of the water results in the discharged water reaching the Santa Margarita River.

The pumping operation continued without problem until 2004, when changes in water quality regulations led to a request by the Regional Water Quality Control Board that NCTD obtain a discharge permit. NCTD pursued this course of action, including the required water quality tests. The tests showed that there were no industrial compounds in the water; however, there were high levels of nitrogen and phosphorous, principal ingredients of fertilizer, likely caused by the adjacent farming operation.

NCTD worked with the Water Board and Camp Pendleton pursuing a resolution of this practice beginning in early 2005. In August 2006 we finally reached agreement on a satisfactory solution to the problem, with the Base agreeing to accept the ground water into their wastewater treatment system. NCTD then proceeded with the design work to implement this solution, with an understanding based on prior communications with Water Board staff that the discharge had to be stopped by August 2007. However, on January 19, 2007, the Water Board placed NCTD on notice that we must discontinue discharge of Stuart Mesa Facility groundwater into the San Margarita River Basin by March 1, 2007.

NCTD proceeded with implementing emergency temporary groundwater storage and pumping facility to allow undesirable groundwater to be pumped into the existing Camp Pendleton wastewater facility for disposal. The emergency contract awards approved by the Executive Director's Declaration allowed the implementation of the temporary system to proceed. The retirement

and removal of the temporary was delayed by the completion of the permanent system. The changes to the original contract amount have exceeded the Executive Directors authority and Board approval is required to increase the contract amount of Rain for Rent by the NTE amount of \$4,000 in order to pay final invoices and close the contract.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is not-to-exceed \$4,000. A total of \$1,156,860 has been budgeted for the Stuart Mesa Ground Dewatering project under JB#s 506024 and 508015, of which \$884,149 has been expended and an additional \$179,451 has been encumbered, leaving an available balance of \$93,260.

COMMITTEE

REVIEW: Staff reviewed the project background and proposed increase in the Rain for Rent Contract. After explanation that the change order authority level of NCTD's Interim Executive Director for this item had been reached, resulting in the need to take this item to the Board, the Committee recommended Board approval of this item on the Consent Calendar.
11/6/08

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MONITORING COMMITTEE REPORT

TITLE: PUBLIC HEARING TO EXPAND ROUTE 388 SERVICE

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors hold a Public Hearing to hear public comment regarding a proposed expansion of Route 388 service using special grant funding.

BACKGROUND INFORMATION:

Currently, Route 388 operates bi-directionally every three hours between Escondido and Pala via Valley Center, seven days a week. Service is directly provided to Harrah’s Rincon Casino and Pala Casino.

Staff is recommending that the Board hold a Public Hearing on a proposed Route 388 alignment and schedule change, tentatively planned to go into effect January 25, 2009. Working with the Reservation Transportation Authority (RTA) and SANDAG, last year the RTA successfully applied for and was granted a 5311(c) Federal Tribal Transit Program grant for \$425,101 to enhance access to tribal employment areas. The intent of RTA’s grant application was to improve Route 388 service by reducing travel times and providing more trips to tribal employment areas. A final grant amendment must be processed between the RTA and the Federal Transit Administration’s Region IX in the next 30-45 days. If this amendment is processed in time, NCTD may begin the expanded service on January 25, 2009. If there is a delay, this service would start once the grant funding is in place.

Under the proposed plan, Route 388 would be modified into a loop route, with each direction operating every two hours, seven days a week. This proposal would reduce travel times to Pala Casino from 65-minutes to 32-minutes, and expand the total number of trips serving these areas from six to sixteen each day. Under this plan, service to Valley View Casino would begin immediately. Service to Casino Pauma would begin once that Tribe has constructed previously-agreed-upon improvements to the SR-76 & Pauma Reservation Road intersection and development of an ADA-compliant bus stop location near their casino.

NCTD’s existing Public Hearing Policy states that the District must conduct a public hearing for “any proposal which would increase or decrease ten (10) percent or more of the one-way route miles of an existing route”.

ATTACHMENT:

Attachment 8A - Existing Route 388 map & schedule effective August 10, 2008
Attachment 8B - Proposed Route 388 schedule effective January 25, 2009

FISCAL IMPACT: No net fiscal impact. The 5311(c) grant will pay for the net cost of the additional Route 388 service, minus the projected farebox revenue, as well as design/permitting/construction/maintenance of two temporary bus stops near the I-15/SR-76 Park & Ride lot, and marketing of the new service.

**COMMITTEE
REVIEW:**

11/6/08 Staff provided a presentation detailing the proposed expansion of Route 388 using special grant funding in cooperation with the RTA. The Committee discussed this proposal extensively, was generally pleased with the proposed expansion of service and noted that the proposed expansion would not only facilitate use by casino patrons, thereby generating incremental revenues for the casinos, but would also make use of this service by casino employees more practical because of the increased frequency. The Committee expressed concern that there was no guarantee of continued funding beyond the initial one-year period and requested staff to continue efforts to secure a greater financial commitment from local employment centers served by this route. The Committee noted that this was positive news and the subject of a Public Hearing at the upcoming Board meeting.

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MONITORING COMMITTEE REPORT

TITLE: STORM WATER POLLUTION PREVENTION COMPLIANCE WORK FOR SPRINTER ENVIRONMENTAL MAINTENANCE AND MONITORING

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to issue a Change Order adding a new scope of work to the contract with our environmental maintenance and monitoring contractor HRS Inc., at the not-to-exceed value of \$200,000 for the supply and installation of additional Storm Water Pollution Prevention (SWPP) measures for the SPRINTER construction project.

BACKGROUND INFORMATION:

The maintenance of SWPP measures along the SPRINTER alignment has been an on-going effort since construction work was completed in March 2008. While substantial progress has been made in installation of temporary and permanent "Best Management Practices", staffs feels that we need increased resources as the rainy season approaches.

Staff is proposing to have the environmental maintenance and monitoring contract awarded to HRS Inc on August 12, 2008, operate and maintain the ROW irrigation system in such a manner to maximize the potential for seeds to germinate. We are required to have 70% vegetative cover, or other permanent BMP's, in place under the Regional Water Quality Control Board permit to obtain the Notice of Termination. Staff is also proposing to have HRS provide additional hydro seeding service, and to supply, install and maintain SWPP Best Management Practices (BMP). In addition, they will assist in emergency measures as necessary during and after storm events as they do for our mitigation sites.

Staff recommends that the Board authorize the HRS, Inc. contract value of \$546,556 to be increased by an amount not-to-exceed \$200,000 so that they may take immediate steps to maintain the ROW in compliance with the general permit requirements regarding discharge of Construction Storm Water. This action would make the new value of the contact \$746,556.00.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is \$200,000. A total of \$12,094,257 has been budgeted in the SPRINTER capital project under JB# 709501.741000.13230302 for environmental mitigation, of which \$9,566,874 has been expended and an additional \$1,231,467 has been encumbered, leaving an available balance of \$1,295,916 for this item and the previous agenda item # 5.

**COMMITTEE
REVIEW:**

11/6/08 Staff provided background information and reviewed the proposed scope modification and contract value increase to the HRS, Inc. contract. After thorough discussion, the Committee recommended that the full Board review and approve this item.

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MONITORING COMMITTEE REPORT

TITLE: EXPANSION OF MOBILITY/TRAVEL TRAINING PROGRAM

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the Board of Directors approve hiring an additional Mobility/Travel Trainer to expand the Mobility/Travel Training Program using special grant funding.

**BACKGROUND
INFORMATION:**

At its October 2005 meeting, the Board approved the hiring of a full-time Mobility/Travel Trainer to train seniors and persons with disabilities to use NCTD's fixed route services. The Mobility/Travel Trainer began work in February 2006.

Since January 2008, about 1,000 individuals have participated in either group or one-on-one trainings, and eleven LIFT-certified individuals have received training. If one LIFT-certified individual were to switch from five days per week of LIFT service to five days per week of fixed-route service, the cost savings would be almost \$18,000 annually. Studies have indicated that seniors who learn to use fixed-route remain mobile and independent for a longer period of time.

Demand for the mobility/travel training services is greater than one person can perform. In October 2006, NCTD applied for New Freedom funds to reimburse 50% of the program. The grant was approved. NCTD also applied for TransNet Senior Mini-Grant funds to expand the program and to provide matching funds to the New Freedom grant. At its September 2008 meeting, the SANDAG Transportation Committee approved NCTD's application for \$116,043. With approval of the New Freedom and Senior Mini-grants, the program can be funded to fully support two Mobility/Travel Trainer positions.

The expansion of the Mobility/Travel Training program would enable NCTD to hire an additional trainer on a three-year, limited-term basis. The second trainer will provide additional trainings to seniors and people with disabilities, as well as providing back-up in case of emergencies or conflicts. The expansion will also allow staff to develop the Senior Transit Buddy program, to provide increased opportunities for seniors to experience and use NCTD's services.

ATTACHMENT: None

FISCAL IMPACT: No net fiscal impact. The payroll and benefits cost of an additional Mobility Travel Trainer will be about \$50,000 annually. The Mobility/Travel Training program will be fully funded by the Senior TransNet Mini-Grant, with the New Freedom grant providing the matching funds. This position will be limited-term, based on availability of grant funds, and budget neutral.

COMMITTEE

REVIEW:

11/6/08 Staff reviewed the Mobility/Travel Trainer program and the proposed hiring of an additional Mobility/Travel Trainer to be funded with a Senior TransNet Mini-Grant and a New Freedom grant. After further discussion of the Mobility/Travel Trainer program, the Committee recommended discussion and approval of this item by the full Board.

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MONITORING COMMITTEE REPORT

TITLE: MIGRATION OF APPLICATIONS FROM THE PRIME MINICOMPUTER TO A CLIENT-SERVER ENVIRONMENT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Interim Executive Director to execute a contract with Pennant Computer Solutions Limited for a not-to-exceed value of \$750,000 to migrate the applications from NCTD's Prime Minicomputer system to a client-server environment.

BACKGROUND INFORMATION:

In 1986 NCTD installed a Prime Minicomputer and acquired applications from the Orange County Transportation Authority. These custom COBOL applications currently run the agency's Payroll, Human Resources, California Public Employees Retirement System reports, Rail Statistics, the Automated Coach Operators Reporting System (ACORS), and the bus driver schedule bidding. These are mission-critical applications for NCTD which cannot easily be replaced.

The Prime Minicomputer equipment has provided service for NCTD for over twenty years. While the environment has been generally stable, the equipment manufacturer is no longer in business, and all support for the hardware is provided by third parties.

In the last year, NCTD experienced two significant hardware outages in this environment resulting in over seven days of downtime on the equipment. These outages emphasize the risky nature of relying on outdated hardware as the primary operating environment for these applications.

We have analyzed potential options for retiring the Prime Minicomputer environment. Based on risk, time, and cost estimates, we determined that we should migrate the custom COBOL and Prime Information applications to either a UNIX or Microsoft Windows operating system. The end result of the project that will result from a contract award to Pennant will be the ability to run the existing applications in a more stable and updated operating environment.

An RFP was issued in September and two responses were received. The initial evaluation and final scoring after the BAFO process resulted in Pennant Computer Solutions Limited receiving 87 points and On Time Consulting Services, Inc. receiving 84 points out of a total 100. The selection of Pennant Computer Solutions was based upon a combination of best pricing, best proposed timeframe for completion of work, better adherence to NCTD IT Architectural Standards, and their previous experience successfully migrating applications from a Prime Environment to a Microsoft Windows environment. The value of the contract award to Pennant is a fixed price of \$670,685. However, approval to expend up to \$750,000 is requested in the event changes to the contract become necessary.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is \$750,000. A total of \$900,000 has been budgeted in JB#s 106050, 107051 and 109100 for the migration of the Prime information and applications, including \$400,000 originally budgeted for Dynamic Passenger Information Messaging Project. Since the Prime Migration Project is one of the District's most time-sensitive and highest priority IT projects, staff is recommending that funding from the Dynamic Passenger Information Messaging Project be utilized to complete the Prime migration project. Of the \$900,000 total budget, none has been expended or encumbered, leaving an available balance of \$900,000 for this item and anticipated future project costs.

COMMITTEE

REVIEW:

10/2/08 The Monitoring Committee discussed the current applications and the advantages of moving to a more stable operating environment. At the time of the Committee meeting, the RFP responses were still under review. Accordingly, the Committee recommended that the item be presented to the Board as an action item rather than on the Consent Calendar.

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MONITORING COMMITTEE REPORT

TITLE: QUARTERLY CAPITAL PROJECT REPORT

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the Board of Directors receive a status report on major NCTD and third-party projects affecting NCTD services.

**BACKGROUND
INFORMATION:**

The Quarterly Project Status Report is provided to give the Board a brief synopsis regarding the current status of major capital projects that are currently under development by NCTD. In addition to NCTD projects, others which are being conducted by third parties affecting NCTD property or facilities are also reviewed.

ATTACHMENT: 12A - Quarterly Project Report

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**

11/06/08

Staff briefed the Committee on the status of several capital projects, including: the East Division Maintenance Facility Expansion; the Santa Margarita River Bridge Replacement; the Oceanside Passing Track; and the Del Mar Special Events Platform. The Committee recommended that the Board receive the report as an information item.

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November 20, 2008

TO: North County Transit District Board Members
FROM: Clerk of the Board
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Board was posted as follows:

Meeting Date and Time:	November 20, 2008; 1:00 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	November 14, 2008; 5:00 p.m.
Posted By:	Clerk of the Board

TO: North County Transit District Board Members
FROM: Ed Gallo, Chairman
SUBJECT: RULES FOR PUBLIC SPEAKERS AT MEETINGS OF THE NORTH COUNTY TRANSIT DISTRICT

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures:

I. COMMENTS ON ITEMS NOT ON AGENDA

- A. Total time limit all speakers:
Beginning of Meeting: Fifteen (15) minutes
End of Meeting: No time limit.
- B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed
- C. Priority: First come first served. All Speaker Slips will be numbered as the Clerk of the Board receives them. Those not allowed to speak at the beginning of the meeting due to limit stated above, will be called at the end of the meeting.
- D. Order on agenda: Items will be heard at the beginning of the meeting and if the time limit stated in paragraph A is exhausted, those who filled out a speaker slip and have not yet spoken, will be given an opportunity to speak at the end of the meeting under "*Remaining Public Communications*".

Comments not addressing items on the agenda are out of order.

II. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

- A. Total time limit: None.
- B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes
- C. These rules apply to both public hearing and non-public hearing items listed on the agenda.

Comments made not germane to the subject matter of the agenda are out of order.

III. CUTOFF FOR TURNING IN SPEAKER SLIPS

Speakers wishing to speak to an item on the Board Agenda must submit a speaker slip to the Clerk of the Board before that agenda item is called. Speaker slips will be available at the meeting.

Speakers turning in slips after discussion begins on an item will be heard at the end of the meeting under "*Remaining Public Communications*".

IV. MODIFICATION OF RULES BY CHAIR

The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.