



BOARD OF DIRECTORS

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AGENDA

GOVERNANCE COMMITTEE

Chairman Bob Campbell, Vice-Chair Chris Orlando,
Chair of the Monitoring Committee, Dave Roberts
Chair of the Planning Committee, Jerome Stocks
Staff Committee Liaison: Ellen Roundtree

Wednesday, March 4, 2009 – 8:30 a.m.
311 South Tremont St., Oceanside, California

1. Open Meeting
2. Changes to the Agenda
3. Contract for ADA Improvements
4. Grant of Easement to the City of San Marcos for a Portion of the Inland Rail Trail
5. Conservation Easement Agreement at the Rancho Del Oro Mitigation Site (Attachment 5A)
6. Service Improvement Plan for NCTD Transit Services
7. Quarterly Financial Report for Six Months Ended December 31, 2008 (Attachment 7A)
8. Legislative Status Update (Oral Report)
9. Draft Board Agenda for March 19, 2009 Board Meeting
10. Future Board Agendas (Master Board Agenda)
11. Other Matters
12. Public Comment
13. Next Meeting: Wednesday, **April 1, 2009**, 8:30 a.m., 311 South Tremont, Oceanside, CA
14. Adjournment

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 our 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; 800-735-0373 for CRS Customer Service; 800-855-3000 for Spanish.

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.



STAFF REPORT TO THE GOVERNANCE COMMITTEE

Agenda Item # 3

TITLE: CONTRACT FOR ADA IMPROVEMENTS

Time Sensitive [X] Consent []

STAFF RECOMMENDATION:

Authorize the Executive Director to award a construction contract to GEM Industrial for ADA improvements in the amount of \$177,540.

BACKGROUND INFORMATION:

Title II of the Americans with Disabilities Act (ADA) protects qualified individuals with disabilities from discrimination on the basis of disability in accessing services, programs, or activities. In 2003 NCTD commissioned Equal Access, ADA Consulting Architects, Inc. to assess NCTD-owned and operated facilities to determine if any barriers existed. The consultant firm identified and evaluated 235 for inclusion in a multi-year correction plan that would bring NCTD into substantial compliance with federal law.

The identified areas for improvement were included in NCTD's ADA Transition Plan with a schedule for completion between 2005 and 2010. Most of the identified problems were minor and have been corrected. Examples include height adjustments of fixtures, addition of signs, parking lot layout changes, handrail modifications, elevator modifications, door closer adjustments, drinking fountain adjustments, etc.

This contract is designed to complete the remaining improvements identified in the ADA Transition Plan including, but not limited to, concrete ramp and sidewalk slope corrections, restroom stall configurations, and customer service window height modifications.

An invitation for bids was advertised on January 23, 2009 followed by the bid opening on February 23, 2009. Following is a summary of the bidders along with their respective bid prices.

Table with 2 columns: FIRM NAME, GRAND TOTAL BID PRICE. Rows include GEM Industrial (\$177,540), New Century (\$216,700), Allycat (\$236,800), Palm Engineering (*\$239,789), G.A. Dominguez (\$253,996), K. Drury (\$258,000), Built Pacific (\$269,400), TTP (\$312,475).

*Corrected total after calculating submitted unit prices.

GEM Industrial has been determined to be the lowest responsive and responsible firm for this procurement, with a low bid of \$177,540.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$177,540. A total of \$400,000 has been budgeted for the ADA transition plan, of which \$80,657 has been expended and an additional \$30,002 has been encumbered, leaving an available balance of \$289,340.

**COMMITTEE
REVIEW:**
3/4/09

STAFF CONTACT: **Tom Lichterman**
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Key Staff Contact: Tom Gallagher, Manager of Facility Maintenance
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**STAFF REPORT TO THE
GOVERNANCE COMMITTEE**

**Agenda Item #
4**

**TITLE: GRANT OF EASEMENT TO THE CITY OF SAN MARCOS FOR A
PORTION OF THE INLAND RAIL TRAIL**

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

Approve the Grant of Easement for the San Marcos portion of the Inland Rail Trail to the City of San Marcos and authorize the Executive Director to execute agreement with San Marcos in substantially the form provided.

**BACKGROUND
INFORMATION:**

In 1995, NCTD entered into a Memorandum of Understanding with the cities and County along the Oceanside to Escondido corridor to provide for the development of a bikeway along NCTD's inland railroad right-of-way. Subsequently, the project was designed and constructed in the cities of Escondido and San Marcos, and graded work was completed in Vista and the Unincorporated areas, during construction of the SPRINTER project.

The original MOU required NCTD to grant rights to the cities for access, use, and maintenance of the bikeway, now called the Inland Rail Trail (IRT). With construction now complete, except for some minor outstanding punchlist items, staff, NCTD's General Counsel and the City Attorney and staff of San Marcos have reached agreement on the terms of a Grant of Easement for the San Marcos portion of the trail. The Board previously granted Escondido an easement for their portion of the IRT.

Major terms of the proposed agreement include:

- This will be a grant of easement, not assignment of fee title to the property underlying the IRT.
- Upon acceptance of the easement, all maintenance, repair, and security needs of the IRT become the responsibility of the City of San Marcos.
- NCTD will issue an annual Right-of-Entry Permit for routine maintenance activities so that the City can conduct activities such as cleaning, minor maintenance, landscape maintenance, and security patrols without need to contact NCTD. The IRT is fully separated from the tracks by fencing, except at grade crossings, thereby allowing such routine activities to occur without railroad flagging.
- A separate Right-of-Entry Permit for "Other Maintenance and Construction Activities" will be required when the City desires to do heavier construction on the IRT that could potentially impact railroad operations.
- Once the easement is accepted by the City, NCTD will be indemnified by the City for any loss or claim arising from the condition of Rail Trail Easement and/or its use by the City or the general public.

Staff recommends Board approval of the proposed Grant of Easement.

ATTACHMENT: Will be provided under separate cover.

FISCAL IMPACT: None. The City assumes responsibility for operation, maintenance, and security on the IRT once the easement is accepted.

**COMMITTEE
REVIEW:**
3/4/09

STAFF CONTACT: **Tom Lichterman**
Director of Operations
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STAFF REPORT TO THE GOVERNANCE COMMITTEE

Agenda Item # 5

TITLE: CONSERVATION EASEMENT AGREEMENT AT THE RANCHO DEL ORO MITIGATION SITE

Time Sensitive Consent

STAFF RECOMMENDATION:

Authorize the Executive Director to enter into a management agreement with the Center for Natural Land Management for the management of the Conservation Easement at the Rancho del Oro Mitigation Site.

BACKGROUND INFORMATION:

The Rancho del Oro (RDO) conservation easement is a 19.5 acre restoration project, which was required as part of the mitigation for construction of the NCTD SPRINTER line.

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 Center for Natural Land Management (CNLM) for perpetual management of the site as a conservation easement. The negotiated fee of \$662,243 is established to create an endowment to cover on-going maintenance costs.

Staff is recommending approval of the management agreement with CNLM 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 – Property Analysis Report cover letter
Management Agreement will be provided under separate cover.

FISCAL IMPACT:

The fiscal impact of this item is \$662,243. A total of \$11,178,740 has been budgeted in the SPRINTER capital project for environmental mitigation, of which \$10,102,943 has been expended and an additional \$862,414 has been encumbered, leaving an available balance of \$213,383. The remainder will be funded from the contingency account, which has a balance sufficient to cover this item.

COMMITTEE REVIEW:

3/4/09

STAFF CONTACT:

Tom Lichterman
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Key Staff Contact: Kristin Thomas, Environmental Project Planner
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TITLE: SERVICE IMPLEMENTATION PLAN FOR NCTD TRANSIT SERVICES

Time Sensitive Consent

STAFF RECOMMENDATION:

That the Board approve the Draft Service Improvement Plan for submittal to SANDAG.

BACKGROUND INFORMATION:

It is SANDAG’s responsibility, carried out in collaboration with the transit agencies, to establish policy framework that includes goals and objectives, needs and deficiencies, performance standards, and a review of service for regional consistency. This responsibility also includes the development of regionally significant service proposals and plans for inclusion in the regional five-year short range transit plan and to approve transit agency budgets for funding. It is the transit agencies responsibility, carried out in consultation with SANDAG, to develop a Service Implementation Plan (SIP) for regional and local transit service including defining route stops and development of schedules/runcutting, operating budget and capital improvement needs. Specifically, the SIP includes the following functions:

- Describes key service changes of the past year
• Evaluates current services’ performance against a set of adopted performance standards and identifies those services which are not meeting standards
• Identifies service needs in our service area
• Provides a prioritized list of service improvements, should funding become available, based on adopted evaluation criteria

In summary, the FY 2009 SIP recognizes the successful implementation of the SPRINTER and the planned BREEZE Route changes in support of the new rail service. Unfortunately, the SIP also documents service reductions that were required based on declining sales tax revenues and significant reduction in state transit assistance.

As the SPRINTER is nearing its first year of service, it is time to begin a process of comprehensively reviewing all of NCTD’s services with a focus of improving ridership and system efficiency. The process of conducting this type of study is known as a Comprehensive Operations Analysis (COA). The purpose of the COA is to determine the most cost-effective and cost-efficient approach to improving and expanding public transit services in North San Diego County. The economic downturn, while significant, is one of many factors that demonstrate a need to review an agency’s operations. Changes in demographics, development and employment patterns, fuel prices, and other factors require transit systems to periodically review its current operations and develop plans to meet future needs.

The SIP, due to SANDAG this month, will provide a detailed review of the service changes of the past year. It will also include an evaluation of NCTD current services and service needs. Following NCTD Board adoption of a completed COA, an updated SIP plan would be submitted.

ATTACHMENT: None

FISCAL IMPACT: No fiscal impact

**COMMITTEE
REVIEW:**
3/4/09

STAFF CONTACT: **Tom Lichterman**
Director of Operations
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**STAFF REPORT TO THE
GOVERNANCE COMMITTEE**

Agenda Item #

7

**TITLE: QUARTERLY FINANCIAL REPORT FOR SIX MONTHS ENDED
DECEMBER 31, 2008**

Time Sensitive

Consent

**STAFF
RECOMMENDATION:**

**Review the Quarterly Financial Report for the six months ended
December 31, 2008.**

**BACKGROUND
INFORMATION:**

The Quarterly Financial Report (Attachment 7A) provides information on NCTD's financial position, as well as an overview of budgeted and actual revenues and expenses through the second quarter of the fiscal year ended December 31, 2008. It should be noted that quarterly financial reports are un-audited and are for internal use only.

ATTACHMENT: 7A – Quarterly Financial Report

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**
3/4/09

**STAFF CONTACT: Richard Hannasch
Director of Administration & Finance
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**Key Staff Contact: Cathy Sweet, Manager of Budgeting & Fare Collection
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March 4, 2009

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 Governance Committee was posted as follows:

Meeting Date and Time: March 4, 2009; 8:30 am

Posted At: 810 Mission Avenue, Oceanside, CA and
311 So. Tremont, Oceanside, CA

Date & Time of Posting: February 27, 2009; 5:00 p.m.

Posted By: Clerk of the Board