

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.

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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 and that Bill Horn, during Board Member Comments, expressed his opinion on the Solana Beach Cedros Crossing development and Lesa Heebner responded to his comments.

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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