



NORTH COUNTY TRANSIT DISTRICT

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

Executive Director

Karen King

General Counsel

C. Michael Cowett

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

www.gonctd.com

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

**THURSDAY
February 21, 2008
1:15 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.***

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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 263-340-02 through 263-340-07, and 298-520-03 in Solana Beach. Negotiator: NCTD: Rick Howard and Lance Schulte – Negotiating Party: Shea Properties
- ii. Closed Session Pursuant to Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Potential Cases

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 January 2008 Employees of the Month Commendations to:**

- * Mr. Sammy J. Boyd, Facility Maintenance Worker
- * Mr. John J. Tapia, 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 JANUARY 17, 2008
(Pages 6 – 13)

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

C. CONSENT ITEMS (Tabs 1 – 10)

Items reviewed and recommended for approval by the Governance Committee (G), Planning Committee (P), Monitoring Committee (M) or Staff (S)

- | | |
|--|---------|
| 1. Joint Federal Transportation Agenda (G) (Attachments 1A and 1B) | Approve |
| 2. Audit Services Contract (M) | Approve |
| 3. Additional Scope and Fee for Surveying and Right-of-Way Services in Support of the Bridge Replacement Project (M) | Approve |
| 4. Increase Purchase Order to Complete Construction Documentation for the Replacement of Bridge 207.6 | Approve |
| 5. Construction of the Expansion of the Parking Lot at the Carlsbad Village Station(M) | Approve |
| 6. Purchase Order with TransitAmerica, Inc. for Bucket Truck (M) | Approve |
| 7. SPRINTER Rail Vehicles Security Cameras (M) | Approve |
| 8. Purchase Order for a Communication and Maintenance Technician for the SPRINTER (M) | Approve |
| 9. Purchase Order for Storm Water Inspection Services on SPRINTER Project (M) | Approve |
| 10. Real Property Conveyance Agreement Between the City of Oceanside and North County Transit District (M) | Approve |

OTHER BUSINESS (Tabs 11 – 12)

- | | |
|--|---------|
| 11. Replenish Executive Director’s Change Order Authority Pool for SPRINTER Construction Contracts (M) | Approve |
| 12. Monthly SPRINTER Update Report (No staff report) | Receive |

• BUDGET WORKSHOP

- **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 32)
 - ∅ Rules for Public Speakers at meetings of the North County Transit District (Page 33)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, March 20, 2008
at 810 Mission Avenue, Oceanside, CA***

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 1:50 p.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (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).

CLOSED SESSION

The Board went into Closed Session at 1:51 p.m. to discuss:

- i. Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Jacqueline Laurel v. NCTD, Superior Court Case No. GIN 051359

The Board returned from Closed Session at 2:04 p.m. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss item i and had nothing to report.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); Dave Druker (City of Del Mar); Jerome Stocks (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

Julianne Nygaard led the Board, staff and the public in the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Board Member Campbell requested that Agenda Item 15 be moved to be heard after Agenda Item 10.

PRESENTATION OF COMMENDATIONS

Presentation of December 2007 Employees of the Month Commendations: Brian Graham, Director of Bus Operations and Maintenance, recognized Mr. Glenn R. Davila, Mechanic I, and Mr. Vu Anh Le, Coach Operator, as the December 2007 Employees of the Month, with the Board's congratulations.

PUBLIC COMMUNICATIONS

Mr. Greg Rogers, Mission Linen Supply, Oceanside, CA, spoke on his concerns regarding flooding issues along the SPRINTER line on Oceanside Blvd.

Mr. Bruce Santourian, Santourian Manufacturing, Oceanside, CA, spoke on his concerns regarding flooding issues along the SPRINTER line on Oceanside Blvd.

Ms. Sue Weiland, Oceanside, CA, chose not to speak.

Mr. Steve Donner, Oceanside, CA, chose not to speak.

Mr. Phillip Souther, Oceanside, CA, spoke on his concerns regarding flooding issues along the SPRINTER line on Oceanside Blvd.

Mr. Rick Sing, Master Tech, Oceanside, CA, spoke on his concerns regarding flooding issues along the SPRINTER line on Oceanside Blvd.

Mr. Russell Levan, Encinitas, CA, spoke on his concerns regarding tree removal on NCTD right-of-way in Leucadia. He requested: a map marking the exact ROW and where those trees fall within the ROW; a definition for what it actually means to fall within the ROW; a policy on replanting any trees that are removed

Board Member Roberts requested information on what the notification procedures are for communities.

APPROVAL OF MINUTES

MOTION BY BOB CAMPBELL TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 20, 2007, SECONDED BY JULIANNE NYGAARD.

Dave Roberts stated that Lesa Heebner (Solana Beach Alternate) requested that the minutes be amended to reflect that she spoke from the podium, under Public Communications.

MOTION CARRIED UNANIMOUSLY WITH AMENDMENT NOTED ABOVE.

CONSENT ITEMS

1. Bridge 225.4 Deck Replacement, Adding Soldier Pile Retaining Walls
2. Repair of Automatic Train Stop Indicator on Del Mar Bluffs
3. Funds Transfer Agreement for Maintenance Support and Additional Training for Regional Transit Management System
4. FY 2008 1st Quarter Performance Report

5. Quarterly Financial Report for Three Months Ended September 30, 2007
6. SPRINTER Ticket Vending Machine Maintenance Service
7. Proposed Capital Improvement Program FY 2009 – 2013 and Regional Transportation Improvement Program
8. Update on Information Technology Job Titles

MOTION BY JULIANNE NYGAARD TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7 AND 8, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

9. Board Chair and Vice-Chair Election

MOTION BY JEROME STOCKS TO NOMINATE ED GALLO FOR BOARD CHAIR, SECONDED BY DAVE DRUKER. MOTION CARRIED UNANIMOUSLY.

MOTION BY BILL HORN TO NOMINATE JULIANNE NYGAARD FOR BOARD VICE-CHAIR, SECONDED BY JEROME STOCKS.

MOTION BY DAVE DRUKER TO NOMINATE DAVE ROBERTS FOR BOARD VICE-CHAIR, SECONDED BY CHRIS ORLANDO.

MOTION FOR JULIANNE NYGAARD. OPPOSED: DRUKER, CHAVEZ, ORLANDO, ROBERTS, CAMPBELL. MOTION FAILED.

MOTION FOR DAVE ROBERTS: OPPOSED: HORN, NYGAARD, GALLO, STOCKS. MOTION CARRIED.

10. Board Committee and External Committee Assignments

MOTION BY DAVE DRUKER, SECONDED BY JEROME STOCKS, TO APPOINT BOB CAMPBELL TO THE PLANNING COMMITTEE. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE DRUKER, SECONDED BY JEROME STOCKS, TO APPOINT ROCKY CHAVEZ TO THE MONITORING COMMITTEE. MOTION CARRIED UNANIMOUSLY.

MOTION BY JEROME STOCKS, SECONDED BY ROCKY CHAVEZ, TO APPOINT DAVE DRUKER TO THE MONITORING COMMITTEE, SANDAG REGIONAL PLANNING COMMITTEE, JCRT, AND LOSSAN ALTERNATE. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE ROBERTS, SECONDED BY ROCKY CHAVEZ, TO APPOINT ED GALLO TO THE SANDAG TRANSPORTATION COMMITTEE, SANDAG BOARD, SANDAG REGIONAL PLANNING COMMITTEE ALTERNATE, AND JCRT. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE DRUKER, SECONDED BY BOB CAMPBELL, TO APPOINT BILL HORN TO MONITORING COMMITTEE, JCRT ALTERNATE AND LOSSAN ALTERNATE. MOTION CARRIED UNANIMOUSLY.

MOTION BY ED GALLO, SECONDED BY BOB CAMPBELL, TO APPOINT JULIANNE NYGAARD TO THE PLANNING COMMITTEE AND LOSSAN. MOTION CARRIED UNANIMOUSLY.

MOTION BY JEROME STOCKS, SECONDED BY ROCKY CHAVEZ, TO APPOINT CHRIS ORLANDO TO THE MONITORING COMMITTEE. MOTION CARRIED UNANIMOUSLY.

MOTION BY DAVE DRUKER, SECONDED BY CHRIS ORLANDO TO APPOINT DAVE ROBERTS TO THE PLANNING COMMITTEE. MOTION CARRIED UNANIMOUSLY.

MOTION BY ED GALLO, SECONDED BY BILL HORN, TO APPOINT JEROME STOCKS TO THE PLANNING COMMITTEE AND JCRT. MOTION CARRIED UNANIMOUSLY.

15. Monthly SPRINTER Update Report

Tom Lichterman, Director of Rail Services, provided an update on the project, including: the estimated cost of completion remains the same from December 2007; overall construction on the project is at 96% completion based on billings to date; the Vehicle Maintenance Facility, the DMU contract and the Loop contract are essentially complete; Mainline construction activities are focused on station finishing issues and the parking lots are all paved except the Nordahl station; staff focus is now on the operational preparations; security center is fully staffed and monitoring 24 hours a day; emergency responder training has been completed; ticket vending machines are operational at four stations with the remainder being operational in a week; public information materials are being printed; signage for stations and inside the vehicles is being placed at the appropriate locations.

Don Bullock, Manager of Capital Construction, stated that there are two basic areas of focus: PUC approval and operational training on the full right-of-way. He said that the PUC is primarily interested in the 80 signal system control housings along the right-of-way and our own signal inspectors have gone through to verify that everything is good to go.

Bob Campbell suggested a phone number be stenciled on the signal arms so people can read them and would have a number to call when there are issues.

Bill Horn asked if there is liability with the Mainline contract in regards to the flooding issues in Oceanside.

Don Bullock responded that the contractor has built what NCTD asked them to build, per the design.

Michael Cowett stated that NCTD has been working very cooperatively with the City of Oceanside, which plays a role in the construction of the detention basins, and we have been working very cooperatively with the agencies to get the appropriate permits to do what we think needs to be done to remediate the situation in the short run. He added that NCTD has also employed engineers to do modeling and they have concluded that we have restored the creek to where it was before we started construction. Mr. Cowett said that there is a long-term solution and NCTD is working with the City of Oceanside.

Bob Campbell asked if there are any other instances of erosion or drainage that put the public or the asset at risk that we need to attend to.

Don Bullock stated that we are doing some permanent erosion control measures because there are a few areas that need attention.

Rocky Chavez said that his city staff has told him that the creek has not been restored to its original position, and the City of Oceanside is responsible to make two detention basins that would have slowed down the impact of Loma Alta Creek and that will not to be completed for two to three years. He said that NCTD has been very forthright coming to the City and asking what they need to do to take care of this now, but this is going to be a long-term project.

11. Reduction of Retainage from SPRINTER Mainline Contract

Don Bullock stated that staff was recommending that the Board grant the reduction in the retention because of the contractor's performance. He said that they have been extremely cooperative; there are no quality issues or disputes, and no potential schedule issues.

MOTION BY BOB CAMPBELL TO APPROVE AGENDA ITEM 11, SECONDED BY ROCKY CHAVEZ.

Bill Horn stated that he was in support of releasing the money once revenue service starts.

JULIANNE NYGAARD REQUESTED THE MOTION BE AMENDED TO RELEASE THE FUNDS WHEN REVENUE SERVICE BEGINS. THERE WAS NO SECOND TO THE MOTION AMENDMENT.

Rocky Chavez stated that this is a contract and if the Contractor is meeting the needs, NCTD should pay the bill.

Michael Cowett said that NCTD has an agreement with the Contractor and there is a substantial amount of money left to be paid in that agreement because the documentation has not been processed. He stated that there is plenty of money left over, even after reducing this retention, to take care of anything that could possibly come up between now and when the contract completes.

Bill Horn said that the flooding issue in Oceanside is a liability and that NCTD and the City have an obligation to fix a problem that was started by this construction and was not resolved.

Dave Roberts asked how this ties into the environmental issues and are those resolved.

Michael Cowett stated that the environmental fines are significantly smaller and there is enough money available to secure that obligation. He reminded the Board that the Contractor is responsible for those penalties. Mr. Cowett said that with respect to the flooding issues, that money would not be taken out of the construction contract; that would either be a matter that is going to be dealt with in the litigation over the design contract and/or an insurance related matter where we control the OCIP insurance.

Chris Orlando asked if the retainage money includes the incentive bonuses and have we determined if the Contractor actually hit the incentives that were built into the agreement.

Michael Cowett said there were two aspects to that agreement, the incentive bonuses and we set aside money that would represent the additional overhead costs of the Contractor because of change orders that had taken place up to that point. He said that was an estimate by the parties and that has to be documented by the Contractor.

Don Bullock stated that the milestone issues have not been paid yet.

ROCKY CHAVEZ CALLED FOR THE QUESTION. OPPOSED: HORN, GALLO, NYGAARD.
MOTION CARRIED.

12. Extra Work Purchase Order to TransitAmerica Services, Inc. Under the COASTER Services Contract RFP 05023-OS

Lane Fernandes, Manager of Commuter Rail, reviewed the staff report.

Chris Orlando stated that he would like the Board, at a later date, to revisit the question of the Executive Director's sign-off on the pools that exist, and how those pools are established.

MOTION BY BILL HORN TO APPROVE AGENDA ITEM 12, SECONDED BY ROCKY CHAVEZ.
MOTION CARRIED UNANIMOUSLY.

13. Master Plans for Carlsbad Village and Escondido Transit Centers

Lance Schulte, Economic Development Administrator, provided an update on the Master Plans for Carlsbad Village and Escondido Transit Centers. He stated that the Oceanside Transit Center is being delayed because the City is doing some other planning work, including some land-use changes.

Dave Druker said that one of the things NCTD needs to do is insist that Oceanside, Escondido and Carlsbad create citizens committees that will help shepherd these projects through, beyond the council, so that we are getting more organized comments from the citizens directly, as the projects go through.

Julie Nygaard clarified that the cities should be asked to create a citizens committee.

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 13, SECONDED BY BOB CAMPBELL. MOTION CARRIED UNANIMOUSLY.

14. Fiscal Year 2009 NCTD Budget Update

Richard Hannasch, Director of Fiscal and Support Services, reviewed the agenda item and reminded the Board that the February 21, 2008 Board meeting would include a Budget Workshop.

Bob Campbell asked for: a breakdown by mode as to revenues projected; include a 2007 column so there is a historical reference; and projected deficit vs. reserves.

Julianne Nygaard reiterated that it's critical for the Board to continue to look for revenue sources.

Bob Campbell requested a list of various agreements that are in place and what are the end date/review dates.

No action required.

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

Karen King reviewed the California Transit Association's handout regarding the Governor's budget and the SANDAG Transportation Committee agenda.

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

Bill Horn encouraged the public to vote yes on Proposition 91.

Dave Druker suggested that NCTD check out AB118 which is a \$20 million bill related to pilot projects on reduction of carbon footprints.

Dave Roberts said that the Solana Beach EIR is progressing. He asked what the notification procedure to a community is so they can be out in front of an issue, such as the trees in Encinitas.

Bob Campbell suggested water conservation messages be placed on the buses and he spoke on graffiti being cleaned up before SPRINTER revenue service begins.

Rocky Chavez stated that Council Member Kern is going to be meeting with landowners around the area where NCTD owns land, asking what they would like to see for development.

Jerome Stocks thanked NCTD staff for meeting with the Leucadia 101 Association and other interested parties and he asked staff to take along a map of the right-of-way.

- **EXECUTIVE DIRECTOR'S REPORT**

Karen King, Executive Director, updated the Board on: the JCRT meeting on February 14 at MTS; SPRINTER Ambassador training; the APTA General Manager Conference she will be attending on January 30; Gary Gallegos, Paul Jablonski and she will be going to Washington D.C. for preliminary review of the Federal Appropriations agenda.

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

The meeting adjourned at 4:23 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: Joint Federal Transportation Agenda

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors approve the Joint Federal Transportation Agenda

BACKGROUND INFORMATION:

Each year, the San Diego Association of Governments (SANDAG), Metropolitan Transit System (MTS) and NCTD develop and disburse a Joint Federal Transportation Agenda to our federal delegation and administrative staff in Washington DC. The purpose of the agenda is to educate our delegation about our projects and programs and to request dollars from the federal transportation programs to help leverage local and state dollars and federal formula dollars.

Although, over the years, funding from federal transportation programs has become much more difficult to obtain as the sources are becoming smaller and the process more complex, the effort has the potential of bringing critically needed dollars to the region. In December, NCTD approved its legislative agenda that also included a list of projects to pursue in this process. SANDAG incorporated NCTD and MTS projects into a Project Funding Request for FY 2009 Federal Transportation Appropriations list (Attachment 1A) that was approved at the January 25, 2008 Board of Directors meeting. Projects that will benefit public transportation in North County are highlighted in **bold**.

SANDAG, MTS, and NCTD staff will be reviewing the Joint Federal Transportation Agenda with legislative staff in early February 2008. Based on the feedback from this trip, applications will be submitted. Finally, in March 2008, SANDAG, MTS, and NCTD Board members will visit our federal delegation to discuss our funding requests. The final determination on which projects receive funding will be unknown until later in the fall.

ATTACHMENT:

- 1A – SANDAG Project Funding Request for FY2009 Federal Transportation Appropriations
- 1B – SANDAG Map of Project Funding Requests for FY 2009 Federal Transportation Appropriations

FISCAL IMPACT:

None

COMMITTEE**REVIEW:**

- 10/31/07 In preparation for the development of next year's Legislative Agenda, staff provided the Governance Committee with a status report on the activities related to the Calendar Year 2007 Legislative program. The Committee discussed the update and directed staff to bring back a draft proposal for their consideration at the December Governance Committee meeting.
- 12/5/07 The Governance Committee recommended Board approval of the Legislative Agenda for Calendar Year 2008, including projects for inclusion in the Joint Federal Transportation Agenda.
- 12/20/07 The Board approved the Legislative Agenda for Calendar Year 2008, including projects for inclusion in the Joint Federal Transportation Agenda.
- 2/6/08 Staff provided the Committee with a report on the current activities in Washington DC with SANDAG, MTS and NCTD staff. The Committee recommended Board approval of the Joint Federal Transportation as a consent item.

STAFF CONTACT: Ellen Roundtree
Intergovernmental Affairs Officer
E-mail: eroundtree@nctd.org Phone: 760/967-2881



MONITORING COMMITTEE REPORT

TITLE: AUDIT SERVICES CONTRACT

Time Sensitive Consent

COMMITTEE RECOMMENDATION: That the Board of Directors authorize the Executive Director to award a five-year contract for audit services to the CPA firm Caporicci & Larson.

BACKGROUND INFORMATION: The current five-year contract for audit services expires on May 6, 2008. To have a new contract in place to perform the audit for FY 2008, RFP 08029 was issued in November 2007.

Three CPA firms submitted proposals in response to the RFP - Brown, Armstrong, et al (the incumbent firm), Caporicci & Larson, and Lance, Soll & Lunghard. All three proposals were deemed responsive.

In accordance with NCTD procedures, a panel evaluated the proposal against the RFP criteria. The criteria included company background and experience, personnel background and experience, the management plan, and the price proposal.

The highest score was received by Caporicci & Larson. In addition, Caporicci & Larson offered the lowest fixed price for the five-year term of the agreement. The total cost over five years for the contract will be \$241,458, which is 14% lower than the total fixed price five year contract awarded in 2003.

NCTD has been satisfied with the performance of the incumbent firm Brown Armstrong et al. However, based on the evaluation and analyses of the proposals, the evaluation panel concluded that Caporicci & Larson's proposal was the most advantageous to NCTD. Accordingly, we recommend that the Committee forward this item to the Board with a recommendation for contract award to Caporicci & Larson.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of the fixed fee five-year contract is \$241,458. A total of \$73,600 has been included in the FY 08 operating budget in account #340.50311X for Professional and Technical Services, which includes audit fees. Future years' expenses will be provided for in future operating budgets.

COMMITTEE REVIEW: 2/7/08 The current contract expires May 6, 2008. A RFP was issued in November, 2007. Three proposals were received, with Caporicci & Larson rated the highest and were also the lowest bid at 14% less than the previous contract awarded in 2003. Caporicci & Larson also provide audit services to MTS and SANDAG. This is a five-year contract and funding is included for this year in the FY 08 Operating Budget.

STAFF CONTACT: Richard Hannasch
Director of Fiscal and Support Services
E-mail: rhannasch@nctd.org Phone: 760/967-2809



MONITORING COMMITTEE REPORT

TITLE: ADDITIONAL SCOPE AND FEE FOR SURVEYING AND RIGHT-OF-WAY SERVICES IN SUPPORT OF THE BRIDGE REPLACEMENT PROJECT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors approve an additional fee in the amount of \$35,179.87 to Project Design Consultants in support of the bridge replacement project.

BACKGROUND INFORMATION:

In January 2007, NCTD issued a Purchase Order to Project Design Consultants, an NCTD on-call engineering firm, in the amount of \$149,998 to perform surveying and right-of-way services in support of the Bridge Replacement Projects. These projects entail the development of preliminary design and environmental work for the replacement of eight (8) aging timber trestles on the coastal railroad, in Sorrento Valley and Cardiff.

As a result of field conditions and extensive right-of-way boundary research and calculation of the boundary through Sorrento Valley, PDC is requesting an additional fee of \$35,179.87 to cover the needed scope increase.

The total increased amount of \$35,179.87 will be evenly distributed over the eight project accounts, with each account representing a specific bridge. The amount to be charged to each bridge project will be \$4,397.48.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is \$35,179.87. A total of \$4,762,500 has been budgeted in various capital projects under the Bridge Replacement Program (JB#s 506101, 506102, 506103, 506104, 506105, 507101, 507102 and 507103) for the preliminary engineering and environmental work related to replacing these eight bridges, of which \$2,602,719.69 has been expended and an additional \$1,531,528.51 has been encumbered, leaving an available balance of \$628,251.80.

COMMITTEE REVIEW:

2/7/08 Project Design Consultants currently provides surveying and ROW services in support of the Bridge Replacement Projects. This increase is due to unknown field conditions and additional boundary research and calculation due to conditions encountered and the age of some of the monument markers. The total cost is \$35,179.48. Funding totaling over \$4.7 million is available in various bridge replacement projects. \$4,397.48 would be charged to each of the available eight replacement projects.

STAFF CONTACT:

Tom Lichterman
Director of Rail Services
E-mail: tlichterman@nctd.org Phone: 760/967-2855



**STAFF REPORT
TO THE BOARD**

Agenda Item #

4

TITLE: INCREASE PURCHASE ORDER TO COMPLETE CONSTRUCTION DOCUMENTATION FOR THE REPLACEMENT OF BRIDGE 207.6

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the Board increase the Purchase Order to HDR Engineering, Inc. for preparation of final construction documentation necessary for the replacement of Bridge 207.6 (San Mateo Creek), by an amount not-to-exceed \$440,323.

**BACKGROUND
INFORMATION:**

During the week of February 4, 2008, NCTD was requested by the federal government, through SANDAG, to submit a list of projects or material items that could potentially be funded by the Economic Stimulus Act of 2008. At that time, the bill had passed the US House of Representatives and was being debated in the US Senate. Subsequently, the bill was signed by President Bush on February 13, 2008. NCTD submitted several items to be considered including vehicles, timber pile repairs for Bridge 243.0, and replacement of a portion of Bridge 207.6 (San Mateo Creek, Camp Pendleton).

A key component of the Act is that the funds must be encumbered within 120 days of the bill's signing. While purchasing vehicles and doing the repairs to Bridge 243.0 can easily be accomplished within the 120 day period, awarding a construction contract for replacement of Bridge 207.6 will require the completion of the engineering design and specifications, obtaining environmental clearance, bidding, Monitoring Committee review, and contract award by the Board. To achieve this goal, engineering and environmental clearance consulting services must start immediately.

HDR Engineering, Inc., NCTD's on-call bridge design firm, under previously awarded purchase orders in calendar 2007, is currently preparing preliminary plans for the replacement of Bridge 207.6 and has completed the geotechnical investigation and necessary environmental documentation to obtain resource agency permits. To date, HDR has been issued purchase orders totaling \$562,622 for this work.

Based on previous inspections, Bridge 207.6 has always been ranked among the highest of NCTD's bridges for replacement. Therefore, it has always been the intent of staff to complete the design of the bridge as soon as possible. By accelerating the final design work now, NCTD will be in a position to bid the construction either through the FTA funding process, or by other funding opportunities that may arise at a moment's notice, such as the Economic Stimulus Act.

Per this request, HDR will complete the engineering design and specifications and obtain environmental clearance so that NCTD can publish an Invitation for Bid (IFB) by the end of April 2008.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$440,323. A total of \$2,700,000 has been included in NCTD's preliminary capital project budget for FY 09 for design and environmental work related to bridge replacements, none of which has been expended or encumbered.

Although none of this funding is immediately available, pre-award authority is applicable, which would allow NCTD to award contracts now and seek reimbursement for costs incurred in the near future. These funds are expected to be available by August 2008.

COMMITTEE REVIEW: N/A – Potential funding opportunity arose on short notice.

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MONITORING COMMITTEE REPORT

TITLE: CONSTRUCTION OF THE EXPANSION OF THE PARKING LOT AT THE CARLSBAD VILLAGE STATION

Time Sensitive Consent

COMMITTEE RECOMMENDATION: That the Board of Directors authorize the Executive Director to award a contract to D&L Wheeler Enterprises Corp. in the amount of \$203,900 for the construction of expansion of the parking lot at the Carlsbad Village COASTER Station.

BACKGROUND INFORMATION: Currently, parking lots at both Poinsettia and Carlsbad Village Stations are over their capacity on a daily basis. This project would create an additional 130 spaces at the Carlsbad Village Station just north of the existing lot. This area would be fully fenced, paved, striped and lighted.

In the past, this area has been used for the storage of large maintenance-of-way items. However, with the improvements that were made at the very northern portion of the District property, the MOW storage was consolidated and this area became available for additional parking.

Working with Carlsbad city staff on this project, district staff is also presently working with the city on a longer term plan to develop this area as a mixed-use facility. Consequently, this lot would be viewed as a step towards an interim fix to the parking shortage at the Carlsbad Village Station.

An FY 07 SANDAG survey indicated that 64% of all COASTER boarding's at this station were people who drove alone to the station, the highest percentage of all COASTER stations. This further demonstrates the need for this additional parking capacity. Also, by completing this project prior to the seasonal increase in ridership, this would have an immediate positive impact upon COASTER ridership and additional revenue opportunities.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$203,900. A total of \$310,411 has been budgeted under capital project JB#507108 for this purpose, which includes \$125,000 originally budgeted for overhaul of the District F-40 locomotives. Since the \$125,000 of funding was not needed for the locomotive overhaul project, it is being utilized for this project. Of the total budget amount, \$9,195 has been expended and an additional \$4,089 has been encumbered, leaving an available balance of \$297,127.

COMMITTEE REVIEW: This provides a temporary parking lot to cope with the overflow parking currently faced at Carlsbad Village prior to the mixed use development. Staff has worked closely with City of Carlsbad and the City is anxious to move forward with the project. Completion is planned for approximately mid-April 2008

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MONITORING COMMITTEE REPORT

TITLE: PURCHASE ORDER WITH TRANSITAMERICA SERVICES, INC., FOR BUCKET TRUCK

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Executive Director to authorize a purchase order under RFP 05023 to TransitAmerica, Inc. in the amount of \$43,200, to be expended at a rate of \$1,800 per month for two years, for the use of a bucket truck to perform specialized work on the SPRINTER line.

BACKGROUND INFORMATION:

On or about March 1, 2008 the maintenance of the newly rebuilt SPRINTER line and corridor is anticipated to be turned over to TransitAmerica, Inc. under the terms of RFP 05023, the COASTER Operating and Maintenance Agreement. TransitAmerica, Inc. currently maintains the COASTER corridor under this agreement.

As part of the maintenance start-up of the SPRINTER line, NCTD is providing TransitAmerica with the required equipment and tools, including non-revenue vehicles. NCTD did budget and procure additional vehicles for this function. However, one vehicle that was not foreseen was a truck with a "cherry picking" type bucket. There is a need for one of these to maintain and repair signal masts that extend out over streets such as at College Blvd, El Camino Real and Rancho Del Oro. These signal masts comply with the latest Caltrans standards and do not have a catwalk to enable maintenance and repairs.

Also, the functionality of having this vehicle would allow for easier tree trimming and vegetation control on both the SPRINTER and COASTER corridors.

NCTD has a bucket truck programmed in its FY 10 Capital Budget. This purchase order, which is expected to run no longer than a two-year term, would serve as an interim solution until the NCTD vehicle arrives. This term may increase on a month-to-month basis if the planned District vehicle procurement is not yet complete within this time frame.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact associated with this item is \$43,200 over two years, spread as follows:

FY 08	FY 09	FY 10	Total
\$7,200	\$21,600	\$14,400	\$43,200

FY 08 assumes a start date of March 1, 2008. This value would be prorated if the actual date is later. A total of \$116,000 has been included in the FY 08 operating budget in account #510.503317 for Inland Railroad Contract Maintenance Services. Future years' expenses will be provided for in future operating budgets.

COMMITTEE REVIEW:

2/7/08

There is a requirement for a “bucket” truck to maintain and repair signal masts along the SPRINTER corridor. The truck has been programmed in the FY 10 CIP, therefore temporary gap coverage is required. This would be provided by authorizing TA to provide a vehicle for a two-year period at a cost of \$43,200. Any requirement for the vehicle beyond the two-year period would be billed at a cost of \$1,800 per month. Funding is available in the current Operating Budget under Inland Railroad Contract Maintenance Services.

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MONITORING COMMITTEE REPORT

TITLE: SPRINTER RAIL VEHICLES SECURITY CAMERAS

Time Sensitive **Consent**

COMMITTEE RECOMMENDATION: That the Board of Directors authorize the Executive Director to award a contract to Apollo Video Technology for the supply and installation of security camera systems and support equipment in the SPRINTER rail vehicles, in an amount not-to-exceed \$203,855.

BACKGROUND INFORMATION: The SPRINTER rail vehicle security camera project will provide an on-board security camera and recording system to support instances where recording of on-board incidents is required for use as evidence or other reviews as needed. The system consists of sixteen cameras per vehicle, a Digital Video Recorder (DVR) with hard drive to record and store images, an event 'tagger' to allow on-board staff to 'mark' an event for later review, support equipment to connect the cameras to the DVR and power supply and hardware to provide for downloading and viewing of images at variable rates.

RFP 08009 was issued in October 2007 and contained two phases - an initial review of proposals to determine acceptability for a demonstration phase and a final evaluation after the demonstration. The demonstration phase was essential due to the unique features of the Siemens VT-642 vehicle and the many features available from various systems. NCTD received four proposals and all four firms were deemed acceptable for evaluation in the demonstration phase.

In accordance with NCTD procedures, a panel evaluated the proposal against the RFP criteria. The criteria included experience with light rail, technical approach to the project, quality of equipment and the price proposal.

The evaluation panel participated in the demonstration phase presentations and NCTD security staff reviewed system images for acceptability as evidence for justice system issues, when necessary. Final evaluation panel scoring resulted in Apollo Video Technology receiving the highest score and being determined to provide the best value to the District.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$203,855. A total of \$240,000 has been budgeted for this purpose in JB#608001, none of which has been encumbered or expended.

COMMITTEE REVIEW: A RFP was issued in October 2007 for DVR video monitoring system on-board SPRINTER vehicles. Four proposals were received and evaluated by a panel, with Apollo Video Technology receiving the highest score of the evaluated companies. It is estimated that installation should be completed approximately the first week of March 2008.
2/7/08

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MONITORING COMMITTEE REPORT

TITLE: PURCHASE ORDER FOR A COMMUNICATION AND MAINTENANCE TECHNICIAN FOR THE SPRINTER

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize the Executive Director to issue a purchase order in an amount not-to-exceed \$596,940 to TransitAmerica, Inc. under RFP 05023, COASTER Operations & Maintenance, for the addition of a Communication and Maintenance Technician to support the SPRINTER.

BACKGROUND INFORMATION:

In 2006, the Board authorized a purchase order to TransitAmerica, Inc. for a Signal and Communication Technician for radio and signal communication maintenance on the COASTER corridor. This was a service that had been contracted out separately, but the contract expired and, due to marketplace changes, there were no other cost-effective, viable alternatives.

Unlike the COASTER system, wherein many of these services are obtained through contract with Metrolink, the SPRINTER has several components to its radio, signal and dispatch systems for which the District is directly responsible to provide maintenance and emergency response services. The District is responsible for the dispatch of the entire line, for both SPRINTER service as well as during BNSF freight operations, and this dispatch system must function uninterrupted to support these operations.

The services that are included in this action are as follows:

- o Immediate emergency on-call services for all SPRINTER radio/dispatch outages within necessary time window
- o Monitoring and back-up of the dispatch system
- o Troubleshooting all dispatch signal and communications problems
- o Coordinating the solution of all dispatch/signal interface problems
- o Maintenance and programming of all fixed and mobile SPRINTER radios

Due to these highly specialized requirements and, since we have already contracted with TransitAmerica, Inc. for similar services on the COASTER corridor, staff is recommending that the Board authorize the Executive Director to issue a purchase order as recommended to TransitAmerica, Inc. for the balance of COASTER Operations Contract RFP 05023.

ATTACHMENT: None

FISCAL IMPACT: The total potential fiscal impact of this action would be \$596,940 spread as follows:

FY 08	FY 09	FY 10	FY 11	Total
\$81,487	\$174,846	\$170,019	\$170,588	\$596,940

FY 08 assumes a start date of March 1, 2008 and also includes the one-time purchase of specialized tools and materials. This value would be prorated if the actual date is later. A total of \$116,000 has been included in the FY 08 operating budget in account #510.503317 for Inland Railroad Contract Maintenance Services. Future years' expenses will be provided for in future operating budgets.

**COMMITTEE
REVIEW:**

2/7/08 This item provides a technician to troubleshoot and maintain the SPRINTER dispatch and signaling system. A change order to our current contract with TransitAmerica (TA) Inc., which currently provides similar services for the COASTER system, would provide for this service. A purchase order would provide for coverage during the remainder of the current contract with TA, which runs through FY 11. The cost for FY 08 is \$81,487. Funding is available in the current Operating Budget under Inland Railroad Contract Maintenance Services. The funding for out years would be included in the Operating Budget.

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MONITORING COMMITTEE REPORT

TITLE: PURCHASE ORDER FOR STORMWATER INSPECTION SERVICES ON SPRINTER PROJECT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors authorize a Purchase Order to Dudek & Associates, under the existing on-call environmental services contract, in the amount of \$190,000, for supplemental storm water inspection services on the SPRINTER Project.

BACKGROUND INFORMATION:

As part of the SPRINTER project, NCTD previously retained consulting support for storm water inspection and reporting. This inspection and reporting supplements the construction contractor’s required installation of storm water measures (Best Management Practices, or “BMP’s”), and inspection and reporting on their effectiveness.

With the recent challenges the District has experienced in managing storm water on the project, and with the wetter winter we are currently experiencing, we have determined that it is necessary to augment the on-going inspection effort with additional storm water inspectors.

NCTD has a current on-call environmental services contract with Dudek & Associates, and would obtain four (4) full time inspectors from this firm to supplement other inspection resources. The inspectors will be assigned for the balance of the rainy season (approximately 12 weeks) and will perform site inspection of BMP’s, identify areas where additional or different BMP’s or design solutions are needed, and file daily reports, including photo-documentation. These reports will form the basis of on-going reporting to the SDRWQCB.

Due to the immediate need for these inspectors, the Executive Director has approved this item as a public exigency and authorized staff to start the inspections. This item seeks Board concurrence with this action.

ATTACHMENT: None

FISCAL IMPACT:

The fiscal impact of this item is \$190,000. A total of \$34,549,442 has been budgeted in the SPRINTER Project, under JB #709508, Construction Management, of which \$28,218,711 has been expended and an additional \$6,288,381 has been encumbered, leaving an available balance of \$42,350. The remainder will be funded from the contingency account, which has a sufficient balance to cover this item.

**COMMITTEE
REVIEW:**

2/7/08 This item provides for augmentation of four (4) inspectors to the current inspection program of the storm water inspection through Dudek & Associates who provide on-call environmental services to the District. Inspectors would provide services as needed during the rainy season.

The Executive Director declared a public exigency and is seeking Board concurrence on this action. Fiscal impact could be up to \$190,000 depending upon rainfall and the requirements for the inspectors.

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MONITORING COMMITTEE REPORT

TITLE: REAL PROPERTY CONVEYANCE AGREEMENT BETWEEN THE CITY OF OCEANSIDE AND NORTH COUNTY TRANSIT DISTRICT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors Authorize the Executive Director to execute Conveyance Agreement Documents between the City of Oceanside and North County Transit District for parcels associated with the San Luis Rey Transit Center.

BACKGROUND INFORMATION:

This action will effectuate the conveyance of real property, as well as necessary easements held by the city of Oceanside, to NCTD for the construction of public improvements associated with the San Luis Rey Transit Center project.

The acquisition of these relatively small parcels will provide shared entry/egress access; curb/gutter/sidewalk and paving; retaining and screening walls; temporary construction access easements; and a variety of wet and dry utility easements.

The city of Oceanside is not charging NCTD for these parcels/easements as provide a public benefit.

ATTACHMENT:

Real Property Conveyance Agreement – On File in the Office of the Clerk of the Board

FISCAL IMPACT:

There is no fiscal impact associated with this action.

COMMITTEE REVIEW:

2/7/08

This item provides conveyance of real property as well as easements held by the City of Oceanside for the construction of public improvements associated with the San Luis Rey Transit Center project. The real property and conveyances are relatively minor ranging from 232 sq. feet to .66 acres. The City of Oceanside is not charging for the parcels/easements as they provide a public benefit.

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MONITORING COMMITTEE REPORT

TITLE: REPLENISH EXECUTIVE DIRECTOR’S CHANGE ORDER AUTHORITY POOL FOR SPRINTER CONSTRUCTION CONTRACTS

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

That the Board of Directors reauthorize \$3 million in delegated contractual change order signature authority to the Executive Director solely for the construction contracts on the SPRINTER projects.

BACKGROUND INFORMATION:

Over the past three years, the Board has awarded approximately \$234 million in construction contracts on the SPRINTER project. Due to the nature of large construction projects such as the SPRINTER, the potential exists for unforeseen field conditions to arise which may require an immediate response by the Contractor based on a Field Work Directive issued by the District. In order to ensure the District is able to respond quickly and efficiently to SPRINTER construction issues as they develop, the Board previously delegated a special procurement authority change order pool to the Executive Director solely for change orders on construction contracts on the SPRINTER project. To date, the Board has authorized additions to the pool as follows:

- December 2004 -\$2 million
- November 2005 - \$2 million
- July 2006 - \$3 million
- September 2006 - \$3 million
- November 2006 - \$5 million
- February 2007 - \$5 million
- June 2007 - \$5 million
- September 2007 - \$5 million
- November 2007 - \$5 Million

At this time, the current balance remaining in the change order pool after processing recent change orders is approximately \$2.3 million, and a number of significant change orders (identified below) are anticipated in the next two or three months. In order to keep the contractor moving and avoid processing-related delays, staff recommends a \$3 million reauthorization of the Executive Director’s change order pool authority.

The special change order pool is established and funded from the project contingency and other related SPRINTER project accounts that fund construction activities. The Executive Director, by delegated special authority, is authorized to approve any change orders on the project from that pool. When the pool nears exhaustion, it is proposed to be replenished with additional amounts pursuant to subsequent Board agenda reports. The Board is notified by email of any changes exceeding \$100,000, and receives periodic updates on the status of the change order activity via the SPRINTER Project Quarterly Report.

ATTACHMENT: None

FISCAL IMPACT: This action has no direct fiscal impact in itself, but creates an administrative procedure for the approval of SPRINTER change orders in a manner that helps prevent project delays and potential delay claims. Based on the current SPRINTER budget, staff estimates that there will be sufficient budget available in the various SPRINTER project accounts to process the change orders contemplated under this item. It should be noted that not all change orders will be charged against the SPRINTER project budget; rather, some will be charged to reimbursable projects, while others will be charged against contract allowances in the existing construction contract.

COMMITTEE REVIEW: This replenishes the Executive Director's change order authority pool. There have been 9 previous actions related to this item totaling \$35 million.
02/07/08 Current balance in the change order pool is \$2.3 million. The following changes order issues are anticipated in the next 2-3 months:

- Buena Creek Station Quality Reserves
- Various Grade Crossings Changes
- Export of Excess Material from Station Sites
- Realignment of Versaform Alley
- Shoofly Tract West of Crouch

It should be noted that most of the work has been completed and that Staff is in the process of negotiating the price.

This increase in authority does not change the current "Estimate at Completion" of \$478.3 million, which includes \$7.8 million in unallocated contingency. The current total budget for the project is \$484.1 million, which results in an additional \$5.8 million in contingency over the "Estimate at Completion". Thus, total current contingency on the project is estimated to be \$13.6 million.

The Board members do receive notification of any changes orders in excess of \$100,000 and also continue to receive periodic updates on the status of the change order status via the SPRINTER project Quarterly Report.

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EXTENDED BACKGROUND: The following significant change order issues are anticipated to require funding in the next two to three months:

Buena Creek Station Quantity Revisions – The final installed quantities for rough grading exceeded the original bid price form quantities and will result in a cost increase.

Various Grade Crossing Changes – The grading, drainage, and AC paving costs at various grade crossing locations had to be modified due to varying subsurface conditions, unknown underground utilities, and finished street surface elevations. In some cases, a portion of this work is reimbursable by the affected city.

Export of Excess Material from Station Sites – As unsuitable material and other sub-surface unknown materials are discovered during excavation and construction, these materials are stockpiled at available station sites until they can be properly disposed. The final disposal of this excess material will result in additional costs.

Realignment of Versaform Alley – Due to poor field conditions of the existing pavement in this area, it was necessary to increase the pavement section including base and AC pavement to accommodate truck loadings and provide a satisfactory road surface.

Shoofly Track West of Crouch – During recent heavy rains a portion of an embankment west of Crouch Street Station sloughed off, resulting in a need to temporarily relocate the track farther away from Loma Alta Creek, while a permanent solution for this problem is engineered and constructed.

The anticipated change orders described above and other known items will exceed \$3.0 million and there will be on-going unknowns which will need to be addressed through the pool. Therefore, staff is recommending that the Board authorize augmenting the pool by a total of \$3 million.

February 21, 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:	February 21, 2008; 1:15 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	February 15, 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.