

CALL TO ORDER

Chairman Bob Campbell called the meeting to order at 1:07 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Jerome Stocks (City of Encinitas); Sam Abed (City of Escondido); Jim Wood (Alternate, 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).

Absent: Carl Hilliard (City of Del Mar).

CLOSED SESSION

Michael Cowett, General Counsel, stated that staff requested adding an additional Closed Session item related to existing litigation.

MOTION BY DAVE ROBERTS TO APPROVE THE ADDITION OF CLOSED SESSION ITEM VI ,
SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

The Board went into Closed Session at 1:09 p.m. to discuss items i, ii, iii, iv, v and vi.

- i. Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Guillen, Gonzalez and Gonzalez v. NCTD; Consolidated Superior Court Case No. GIN 37-2007-00054173-CU-PA-NC.
- ii. Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Williams v. NCTD; WCAB Case Numbers: SDO 0332314; SDO 0343050
- iii. Closed Session Pursuant to Government Code Section 54956.9(a) – Anticipated Litigation – One Potential Case
- iv. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators - Potential Sale of Right of Way – Location: San Diego Subdivision NCTD Negotiators: Mike Cowett, General Counsel and Matt Tucker, Executive Director.
- v. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is 16 parcels along Barham Lane, between La Moree Road and Shell Drive in San Marcos – NCTD Negotiator: Ed Singer – Negotiating Party: City of San Marcos
- vi. Closed Session Pursuant to Government Code Section 54956.9 – Existing Litigation – One Potential Case

The Board returned from Closed Session at 2:12 pm. Michael Cowett stated that the Board met in Closed Session to discuss items i, ii, iii, iv, v and vi and had nothing to report.

ROLL CALL OF BOARD MEMBERS

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Absent: Carl Hilliard (City of Del Mar).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Dave Roberts led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Chair Campbell stated that the San Diego Northern Railway meeting would be conducted after Agenda Item 14.

PUBLIC COMMUNICATIONS

Mr. Richard Eckfield, Carlsbad, CA spoke in support of a train stop at the Del Mar Fairgrounds and provided a petition for the Board to sign.

Mrs. Helen Nielsen-Eckfield, Carlsbad, CA spoke in support of submitting for stimulus funding for a train stop at the Del Mar Fairgrounds.

Ms. Dina Smith, Oceanside, CA spoke on her concerns regarding cuts to routes 317, 318 and 319.

APPROVAL OF MINUTES

MOTION BY BILL HORN TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF JULY 2, 2009, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE ROBERTS TO APPROVE THE MINUTES OF THE BOARD WORKSHOP OF SEPTEMBER 3, 2009, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

Bill Horn requested Consent Item 6 be pulled for discussion.

CONSENT ITEMS

1. Increase Purchase Order with Transportation Management Design, Inc., for Service Planning Support
2. Increase Purchase Order and Amend MOU with SANDAG for Staff Support for Project Closeout on the SPRINTER Project

3. Purchase Order Award for the Design and Engineering of the San Luis Rey Transit Center in Oceanside
4. Purchase Order Award for the Final Design and Engineering of the Sorrento Valley Coaster Station Platform Expansion
5. Sole Source Purchase Order Award in an Amount Not-to-Exceed \$323,656 to Safetran, Inc. for the Procurement of Signal and Communication Equipment to Upgrade the San Diego Subdivision Communication System
7. Amendment of Program of Projects to be funded with American Recovery and Reinvestment Act (ARRA) Funding and Project Status Update
8. Modify Consultant Contract Values for Kuo and Associates, and Patchett & Associates
9. Revised 2009 Committee and Board Meeting Calendar Recommendations
10. Modification of Executive Director's Contract

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 7, 8, 9 AND 10, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

6. Fund Exchanges with SANDAG and MTS

Bill Horn requested further clarification on the purpose of the fund exchange.

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEM 6, SECONDED BY BILL HORN. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

11. Declaration of Fiscal Emergency, Adoption of Proposed BREEZE Service Changes to be Effective January 24, 2010, and Approval of an Exemption Under the California Environmental Quality Act

Tom Lichterman, Director of Operations, reviewed: responses to comments received; contact made with Camp Pendleton civilian employers; proposed changes to routes 315, 319, 395; staff recommended actions.

Mr. Chris Pacheco, Oceanside, CA spoke on his concerns regarding route 315 and provided copies of surveys.

Ms. Linda McKnight, Oceanside, CA spoke on her concerns regarding route 325 on weekends.

MOTION BY JEROME STOCKS TO APPROVE RESOLUTION 09-15, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

MOTION BY JEROME STOCKS TO APPROVE RESOLUTION 09-16, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

12. Approval of a Supplemental Agreement with First Transit for Operation of Route 101

Tom Lichterman reviewed: options to manage the bus operator shortage; proposed implementation plan; cost comparison; staff recommendation.

Mr. Jaime Vasquez, San Diego, CA, representing Teamsters Local 542, spoke on his concerns regarding outsourcing of route 101.

MOTION BY MARK PACKARD TO APPROVE AGENDA ITEM 12, SECONDED BY SAM ABED. OPPOSED: WOOD. MOTION CARRIED.

13. Contract Award to Trillium USA Company dba California Trillium Company for CNG Fuel Equipment and Operations/Maintenance Services

Tom Gallagher, Manager of Facility Maintenance, reviewed: background information; CNG fueling, scope of work; evaluation criteria and scoring; evaluation of proposals by panel members; proposal evaluation summary; staff recommendation.

Mr. Derek Turbide, Chula Vista, CA, representing Clean Energy, requested the contract be reconsidered.

MOTION BY JIM WOOD TO APPROVE AGENDA ITEM 13, SECONDED BY MARK PACKARD. OPPOSED: ROBERTS. MOTION CARRIED.

14. Presentation: State Legislative Quarterly Update – Mark Watts

Mark Watts, Smith, Watts & Company, provided an update on: State Budget developments and legislative attempts to close the \$60 billion revenue shortfall; P3 and Design-Build Guidelines for state and regional entities; Legislative attempts to address state tax fluctuations (State Tax Commission); and a matrix summarizing key legislation related to transit.

Chair Campbell requested that the Board members receive a copy of Mr. Watts PowerPoint presentation.

No action required.

THE MEETING WAS ADJOURNED TO THE SAN DIEGO NORTHERN RAILROAD MEETING AT 4:00 P.M.

THE SAN DIEGO NORTHERN RAILROAD MEETING WAS ADJOURNED TO THE REGULAR MEETING OF THE NORTH COUNTY TRANSIT DISTRICT AT 4:02 P.M.

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

Jim Wood spoke on the SANDAG sponsored tour of Camp Pendleton.

Dave Roberts thanked staff for the assistance related to Grace's Coffee shop in Solana Beach and clearing the brush along the railroad right of way.

Jerome Stocks spoke on the upcoming City of Encinitas Oktoberfest.

- **EXECUTIVE DIRECTOR'S REPORT**

Matthew Tucker reviewed: Charger service press release; LOSSAN JPA meeting summary; compass card status.

Julie Austin, Director of Policy and Strategic Planning, provided an update on the successful college campus ridership promotion.

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

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

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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