



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619.231.1466 FAX 619.234.3407

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

for the

Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

July 16, 2009

9:00 a.m.

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ADLs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - June 25, 2009 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please turn off cell phones and pagers
during the meeting

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • www.sdmts.com

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

CONSENT ITEMS

6. MTS: LRV Paint and Body Rehabilitation, Vandalism, and Accident Repair - Contract Award Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0884.0-09 with Carlos Guzman, Inc. for a three-year base period with 2 one-year options for light rail vehicle (LRV) paint and body rehabilitation, vandalism, and accident repair services.
7. MTS: LRV Hi-Rail Vehicle - Contract Award Approve
Action would authorize the CEO to execute MTS Doc. No. L0874.0-09 with Dion International Truck, LLC for a one-time purchase of a hi-rail vehicle.
8. MTS: Proposed Policy No. 60 - Ticket Distribution Adopt
Action would adopt MTS Policy No. 60 regarding ticket distribution.
9. MTS: Investment Report - May 2009 Receive
Action would receive a report for information.
10. MTS: Increased Authorization for Legal Services - Trovillion Inveiss Ponticello & Demakis, APC Approve/Ratify
Action would authorize the CEO to execute MTS Doc. No. G1139.4-08 with Trovillion Inveiss Ponticello & Demakis, APC for legal services and ratify prior amendments entered into under the CEO's authority.
11. MTS: Increased Authorization for Legal Services - Wheatley Bingham & Baker Approve/Ratify
Action would authorize the CEO to execute MTS Doc. No. G1111.10-07 with Wheatley Bingham & Baker for legal services and ratify prior amendments entered into under the CEO's authority.
12. MTS: Increased Authorization for Legal Services - Law Offices of Mark H. Barber, APC Approve/Ratify
Action would authorize the CEO to execute MTS Doc. No. G1162.5-08 with the Law Offices of Mark H. Barber, APC for legal services and ratify prior amendments entered into under the CEO's authority.
13. MTS: Federal Economic Stimulus Supplemental Appropriations Act Approve
Action would approve: (1) the use of the Supplemental Appropriations Act for the American Recovery and Reinvestment Act (ARRA) of 2009 to fund MTS fiscal year 2010 operations; and (2) the transfer of \$5.86 million from the Blue Line Rehabilitation Project (CIP 1210001) to MTS fiscal year 2010 operations.
14. MTS: Capital Improvement Project Budget Transfer and Contract Amendment Approve
Action would authorize the CEO to: (1) transfer \$1,000,000 from Capital Improvement Project (CIP) 11164 (Rehabilitation Traction Motors) to CIP 11216 (LRV Electronics Components) and CIP 11254 (LRV Brake Overhaul) equally (\$500,000); and (2) execute MTS Doc. No. L0888.1-09 to Knorr Brake Corporation for the procurement and assembly of brake overhaul kits for SD 100 light rail vehicles (LRVs).

- | | | |
|-----|---|---------|
| 15. | <u>MTS: Federal Section 5307 Formula Funds for ADA Paratransit Service</u>
Action would approve exchanging \$3.6 million in capital federal Section 5307 formula funds for nonfederal operating funds. | Approve |
|-----|---|---------|

CLOSED SESSION

- | | | |
|-----|---|-----------------|
| 24. | a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): <u>Balfour Beatty/Ortiz v. Metropolitan Transit System</u> (Superior Court Case No. GIC 868963) | Possible Action |
| | b. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): <u>Tuil v. SDTI, MTS, MTDB</u> (San Diego Superior Court Case No. GIC 37-2008-00078029-CU-NP-CTL) | Possible Action |
| | c. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): <u>Gladden v. SDTI, MTS</u> (San Diego Superior Court Case No. GIC 37-2008-00082698-CU-PO-CTL) | Possible Action |

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. None.

REPORT ITEMS

- | | | |
|-----|--|-------------|
| 45. | None. | |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |

64. Additional Public Comments Not on the Agenda

If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.

65. Next Meeting Date: August 20, 2009

66. Adjournment

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 7/16/09

CALL TO ORDER (TIME): 9:01 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:07 a.m.

RECONVENE: 9:53 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 9:57 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>	9:07 a.m. during AI 24	
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
FAULCONER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:03 a.m. during Consent Agenda	
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input type="checkbox"/> (Denny) <input checked="" type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>	9:02 a.m. during Consent Agenda	
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:10 a.m. during AI 24	
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>		
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
YOUNG	<input type="checkbox"/> (Emerald) <input type="checkbox"/>		<input checked="" type="checkbox"/>
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

[Signature]

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC), AND
SAN DIEGO TROLLEY, INC. (SDTI)

June 25, 2009

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:00 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Ewin moved to approve the minutes of the June 11, 2009, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 10 to 0 in favor.

3. Public Comments

There were no Public Comments

***** Coca-Cola

Chairman Mathis recognized Coca-Cola Company for presenting 40 outstanding high school seniors with laptop computers after being selected from 220 scholarship applicants. He reported that these students wrote papers on how public transportation could be used to reduce a person's carbon footprint. He added that the award ceremony was a tremendous success. Chairman Mathis briefly discussed the work done by Coca-Cola staff members Charles Simpson, Myra Arzate, Erica Alvarez, Julianna Pasos and Chad Christeson to put on this program. He read a plaque that was presented in recognition of those efforts. Mr. Simpson stated that Coca-Cola is very excited about its relationship with MTS and about using Coca Cola to get the word out about public transportation. He stated that it was truly an honor.

CONSENT ITEMS:

Chairman Mathis reported that Consent Agenda Item No. 6 would be trailed. In response to a question from Mr. McClellan regarding Consent Agenda Item No. 7, Mr. Paul Jablonski, MTS CEO, stated that once the building at the El Cajon Transit Center is turned over to the contractor, MTS will not be paying for the associated janitorial services. In response to a question from Ms. Lightner, Mr. Jablonski reported that the option year for Group II is not being exercised at this time because some of the work is now being done in-house, and it was felt that the remainder of the work can be bid out for a lower cost.

6. MTS: Proposed Policy No. 60 – Ticket Distribution (ADM 110.2)

Recommend that the Board of Directors adopt MTS Policy No. 60 regarding ticket distribution (Attachment A of the agenda item).

7. MTS: Aztec Janitorial Services – Exercise Option Year (OPS 960.6, 970.6)

Recommend that the Board of Directors authorize the CEO to execute MTS Doc. No. G1031.2-07 with Aztec Janitorial Services, Inc. for Group I Janitorial Services at MTS Bus Operations and Group III Transit Center Maintenance.

8. MTS: LRV Fleet Cleaning Services – Exercise Option Year One (OPS 970.6)

Recommend that the Board of Directors authorize the CEO to execute option year one of MTS Doc. No. L0782.0-07 with NMS Management, Inc. for light-rail vehicle fleet cleaning services.

9. MTS: Microsoft Licensing and Software Assurance Upgrade – Contract Award (OPS 960.2)

Recommend that the Board of Directors authorize the CEO to execute MTS Doc. No. G1252.0-09 (in substantially the same format as Attachment A of the agenda item) with Dell Marketing, L.P. for Microsoft's Licensing and Software Assurance Upgrade for a three-year period.

10. MTS: Proposed 2009/2010 Internal Audit Plan (LEG 492)

Recommend that the Board of Directors approve the internal audit plan (Attachment A of the agenda item).

Action on Recommended Consent Items

Mr. Gloria moved to approve Consent Agenda Item Nos. 7, 8, 9, and 10. Mr. McClellan seconded the motion, and the vote was 12 to 0 in favor. Consent Agenda Item No. 6 was trailed.

CLOSED SESSION:

24. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:10 a.m.

- a. MTS: CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code section 54956.9(a) Balfour Beatty/Ortiz v. Metropolitan Transit System (Superior Court Case No. GIC 868963)
- b. SDTI: CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6. Agency-Designated Representative – Jeff Stumbo. Employee Organization – International Brotherhood of Electrical Workers 465.

The Board reconvened to Open Session at 9:37 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Lorenzen reported the following:

- a. The Board received a report from General Counsel.
- b. The Board received a report from agency negotiators.

PUBLIC HEARING

25. There were no Public Hearings conducted.

DISCUSSION ITEMS:

30. MTS: Budget Development Committee Meeting Update (ADM 110.7)

Mr. Cliff Telfer, MTS Chief Financial Officer, introduced this item by reporting that certain assumptions were made during the development of the FY 2010 budget and some of those assumptions are no longer valid. He reported that this information was recently presented to the Budget Development Committee. Mr. Larry Marinesi, MTS Budget Manager, recapped budget adjustments and strategic initiatives that have been implemented over the last 24 months. He then reported that fare and advertising revenues have started to decline, and projections for sales tax revenues have been adjusted downward again. He also reported that diesel fuel prices are starting to increase. He provided specific statistical information on each of these items reporting that the net impact on the operating budget is projected to be between \$5.8 million to \$11 million. He reviewed the projections for fuel prices and added that MTS will be entering into compressed natural gas (CNG) financial hedge bidding before the end of the fiscal year.

Mr. Marinesi then detailed potential solutions that have been identified by staff and the Budget Development Committee to address the projected shortfall. He reviewed each of these options, which included the ongoing use of CNG fuel credits, the use of additional Transportation Development Act (TDA) funding for preventative maintenance purposes, service adjustments, and a shift of funding out of the capital project for the South Bay Maintenance Facility into the operating budget. He reported that potential solutions also include the use of American Recovery and Reinvestment Act (ARRA) funding (10 percent) for operations as just authorized by the President Obama, the use of reserves, and the swap of ARRA funding (for the Blue Line Rehabilitation Project) for TransNet funding, which can be used for operations. He also identified which of those were one-time options and which were recurring. He then reviewed the priorities assigned to these options by the Budget Development Committee.

In response to a question from Mr. Gloria, Mr. Jablonski reported that the swap of ARRA funding for TransNet funding will not negatively affect the Blue Line Rehabilitation Project. He added that MTS actually has an excess of funds available for this project. He also added that some other capital project may not get done because of this transfer of funding.

Mr. Jablonski advised the Board that the use of nonrecurring revenues is being recommended because it is hoped that the economy will rebound soon and these revenues would therefore not be needed in subsequent years to balance the budget. He added that staff will not take any action until September and will be monitoring these cost and revenue factors and make adjustments as needed. He stated that if the 10 percent of ARRA funding for operations is not needed, it can be returned to the capital program.

Mr. Rindone, Chairman of the Budget Development Committee, reported that fare adjustments were not considered because fare increases have already been implemented, and, given the current economy, it was felt that fare increases would not be appropriate.

In response to a question from Mr. Ewin, Mr. Marinesi explained that the expense side of MTS's budget for FY 2010 reflects a minor increase of 0.6 percent. Mr. Jablonski stated that operating expenses will probably come in under budget as was the case with the previous year. He

added that MTS continues to cut expenses where it can and added that efforts are underway to streamline service also.

In response to a question from Ms. Boyack, Mr. Jablonski stated that it is hoped that the 10 percent ARRA funding will be the only funding option that will need to be exercised. He reported that staff would return to the Budget Development Committee and the Board before using funding from other nonrecurring funding sources. He also stated that if the economic downturn continues for an even longer period, MTS will have to focus more on the recurring funding sources to cover its shortfalls. Mr. Jablonski explained that staff would prefer not to use additional TDA funding for maintenance purposes because there would be only \$17 million left for capital purposes.

Mr. Gloria advised the Board that SANDAG is currently taking public comment as part of its Transit Impediment Study, which details a number of recurring funding sources. He stated that he thought the public comment portion of the study concludes Friday, June 26. He stated that this provides a good opportunity for Board members to express their opinions about recurring funding sources.

In response to a question from Mr. Cox regarding the spike in advertising in June of 2008, Mr. Marinesi reported that Washington Mutual purchased a significant number of wrap advertisements during that month. He stated that it did not involve prepaid advertising.

Action Taken

Mr. McClellan moved to receive a report for information. Mr. Ewin seconded the motion, and the vote was 12 to 0 in favor.

REPORT ITEMS:

45. MTS: Operations Budget Status Report for April 2009 (FIN 310.2)

Mr. Mike Thompson, MTS Assistant Budget Manager, provided the Board with a financial review through April 2009. He reported a decrease in operating revenues compared to budget and added that, while fare revenue is decreasing, the average fare is holding level. He reported that expenses are under budget by \$1,463,000 or 0.9 percent primarily due to lower energy costs. He stated that revenue less expenses is favorable by \$437,000.

Action Taken

Mr. Rindone moved to receive a report on MTS operations budget status for April 2009. Ms. Boyack seconded the motion, and the vote was 12 to 0 in favor.

60. Chairman's Report

Chairman Mathis reported that he recently attended that APTA Rail Conference in Chicago where there was much discussion about rail new starts and how they are becoming more feasible. He stated that he also visited Kenosha, Wisconsin, where there is a vintage rail line in operation using PCC cars. He stated that it has been receiving national recognition. He also reported that, in the past, conference attendees were provided with free transit passes but that everyone had to pay for their passes in Chicago.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin stated that the next Audit Oversight Committee meeting would be held on July 9, 2009.

62. Chief Executive Officer's Report

Mr. Jablonski reported that he also attended the APTA Rail Conference. He reported that he listened to remarks made by the new Federal Transit Administration (FTA) Administrator, Peter Rogoff, and felt that he would be a good addition to the FTA. He stated that Mr. Rogoff has much experience with the funding of public transportation.

He also reported that there was a lot of discussion of economic stimulus funding and infrastructure issues. He stated that the FTA is calling this issue State of Good Repair. He added that MTS has been invited to Washington, D.C. to participate with the FTA and other organizations regarding this issue. He reported that there are seven historic systems in the country that are making strong arguments for a substantial increase in rail modernization funding and they present a significant lobbying force. He stated that MTS is attending the meeting to ensure it continues to receive funding from this program. He added that there were interesting discussions regarding rail-car technology and high-speed rail during the conference as well.

63. Board Member Communications

There were no Board Member Communications.

64. Additional Public Comments on Items Not on the Agenda

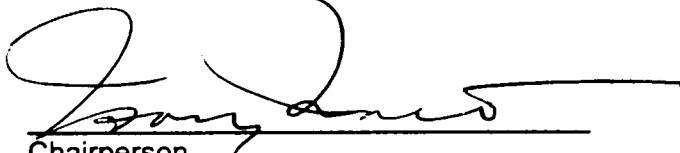
There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, July 16, 2009.

66. Adjournment

Chairman Mathis adjourned the meeting at 10:16 a.m.



Chairperson
San Diego Metropolitan Transit System

Filed by:



Office of the Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit System

**METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL**

MEETING OF (DATE): 6/25/09

CALL TO ORDER (TIME): 9:00 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:10 a.m.

RECONVENE: 9:37 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 10:16 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
FAULCONER	<input type="checkbox"/> (Emerald) <input type="checkbox"/>		<input checked="" type="checkbox"/>
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Woiwode) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input checked="" type="checkbox"/>	9:06 a.m. during Consent	
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>	9:06 a.m. during Consent	
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
YOUNG	<input type="checkbox"/> (Emerald) <input type="checkbox"/>		<input checked="" type="checkbox"/>
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

[Signature]



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
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Agenda

Item No. 6

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

OPS 970.6

July 16, 2009

SUBJECT:

MTS: LRV PAINT AND BODY REHABILITATION, VANDALISM, AND ACCIDENT REPAIR - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0884.0-09 (in substantially the same form as Attachment A) with Carlos Guzman, Inc. for a three-year base period with 2 one-year options for light rail vehicle (LRV) paint and body rehabilitation, vandalism, and accident repair services.

Budget Impact

The total contract price including option years would not exceed \$2,721,000.00. This procurement would be funded using local and federal funds. Expenditures would come out of the following budgets:

1. LRV Vandalism and Accident Repair

Operating budgets 355-53610 and 355-53510. The total expenditure would not exceed \$1,965,000.00.

2. LRV Paint and Body Rehabilitation

Cost Center 11165, Expense Element 0800. The total expenditure would not exceed \$708,000.00.

3. LRV Paint and Body Rehabilitation Over-and-Above Work

Cost Center 11165, Expense Element 0800. The total expenditure would not exceed \$48,000.00. Funds would be used as necessary to pay for minor miscellaneous repair work outside of the original scope of work.



DISCUSSION:

On April 23, 2009, MTS issued a Request for Proposals (RFP) under MTS Doc. No. L0884.0-09 for LRV paint and body rehabilitation services. The scope of this project encompassed painting the remaining fleet of SD 100 LRVs and included vandalism and accident repair work on an as-needed basis over the next five years.

On June 2, 2009, MTS received a total of four proposals in response to the solicitation for LRV paint and body rehabilitation services. MTS Procurement Staff conducted a preliminary review and found all four proposals responsive to the requirements outlined in the solicitation. The following four companies submitted proposals:

1. Lakeside Paint and Body
2. Romans Truck Body and Paint
3. Carlos Guzman, Inc.
4. Complete Coach Works

An Evaluation Panel, consisting of five MTS staff members, reviewed and rated each proposal based on the following technical factors:

1. Price
2. Qualifications of the firm or individual experience
3. Staffing, firm organization, and management plan
4. Work plan reporting

On June 10, 2009, a meeting was held with members of the evaluation panel to review and discuss the strengths and weaknesses of each proposal. Prior to this meeting, the evaluation members were issued copies of each proposal and instructed to review and rate each proposal based on its own merits against the evaluation criteria outlined in the solicitation. The purpose of the meeting was to discuss only technical factors, without consideration of cost, and later analyze cost data against technical factors to determine if further discussions or negotiations were required.

Based on the initial evaluations, it was determined that Carlos Guzman, Inc. was the highest-rated and lowest-priced proposal. The fixed-rate offered for LRV painting is approximately 16% lower than the current contract pricing. The hourly rate proposed for vandalism and accident repair is approximately 20% lower than the current contract pricing. In addition, the MTS evaluation panel was satisfied with the past performance and quality of work that Carlos Guzman, Inc. provided to MTS under MTS Contract Nos. L0744.0-06 and C.O.011.0-05. The panel agreed that awarding a contract to Carlos Guzman, Inc. for paint and body rehabilitation services, including vandalism and accident repair, represented the best value to MTS. Carlos Guzman, Inc. has the ability to perform successfully under the terms and conditions of the proposed procurement.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: John Miller, 619.557.4580, john.miller@sdmts.com

JULY16-09.6.LRV PAINT REHAB.GUZMAN.JMILLER.doc

Attachments: A. Draft MTS Doc. No. L0884.0-09
B. Bid Summary

STANDARD SERVICES AGREEMENT

L0884.0-09
CONTRACT NUMBER
OPS 970.6
FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Carlos Guzman, Inc. Address: 1619 East Creston Street
Signal Hill, CA 90755
 Form of Business: Corporation
 (Corporation, partnership, sole proprietor, etc.) Telephone: 562-427-8497

Authorized person to sign contracts: Carlos Guzman President
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials as follows:

Provide paint and body rehabilitation services as stipulated in MTS's Request for Proposals Document No. L0884.0-09, including Addendum No. 1, Responses to Approved Equals/Clarifications; and in accordance with the Standard Services Agreement, including the Standard Conditions for Services, Federal Requirements, MTS's Safety Program, and the Carlos Guzman, Inc., proposal dated June 4, 2009 (hereinafter "Contract Documents"). If there are inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's Paint and Body Rehab RFP No. L0884.0-09, including Addendum No. 1, MTS's response to written questions, and the Carlos Guzman, Inc. proposal dated June 4, 2009.
2. Standard Services Agreement, including Standard Conditions Services and Federal Requirements.

This contract shall be for a three-year base period with 2 one-year options effective August 1, 2009, through June 30, 2014. The total contract amount **shall not exceed \$2,721,000.00.**

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer Approved as to form: By: _____ Office of General Counsel	Firm: _____ By: _____ Signature Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$2,721,000.00	355 53610 and 355 53510 (\$1,965,000.00) 111650-0800 (\$756,000)	10-14

By: _____ Date _____
 Chief Financial Officer

(___ total pages, each bearing contract number)

**BID SUMMARY
LRV PAINT AND BODY REHAB
MTS DOC. NO. L0884.0-09**

Att. B, AI 6, 7/16/09

6/25/2009

Description	Carlos Guzman Inc.	Romans Truck	Complete Coach Works	
TOTAL FOR YEAR ONE (1):	\$824,000.00	\$919,600.00	\$1,164,628.00	\$1,987,393.00
TOTAL FOR YEAR TWO (2):	\$703,000.00	\$779,000.00	\$1,062,916.00	\$1,845,995.00
TOTAL FOR YEAR THREE (3):	\$393,000.00	\$420,000.00	\$695,400.00	\$1,485,000.00
TOTAL FOR YEAR FOUR (4) OPTION YEAR ONE (1):	\$398,000.00	\$425,000.00	\$729,920.00	\$1,310,000.00
TOTAL FOR YEAR FIVE (5) OPTION YEAR TWO (2):	\$403,000.00	\$430,000.00	\$765,880.00	\$1,315,000.00
GRAND TOTAL (BASIS OF AWARD)	\$2,721,000.00	\$2,973,600.00	\$4,418,744.00	



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Agenda

Item No. 7

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

OPS 970.6

July 16, 2009

SUBJECT:

MTS: LRV HI-RAIL VEHICLE - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0874.0-09 (in substantially the same form as Attachment A) with Dion International Truck, LLC for a one-time purchase of a hi-rail vehicle.

Budget Impact

Initially, \$178,000.00 was budgeted under project code 11220-1300; however, after receiving the Best and Final Offers, only \$134,841.21 is needed to purchase the hi-rail vehicle.

DISCUSSION:

On April 2, 2009, MTS issued a Request for Proposals (RFP) to interested parties for a Ford F-750 crew cab with installed hi-rail gear. On May 13, 2009, MTS received a total of two offers in response to the solicitation. Each proposal was then evaluated based on the criteria annotated in the solicitation. During the evaluation process, MTS staff decided it would be in the best interest of MTS to entertain offers for both the Ford F-750 and the International 4300 trucks. The two vendors who submitted proposals were given the opportunity to revise or modify their initial offer with the option of offering one or both vehicles stated above. On June 24, 2009, MTS staff evaluated the revised proposals and determined that the offer received from Dion International Truck, LLC for an International 4300 truck represented the best value to MTS based on a combination of technical and price factors.

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

Therefore, based on MTS Policy No. 52 and the evaluation of offers received in response to the solicitation, MTS staff recommends awarding a contract to Dion International Truck, LLC in the amount of \$134,841.21.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: John Miller, 619.557.4580, john.miller@sdmts.com

JUL1609.LRVHIRAILVEHICLE.JMILLER.DOC

Attachments: A. Draft MTS Doc. No. L0874.0-09
B. Bid Summary

STANDARD PROCUREMENT AGREEMENT

L0874.0-09
 CONTRACT NUMBER
OPS 970.6
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Dion International Truck, LLC Address: 5255 Federal Boulevard
 Form of Business: Corporation San Diego, CA 92105
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: 619-263-2251

Authorized person to sign contracts: Bill Tollefson Sales
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide one hi-rail vehicle to the San Diego Metropolitan Transit System (MTS) as stipulated in MTS's Request for Proposal (RFP) Document No. L0874.0-09, including Addenda Nos. 1 and 2, Responses to Approved Equals/Clarifications; and in accordance with the Standard Procurement Agreement, including the Standard Conditions for Procurement, Federal Requirements, MTS's Safety Program, and the Dion International Truck, LLC proposal dated June 24, 2009 (hereinafter "Contract Documents"). If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's RFP No. L0874.0-09, Addenda Nos. 1 and 2, MTS's Responses to Approved Equals/Clarifications, and Dion International Truck, LLC's proposal dated June 24, 2009.
2. Standard Procurement Agreement, including Standard Conditions Procurement,

Total expenditure including California sales tax shall not exceed \$134,841.21.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer Approved as to form: By: _____ Office of General Counsel	Firm: _____ By: _____ Signature Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$134,841.21	11220-1300	FY 09

By: _____ Chief Financial Officer Date _____

(__ total pages, each bearing contract number)

BID SUMMARY
LRV HI-RAIL VEHICLE RE-BID
MTS DOC. NO. L0874.0-09

#	Description	Qty.	Fleet Body Equipment		Dion International		Miramar Truck	
			Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Ford F750 Service Truck and Accessories as Specified in the Technical Specifications	1	\$131,549.00	\$ 131,549.00			Non-Responsive	
2	CA Sales if Applicable (8.75):			\$ 11,510.54				
3	Delivery, License, Other Fees (non-taxable)			\$ 3,250.00				
4	Payment Terms _____, Otherwise Net 30 (Subtract)			Net 30				
GRAND TOTAL-BASIS OF AWARD:				\$ 146,309.54		No Bid	No Bid	

#	Description	Qty.	Fleet Body Equipment		Dion International		Miramar Truck	
			Unit Price	Total	Unit Price	Total	Unit Price	Total
1	International Brand Service Truck and Accessories as Specified in the Technical Specifications	1	\$137,697.00	\$ 137,697.00	\$123,991.92	\$ 123,991.92	Non-Responsive	
2	CA Sales if Applicable (8.75):			\$ 12,048.49		\$ 10,849.29		
3	Delivery, License, Other Fees (non-taxable)			\$ 3,250.00		\$ -		
4	Payment Terms _____, Otherwise Net 30 (Subtract)			Net 30		Net 30		
GRAND TOTAL-BASIS OF AWARD:				\$ 152,995.49		\$ 134,841.21	No Bid	



Metropolitan Transit System

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San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 8

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

ADM 110.2

July 16, 2009

SUBJECT:

MTS: PROPOSED POLICY NO. 60 – TICKET DISTRIBUTION

RECOMMENDATION:

That the Board of Directors adopt MTS Policy No. 60 regarding ticket distribution (Attachment A).

Budget Impact

None.

DISCUSSION:

The California Fair Political Practices Commission (FPPC) has adopted new disclosure and reporting requirements concerning gifts of tickets or passes to public officials provided from their local agency for admission to entertainment, recreational, amusement, and similar events. In order to comply with the requirements, MTS must adopt a ticket distribution policy governing ticket usage.

The policy would require that tickets received by MTS and distributed to officials or employees accomplish a public purpose. In addition, when these tickets are utilized, the transaction must be recorded on FPPC Form 802 and posted on MTS's Web site. This policy would not apply to tickets listed as income under state and federal tax laws, tickets for which the recipient pays face value, or tickets provided to events where MTS employees receiving the ticket play a ceremonial role in the event.



Therefore, staff recommends enactment of the proposed Policy No. 60.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, tiffany.lorenzen@sdmts.com

JULY16-09.8.POLICY 60.TICKET DISTRIBUTION.LWORKMAN.doc

Attachment: A. Proposed MTS Policy No. 60 – Ticket Distribution Policy
B. FPPC Form 802



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Policies and Procedures

No. 60

SUBJECT:

Enacted: 6/25/09

TICKET DISTRIBUTION POLICY

PURPOSE:

To establish a policy as mandated by recent regulations promulgated by the Fair Political Practices Commission (FPPC), which requires that any distribution of tickets received by MTS be made pursuant to a written policy.

BACKGROUND:

Effective February 7, 2009, the FPPC amended California Code of Regulations section 18944.1, which governs the distribution of tickets received as gifts by public agencies and distributed to, or at the behest of, public officials. Section 18944.1 now requires that public officials report the value of the tickets or passes they receive from an agency in accordance with an officially adopted policy. This policy must state the public purpose to be accomplished by the distribution of tickets or passes. All tickets must be accounted for on a detailed reporting form. The Chief Executive Officer, or his or her designee, will be responsible for completing, verifying, and posting the forms on MTS's Web page.

POLICY:

60.1 DEFINITIONS

For purposes of this policy, the following definitions shall apply:

- a. "MTS" shall mean the Metropolitan Transit System and all of its subsidiaries.
- b. "FPPC" shall mean the California Fair Political Practices Commission.
- c. "Policy" shall mean and refer to this Ticket Distribution Policy.
- d. "MTS Official" shall mean every member, officer, employee, or consultant of MTS.



- e. "Ticket" shall mean admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.
- f. "Gift" shall mean any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received. The term gift shall not include limitations set forth in California Government Code section 82028(c).

60.2 TICKETS COVERED BY THIS POLICY

Tickets covered by this policy include those:

- a. Gratuitously provided to MTS by an outside source;
- b. Acquired by MTS purchase or as consideration pursuant to the terms of a contract for the use of an MTS venue, equipment, or services; or
- c. Distributed to MTS without consideration or compensation.

60.3 LIMITATIONS

This policy does not apply to:

- a. Tickets provided to MTS Officials by an outside source to an event at which the MTS Official performs a ceremonial role or function on behalf of MTS;
- b. Tickets for which the MTS Official pays MTS the face value of the ticket; or
- c. Tickets for which the MTS Official treats the ticket or pass as income consistent with applicable state and federal income tax laws, and MTS reports the distribution of the ticket or pass as income to the MTS Official in complying with FPPC Regulation section 18944.1(d).

60.4 PROVISIONS

MTS may distribute tickets under the following provisions:

- a. The Chief Executive Officer, or his or her designee, uses, or directs, the tickets to be used for one or more of the following public purposes. The public purpose to be accomplished must be identified with specificity and must not be a pretext to accomplish some other purpose. The following list is illustrative rather than exhaustive:
 - i. Promotion of public exposure to, and awareness of: new, upcoming, or existing MTS services or facilities;
 - ii. Promotion of special events to which MTS is a party;

- iii. Promotion of MTS-sponsored events;
 - iv. Promoting business activity, growth, or development that helps MTS increase revenue;
 - v. Promotion of MTS brand recognition, visibility, or profile on a local, state, national, or worldwide scale;
 - vi. Meeting and greeting residents and visitors to gain feedback on and make observations of the quality and awareness of MTS services or to gain insight into what MTS services and facilities that residents and visitors would like to see MTS make available;
 - vii. Promotion of open, visible, and accessible government by MTS Official participation and/or availability at an event;
 - viii. Attracting and retaining highly qualified employees for MTS service;
 - ix. Attracting or rewarding volunteer public service;
 - x. Promoting enhanced MTS employee performance or morale; or
 - xi. For the purpose of networking with other community and civic leaders at charitable events.
- b. Tickets distributed to an MTS Official pursuant to this policy shall not be transferred to any other person except to members of such MTS Official's immediate family (spouse and dependent children) solely for their personal use;
 - c. No person who receives a ticket pursuant to this policy shall sell or receive reimbursement for the value of such ticket;
 - d. The following disclosure requirements must be met: This policy and a Form 802 report (required by section 18944.1) shall be posted on MTS's Web site as required by that section. A Form 802 report shall be filled out for any tickets distributed under this policy and posted within 30 days of distribution. The Form 802 report or other report must contain the following information:
 - i. The name of the person receiving the ticket or pass—except if the ticket or pass is distributed to an organization outside of MTS, then MTS may post the name, address, description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the names of each individual from the organization;
 - ii. A description of the event;
 - iii. The date of the event;

- iv. The face value of the ticket or pass;
- v. The number of tickets or passes provided to each person;
- vi. If the ticket or pass is behest, the name of the MTS Official who behest the ticket or pass; and
- vii. A description of the public purpose under which the distribution was made or, alternatively, that the ticket or pass was distributed as income to the MTS Official.

JUNE25-09.6.AttA.POLICY 60.TICKET DIST.LWORKMAN.doc

Tickets Provided by Agency Report

A Public Document

TICKETS PROVIDED BY AGENCY REPORT

1. Agency Name		Date Stamp	California Form 802 For Official Use Only
Division, Department, or Region (if applicable)			
Street Address			
Area Code/Phone Number	E-mail	<input type="checkbox"/> Amendment (Must explain in Part 5.)	
Agency Contact (name and title)		Date of Original Filing: _____ (month, day, year)	

2. Event For Which Tickets Were Distributed

Date(s) of Event: ____/____/____ Description of Event: _____
 ____/____/____ Face Value of Ticket: \$ _____

Agency Event Yes No (Identify source of tickets below.)

Name of Outside Source of Ticket(s) Provided to Agency: _____

Number of Tickets Received: _____ Ticket(s) Provided to Agency: Gratuitously Pursuant to Contract

3. Agency Official(s) Receiving Ticket(s) (use a continuation sheet for additional names)

Name of Official (Last, First)	Number of Tickets	State Whether the Distribution is Income to the Official or Describe the Public Purpose for the Distribution

4. Individual or Organization Receiving Ticket(s) (Provided at the behest of an agency official.)

Name of Behesting Agency Official: _____

Name of Individual or Organization: _____ Number of Tickets: _____

Description of Organization: _____

Address of Organization: _____
Number and Street City State Zip Code

Purpose for Distribution: (Describe the public purpose for the distribution to the organization.)

5. Verification

I have determined that the distribution of tickets set forth above is in accordance with the provisions of FPPC Regulation 18944.1.

Signature of Agency Head or Designee Print Name Title (month, day, year)

Comment: (Use this space or an attachment for any additional information including amendment explanation.)

Tickets Provided by Agency Report

A Public Document

This form is for use by all state and local government agencies to disclose the distribution of tickets or passes that allow admission to facilities, events, shows, or performances for entertainment, amusement, recreational, or similar purposes. The agency must complete Form 802 identifying agency officials who receive tickets or passes from the agency as well as other individuals and organizations that receive tickets or passes at the behest of agency officials. Form 802 must be posted in a prominent fashion on the agency's website.

Gifts of Tickets or Passes to Public Officials

FPPC Regulation 18944.1 sets out the circumstances under which an agency's distribution of tickets or passes to or at the behest of an official in the agency does not result in a gift to the official. (Regulation 18944.1 is available on the FPPC website at www.fppc.ca.gov.) Even though the distribution of tickets or passes to a public official under the regulation is not a gift to the official, the agency must disclose the distribution on Form 802. The official does not have to disclose tickets or passes received or distributed under the regulation on his or her Statement of Economic Interests (Form 700), but tickets or passes received or distributed by the official that do not fall under the regulation may be subject to disclosure on the official's Form 700 and subject to gift limits.

Posting Form 802

The Form 802 must be posted on the agency's website within 30 days after the distribution. If the agency does not maintain a website, the form must be maintained by the agency as a public record, be available for public inspection and copying, and be forwarded to the FPPC for posting on its website.

Part 1. Agency Identification

List the agency's name, address and the name of an agency contact. Mark the amendment box if changing any information on a previously filed form and include the date of the original filing.

Part 2. Event For Which Tickets Were Distributed

Provide the date(s) of the event, a description of the event, and the face value (i.e. the cost to the public) of the ticket or pass. Check the box indicating whether the event was an "agency event" (such as a county fair, or an event for which the agency purchased tickets). If the agency received the tickets from an outside source, identify the source, the number of tickets received, and check the box to identify whether the tickets or passes were provided to the agency:

- Gratuitously; or
- Pursuant to a contract.

Part 3. Agency Official(s) Receiving Ticket(s)

Disclose the name of each agency official that received a ticket or pass and the number of tickets or passes the official received. Also state whether the distribution is income to the official or describe the public purpose for which the official received the tickets or passes.

Part 4. Individual or Organization Receiving Ticket(s)

If tickets or passes were distributed to an individual or organization outside the agency, at the behest of an official of the agency, provide the name of the official. Disclose the name(s) of the individual(s) who received the tickets or passes and the number of tickets or passes provided. If the tickets or passes were provided to an organization, the agency may post the name, address, a description of the organization, and the number of tickets or passes provided to the organization in lieu of posting the name of each individual that received a ticket or pass. Also, describe the public purpose for the distribution to the individual or organization.

Part 5. Verification

The agency head or his or her designee must sign the form.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations Sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Act Notice, please contact the FPPC.

General Counsel
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660



Metropolitan Transit System

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San Diego, CA 92101-7490
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Agenda

Item No. 9

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

FIN 300

July 16, 2009

SUBJECT:

MTS: INVESTMENT REPORT – MAY 2009

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Attachment A is a report of MTS investments as of May 2009. The first column provides details about investments restricted for capital support and debt service—the majority of which are related to the 1995 lease and leaseback transactions. The second column provides details about the working capital for MTS operations for employee payroll and vendors' goods and services. This column also includes the investment in San Diego Transit Corporation's (SDTC's) pension obligation bonds, which were repurchased, and represents an asset that is not currently available to fund operations.

Total cash and investment balances have decreased by \$5.7 million, which is primarily due to reduced subsidy payments that are scheduled in the last two months of the fiscal year.

Five million dollars was transferred from the Local Agency Investment Fund (LAIF) account to the operating account in May to fund normal operational expenses. The average monthly yield in the LAIF investment is 1.61%.

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The funds restricted for debt service are structured investments with fixed returns that do not vary with marked fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities.

Other restricted funds are designated for various capital improvement projects.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Linda Musengo, 619.557.4531, linda.musengo@sdmts.com

JULY16-09.9.INVESTMT RPT
MAY 09.LMUSENGO.doc

Attachment: A. Investment Report

**San Diego Metropolitan Transit System
Investment Report
May 31, 2009**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 9,763,205	\$ 6,222,907	\$ 15,986,112	0.00%
Total Cash and Cash Equivalents	<u>9,763,205</u>	<u>6,222,907</u>	<u>15,986,112</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	3,087,610		3,087,610	N/A *
US Bank - retention trust account	2,515,455		2,515,455	N/A *
Bank of America - Proposition 1B TSGP grant funds	2,699,568		2,699,568	N/A *
Total Cash - Restricted for Capital Support	<u>8,302,633</u>	<u>-</u>	<u>8,302,633</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	10,692,463	10,692,463	1.61%
Bank of New York Money Market POB interest	-	563	563	
Total Investments - Working Capital	<u>-</u>	<u>10,693,025</u>	<u>10,693,025</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	33,183,848	-	33,183,848	
Rabobank - Payment Undertaking Agreement	86,247,213	-	86,247,213	7.69%
Total Investments Restricted for Debt Service	<u>119,431,061</u>	<u>-</u>	<u>119,431,061</u>	
Investment in SDTC Pension Obligation Bonds				
Bank of America custodial account	-	35,630,000	35,630,000	
Total Investment in SDTC Pension Obligation Bonds	<u>-</u>	<u>35,630,000</u>	<u>35,630,000</u>	
Total cash and investments	<u>\$ 137,496,899</u>	<u>\$ 52,545,932</u>	<u>\$ 190,042,832</u>	

N/A* - Per trust agreements, interest earned on retention accounts is allocated to trust beneficiary (contractor)



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Agenda

Item No. 10

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

LEG 491 (PC 50633)

July 16, 2009

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – TROVILLION
INVEISS PONTICELLO & DEMAKIS, APC

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1139.4-08 (in substantially the same form as Attachment A) with Trovillion Inveiss Ponticello & Demakis, APC for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$45,000 for Trovillion Inveiss Ponticello & Demakis, APC. The recommended amounts are contained within fiscal year 2009 budget.

DISCUSSION:

On January 18, 2007, the Board approved a list of qualified attorneys for general liability and workers' compensation for use by MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) (hereinafter referred to as the Agencies) staffs on an as-needed basis. Thereafter, MTS began to contract with approved attorneys for various amounts depending upon current and anticipated needs.

Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000. All attorneys listed have multiple cases that are scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.



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Trovillion Inveiss Ponticello & Demakis, APC is currently under contract with the Agencies for \$100,000. Attorneys at Trovillion Inveiss Ponticello & Demakis, APC have successfully defended the Agencies in a number of workers' compensation matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1139.4-08 with Trovillion Inveiss Ponticello & Demakis, APC for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, jim.dow@sdmts.com

JULY16-09.10.LEGAL SVCS TROVILLION.JDOW.doc

Attachment: A. MTS Doc. No. G1139.4-08

DRAFT

July 16, 2009

MTS Doc. No. G1139.4-08
LEG 491 (PC 50633)

Ms. Nicole Demakis
Trovillion Inveiss Ponticello & Demakis, APC
1010 Second Avenue, 16th Floor
San Diego, CA 92101-4906

Dear Ms. Demakis:

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. G1139.0-08: LEGAL SERVICES – WORKERS’
COMPENSATION

This letter will serve as Amendment No. 4 to MTS Doc. No. G1139.0-08. This contract amendment authorizes additional costs not to exceed \$45,000 for professional services. The total value of this contract, including this amendment is \$145,000. Additional authorization is contingent upon MTS approval.

If you agree with the above, please sign below and return the document marked “Original” to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Nicole Demakis
Trovillion Inveiss Ponticello & Demakis, APC

Date: _____

JULY16-09.10.AttA.G1139.4-08.TROVILLION.JDOW.doc

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Agenda

Item No. 11

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

LEG 491 (PC 50633)

July 16, 2009

SUBJECT:

**MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES - WHEATLEY
BINGHAM & BAKER**

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1111.10-07 (in substantially the same form as Attachment A) with Wheatley Bingham & Baker for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$95,000 for Wheatley Bingham & Baker. Recommended amounts should be contained within FY 2009/2010 budgets.

DISCUSSION:

On January 18, 2007, the Board approved a list of qualified attorneys for general liability and workers' compensation for use by MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) (hereinafter referred to as the Agencies) staffs on an as-needed basis. Thereafter, MTS began to contract with approved attorneys for various amounts depending upon current and anticipated needs.

Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000. All attorneys listed have multiple cases that are scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.



Wheatley Bingham & Baker are currently under contract with the Agencies for \$885,000. Attorney Roger Bingham has successfully defended the Agencies in a number of tort liability matters. Pending future invoices for two open matters heading for trial along with past billings are anticipated to exceed the current contract authority.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1111.10.07 with Wheatley Bingham & Baker for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, jim.dow@sdmts.com

JULY16-09.11.LEGAL SVCS WHEATLEY.JDOW.doc

Attachment: A. MTS Doc. No. G1111.10-07

DRAFT

July 16, 2009

MTS Doc. No. G1111.10-07
LEG 491 (PC 50633)

Mr. Roger Bingham
Wheatley Bingham & Baker
1201 Camino Del Mar, Suite 201
Del Mar, CA 92014-2569

Dear Mr. Bingham:

Subject: AMENDMENT NO. 10 TO MTS DOC. NO. G1111.0-07: LEGAL SERVICES – GENERAL LIABILITY

This letter will serve as Amendment No. 10 to MTS Doc. No. G1111.0-07. This contract amendment authorizes additional costs not to exceed \$95,000 for professional services. The total value of this contract, including this amendment is \$980,000. Additional authorization is contingent upon MTS approval.

If you agree with the above, please sign below, and return the document marked "Original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Roger Bingham
Wheatley Bingham & Baker

CBROWN-CL
CL-G1111 10-07 WHEATLEYBINGHAMBAKER JDOW

Date: _____



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Agenda

Item No. 12

JOINT MEETING OF THE BOARD OF DIRECTORS

LEG 491 (PC 50633)

for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

July 16, 2009

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – LAW OFFICES OF
MARK H. BARBER, APC

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1162.5-08 (in substantially the same form as Attachment A) with the Law Offices of Mark H. Barber, APC for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$55,000 for the Law Offices of Mark Barber, APC. The recommended amounts are contained within the fiscal year 2009 budget.

DISCUSSION:

On January 18, 2007, the Board approved a list of qualified attorneys for general liability and workers' compensation for use by MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) (hereinafter referred to as the Agencies) staffs on an as-needed basis. Thereafter, MTS began to contract with approved attorneys for various amounts depending upon current and anticipated needs.

Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000. All attorneys listed have multiple cases that are scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

The Law Offices of Mark H. Barber, APC is currently under contract with the Agencies for \$200,000. Attorney Mark Barber has successfully defended the Agencies in a number of workers' compensation matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1162.5-08 with the Law Offices of Mark H. Barber, APC for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, jim.dow@sdmts.com

JULY16-09.12.LEGAL SVCS BARBER.JDOW.doc

Attachment: A. MTS Doc. No. G1162.5-08

DRAFT

July 16, 2009

MTS Doc. No. G1162.5-08
LEG 491 (PC 50633)

Mr. Mark H. Barber
Law Offices of Mark H. Barber, APC
2727 Camino Del Rio South, Suite 220
San Diego, CA 92108

Dear Mr. Barber:

Subject: AMENDMENT NO. 5 TO MTS DOC. NO. G1162.0-08: LEGAL SERVICES – WORKERS' COMPENSATION

This letter will serve as Amendment No. 5 to MTS Doc. No. G1162.0-08. This contract amendment authorizes additional costs not to exceed \$55,000 for professional services. The total value of this contract, including this amendment is \$255,000. Additional authorization is contingent upon MTS approval.

If you agree with the above, please sign below, and return the document marked "Original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Mark H. Barber
Law Offices of Mark H. Barber, APC

Date: _____

JULY16-09.12.LEGAL SVCS G1162.5-08.
BARBER.JDOW.doc



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REVISED

Agenda

Item No. 13

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 1210001

July 16, 2009

SUBJECT:

MTS: FEDERAL ECONOMIC STIMULUS SUPPLEMENTAL APPROPRIATIONS ACT

RECOMMENDATION:

That the Board of Directors approve:

1. the use of the Supplemental Appropriations Act for the American Recovery and Reinvestment Act (ARRA) of 2009 to fund MTS fiscal year 2010 operations; and
2. the transfer of \$5.86 million from the Blue Line Rehabilitation Project (CIP 1210001) to MTS fiscal year 2010 operations.

Budget Impact

Due to the passage of the Supplemental Appropriations Act of 2009, an additional \$5.86 million has been made eligible for operating assistance for all transit agencies receiving ARRA funds.

DISCUSSION:

On Wednesday, June 24, 2009, President Barack Obama signed the Supplemental Appropriations Act of 2009 into law. This new law allows up to 10 percent of each amount apportioned in the ARRA for the Section 5307 grant program to be used for operations. The ARRA originally provided new funding only for eligible public transportation capital projects. The ARRA allocation remains 100 percent of the net project costs, which means there is no required local match for capital or operations.



At the June 25, 2009, MTS Board of Directors meeting, the Board provided direction to use the 10 percent in ARRA funds to bridge a projected \$5.86 million to \$11 million FY 10 shortfall. As discussed, these funds were previously earmarked for the Blue Line Rehabilitation Project. The table below displays the original and amended allocation of ARRA funds:

<u>Project Descriptions</u>	<u>CIP #</u>	<u>Original ARRA Allocation (in millions)</u>	<u>Proposed ARRA Allocation (in millions)</u>
Overhead Contact Wire	1142000	\$12.0	\$12.0
Blue Line Rehabilitation	1210001	\$46.6	\$410.07
FY2010 Operations	N/A	\$0.0	<u>\$5.96</u>
	Total:	<u>\$58.6</u>	<u>\$58.6</u>

Therefore, staff recommends Board approval of:

1. the use of the Supplemental Appropriations Act for the American Recovery and Reinvestment Act (ARRA) of 2009 to fund MTS fiscal year 2010 operations; and
2. the transfer of \$5.86 million from the Blue Line Rehabilitation Project (CIP 1210001) to MTS fiscal year 2010 operations.

Sharon Cooney for

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Lisa Fowler, 619.557.4510, lisa.fowler@sdmts.com

JULY16-09.13.ECONOMIC STIMULUS FUND TRANSFER.LFOWLER.doc



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Agenda

Item No. 14

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIPs 11164, 11216,
11254

July 16, 2009

SUBJECT:

MTS: CAPITAL IMPROVEMENT PROJECT BUDGET TRANSFER AND CONTRACT AMENDMENT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to:

1. transfer \$1,000,000 from Capital Improvement Project (CIP) 11164 (Rehabilitate Traction Motors) to CIP 11216 (LRV Electronics Components) and CIP 11254 (LRV Brake Overhaul) equally (\$500,000); and
2. execute MTS Doc. No. L0888.1-09 (in substantially the same form as Attachment A) to Knorr Brake Corporation for the procurement and assembly of brake overhaul kits for SD 100 light rail vehicles (LRVs).

Budget Impact

1. No change to the overall CIP budget. \$500,000 would be added to CIP 11216 (LRV Electronics Components) and \$500,000 would be added to CIP 11254 (LRV Brake Overhaul). \$1,000,000 would be deducted from CIP 11164 (Rehabilitate Traction Motors) as shown in Budget Transfer Summary (Attachment B).
2. \$500,000 for MTS Doc. No. L0888.1-09 (Attachment A) for additional brake overhaul kits for SD 100 LRVs would come from CIP 11254-0200.



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

DISCUSSION:

For the past several years, San Diego Trolley, Inc. (SDTI) has requested funds for the rehabilitation of traction motors on the U-2 LRVs. These are the oldest vehicles in the SDTI fleet and after a million miles and 25 years of service, this critical component is worn and requires overhaul. To date, 102 of 150 traction motors in the U-2 fleet have been rehabilitated and have \$1,000,000 in approved capital funds to rehabilitate the remaining traction motors.

At its meeting on March 26, 2009, the Board directed staff to pursue replacing 57 of the oldest U-2 LRVs with new low-floor LRVs. The procurement process started last month, and new vehicle delivery is estimated in the next 3 to 5 years.

In light of this new development, staff recommends not spending the previously approved \$1,000,000 CIP funds for the rehabilitation of traction motors on LRVs that are going to be replaced and use it for other vital component replacement/rehabilitation on the current fleet of SD 100 vehicles, which are not going to be replaced in the near future.

After reviewing current needs and all existing capital projects related to vehicle fleet improvement, two projects were identified as the highest-priority projects that can use additional funds to speed up the rehabilitation process: (1) LRV Brake Overhaul on SD 100 vehicles, and (2) LRV Electronic Components. Both of these projects are very high priority due to the critical safety and performance impacts on operations. Due to limited funding availability, these projects were stretched out to be multiyear. On April 27, 2009, a sole-source, two-year contract for SD 100 brake kit procurement and assembly was awarded to Knorr Brake Corporation. On March 26, 2009, another sole-source, five-year contract was awarded to Siemens Transportation Systems, Inc. for supplying MTS with GTO firing boards, which is a vital component of the SD 100's propulsion system.

By adding funds to these existing projects and issuing an amendment for extra work, MTS can reduce the project completion period for each significantly.

MTS's current contract with Knorr Brake Corporation for supplying SD 100 LRV brake rehabilitation kits for 13 cars is \$475,000. By adding \$500,000 through this amendment (MTS Doc. No. L0888.1-09), MTS would be able to complete 14 more LRVs, which, together with 12 previously completed LRVs, would comprise 39 out of 52 cars (75% of the SD 100 fleet). Staff has negotiated a slightly lower price for the brake kits based on a quantity breakdown for new kits. The new pricing is reflected in the amendment cost.

Price negotiations with Siemens Transportation Systems are still in progress, and staff will bring a request for approval for that amendment to a future Board Meeting.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, rushikesh.desai@sdmts.com

JULY16-09.14.CIP BUDGET TRNSF & AMDMT.RDESAI.doc

Attachments: A. MTS Doc. No. L0888.1-09
B. Budget Transfer Summary

DRAFT

July 16, 2009

MTS Doc. No. L0888.1-09
OPS 970.6

Mr. Roy Van Wynsberghe
Western Regional Manager
Knorr Brake Corporation
29471 Kohoutek Way
Union City, NJ 94587

Dear Mr. Van Wynsberghe:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. L0888.0-09 – SD 100 BRAKE SYSTEM OVERHAUL
KITS AND SERVICES PROCUREMENT

This letter will serve as Amendment No. 1 to MTS Doc. No. L0888.0-09.

SCOPE OF SERVICES

Provide SD 100 LRV friction brake system overhaul kits and services in accordance with the attached Knorr Brake Corporation pricing dated May 6, 2009, and the original contract Procurement Agreement.

SCHEDULE

All work under this Amendment shall be completed in 30 months from the date of execution of this Amendment.

PAYMENT

The total cost for providing all the materials and services shall not exceed \$500,000 without prior formal authorization by MTS.

All other terms and conditions of the original SD 100 friction brake overhaul and services Procurement Agreement shall apply.

If you agree with the above, please sign below and return the document marked "original" to the Contracts Specialist at MTS. The second copy is for your records:

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Roy Van Wynsberghe
KNORR BRAKE CORPORATION

JULY16-09.14.AttA.BRAKE SYSTEM
KITS.L0888.1-09.RDESAI.doc

Date: _____

Attachment: A. Knorr Brake Corp. Cost Proposal

BUDGET TRANSFER SUMMARY

CIP NO.	PROJECT NAME	BUDGETS		
		<i>Existing</i>	<i>Proposed</i>	<i>Change</i>
11164	Rehabilitate Traction Motors	\$3,249,700	\$2,249,700	-\$1,000,000
11216	LRV Electronics Components	\$230,274	\$730,274.00	+\$500,000
11254	LRV Brake Overhaul	\$125,000	\$625,000	+\$500,000



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Agenda

Item No. 15

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

FIN 340

July 16, 2009

SUBJECT:

MTS: FEDERAL SECTION 5307 FORMULA FUNDS FOR ADA PARATRANSIT SERVICE

RECOMMENDATION:

That the Board of Directors approve the exchange of \$3.6 million in capital federal Section 5307 formula funds for nonfederal operating dollars for Americans with Disabilities Act (ADA) paratransit service.

Budget Impact

The exchange of funds would increase the use of federal funds for operations and funding flexibility in the capital budget.

DISCUSSION:

The definition of an eligible capital project has been extended to include the operating cost of providing ADA complementary paratransit service. Certain operating expenses associated with special transit services for people with disabilities may be supported by FTA with capital funds. Under the new provision provided by the Federal Transit Administration's (FTA's) grant guidelines, a capital project now includes:

"... the provision of nonfixed route paratransit transportation in accordance with Section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for grant recipients that are in compliance with the applicable requirements of that Act, including both fixed-route and demand-responsive service ..."

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The amount made eligible federal provision for the ADA cannot exceed 10 percent of MTS's annual apportionment under Section 5307 formula funds, and the 80/20 federal-to-local funding ratio remains applicable.

The \$3.6 million allowed would be requested from the federal fiscal year 2009 Section 5307 grant apportionment to fund current complementary paratransit service. This request would then free up the identical amount of nonfederal funds to be used for capital expenses. All subsequent fiscal years would include the 10 percent maximum allowed allocation from the federal Section 5307 apportionment to support operations of the ADA complementary paratransit service provided by MTS.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Lisa Fowler, 619.557.4510, lisa.fowler@sdmts.com

JULY16-09.15.SECTION 5307
FUNDS ADA PARATRANSIT.LFOWLER.doc



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Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

July 16, 2009

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period June 16, 2009, through July 6, 2009.

[gail.williams/agenda item 62](#)

CONTRACTS - Expense

Doc #	Organization	Subject	Amount	Day
G1258.0-09	FELD ENTERTAINMENT	SEALIFE AQUARIUM SUMMER PROMOTION	\$0.00	6/22/2009
PWL113.0-09	KONE ELEVATOR	ELEVATOR MAINTENANCE AND REPAIR	\$47,160.20	6/22/2009
G1105.1-07	LAW OFFICES OF ROD COPPEDGE	LEGAL SERVICES - WORKERS COMP	\$20,000.00	6/25/2009
L0897.0-09	LIPMAN, STEVENS & CARPENTER	STD SVC AGREE EUCLID PROPERTY APPRAISAL	\$3,750.00	6/25/2009
L5237.0-09	STANTEC CONSULTING CORP	ROE PERMIT SOIL BORINGS GROUND WATER	\$0.00	6/25/2009
L5238.0-09	TEST AMERICA DRILLING	ROE PERMIT SOIL BORINGS MTS PARCEL 7-11	\$0.00	6/25/2009
PWL115.1-09	MOORE ELECTRICAL CONTRACTING	EXTENSION OF FIBER OPTIC CABLE TO CITY	\$19,090.00	6/25/2009
S200-09-412	TYLIN INTERNATIONAL	ROE PERMIT ORANGE LINE BRIDGE INSPECT	\$0.00	6/25/2009
G1263.0-09	BP CORPORATION NORTH AMERICA	FINANCIAL CNG HEDGING AGREEMENT	\$0.00	6/29/2009
G1264.0-09	BP CORPORATION	FINANCIAL CNG HEDGING AGREEMENT	\$0.00	6/29/2009
B0454.1-06	A TO Z ENTERPRISES	EXERCISE OPT YR ONE TOWING SVC 7/1/09	\$71,300.00	7/2/2009
B0478.2-07	CREATIVE BUS SALES	FINAL PRICING CHANGES FOR 28 EL DORADO	\$10,380.30	7/2/2009
B0509.1-09	KINGSBURY UNIFORMS	AMEND 1 BUS OPERATOR UNIFORMS	\$7,744.12	7/2/2009
G1080.4-07	LAW OFFICES OF MICHAEL RIPLEY	LEGAL SERVICES GENERAL & TORT LIABILITY	\$45,000.00	7/2/2009
G1111.9-07	WHEATLEY BINGHAM & BAKER	LEGAL SERVICES GENERAL & TORT LIABILITY	\$100,000.00	7/2/2009
G1162.4-08	LAW OFFICES OF MARK H BARBER	LEGAL SERVICES WORKERS COMP	\$10,000.00	7/2/2009
L0873.0-08	CITY OF SAN DIEGO	OB BIKEWAY CONSTRUCTION & MAINT AGREE	\$0.00	7/2/2009
L0899.0-10	SLY BUILD, INC	ROE PERMIT ECTC TROLLEY STA TENANT IMPRO	\$0.00	7/2/2009
PWL118.0-09	WESTERN PUMP	DIESEL TO GASOLINE UNDERGROUND STORAGE	\$49,898.00	7/2/2009
G1266.0-09	BARCLAYS BANK PLC	FINANCIAL CNG HEDGING AGREEMENT	\$0.00	7/6/2009
G1267.0-09	BARCLAYS BANK PLC	FINANCIAL CNG HEDGING AGREEMENT	\$0.00	7/6/2009

PURCHASE ORDERS

DATE	Organization	Subject	AMOUNT
6/25/2009	SAN DIEGO COMMUNITY NEWSPAPER	OB AND PB VISITORS GUIDE FULL PG	\$1,970.00
6/25/2009	BOCKS AWARDS	YEARS OF SERVICE PLAQUES	\$813.00
6/25/2009	ROLLING PIN PRODUCTIONS	PHOTO COOKIES FOR EMPLOYEE EVENT	\$5,550.00
6/25/2009	TRANSIT INFO PRODUCTS	RCH-22 SCHEDULE HOLDERS	\$2,882.80
6/25/2009	DIMENSIONAL SILKSCREEN	APTA AWARD VEHICLE DECALS	\$3,140.16

PURCHASE ORDERS

DATE	Organization	Subject	AMOUNT
6/25/2009	CUSTOM LOGOS	APTA AWARD HATS	\$14,015.63
6/25/2009	KINGPINS	LAPEL PINS (APTA AWARD)	\$3,746.50
6/29/2009	SAN DIEGO POSTAL AND SHIPPING	YEARLY MAINTENANCE AGREEMENT	\$653.00
6/29/2009	CANON BUSINESS SOLUTIONS	DR 7550C SCANNER 120 V QUOTE 745365	\$10,169.87
6/29/2009	CUSTOM LOGOS	APTA AWARD PATCHES	\$3,379.88
6/29/2009	VISIBLE INK	BANNER SMALL, MED, LG	\$2,832.94
6/29/2009	SAN DIEGO FRICTION PRODUCTS	55-TON HYDRAULIC PRESS CHULA V TRAN	\$4,018.31
7/2/2009	DELL COMPUTER CORP	DELL OPTIPLEX 960 DESKTOP	\$24,173.36
7/2/2009	US POSTAL SERVICE	POSTAGE FOR METER	\$6,000.00
7/2/2009	AZTEC JANITORIAL SVCS	WEED ABATEMENT SVCS	\$8,803.86
7/2/2009	CRM LEARNING	DEALING WITH CONFLICT	\$1,587.75
7/2/2009	SD BLACKBOOK	FULL PAGE, DOUBLE SIDED, COLOR AD	\$800.00
7/2/2009	CARY DLA PIPER, RUDNICK, GRAY	PATENT LAW LEGAL SVCS	\$2,041.00

WORK ORDERS

Organization	Subject	Amount	Day
DAVID EVANS & ASSOC INC	SAV-ON STORAGE R/W ACQUISITION SVCS	\$42,000.00	6/25/2009
DAVID EVANS & ASSOCS	DESIGN FOR MTS CANINE SHELTERS	\$18,878.98	6/25/2009
DAVID EVANS & ASSOC. INC	GEN ENGINEERING FOR STORM WATER MON	\$39,000.00	7/2/2009
LAN ENGINEERING CORP	CONST SVCS FOR SDAE ROE PERMITS	\$55,000.00	7/6/2009

CONTRACTS - Revenue

Doc #	Organization	Subject	Amount	Day
G0668.9-02	EMBASSY SUITE HOTEL	ECO PASS	(\$9,914.40)	6/22/2009
G0975.5-06	DAN FERBAL	ECO PASS	(\$18,144.00)	6/22/2009
G1006.4-06	SDSU ASSOC STUDENTS	ECO PASS	(\$17,452.80)	6/22/2009
G1241.2-09	THE SOFIA HOTEL	ECO PASS	(\$5,022.00)	6/22/2009
G0878.7-03	SCRIPPS HEALTH CENTER	ECO PASS	(\$20,736.00)	6/25/2009

CONTRACTS - Revenue

Doc #	Organization	Subject	Amount	Day
G1265.0-09	UNION OIL OF CALIFORNIA	SETTLEMENT AGREEMENT TEST COST TAXICAB	(\$53,010.00)	6/25/2009
L0898.0-09	SOUTHERN CONTRACTING CO.	ROE PERMIT SDGE METER PEDESTAL	(\$1,850.00)	6/25/2009
L5687.0-09	INTERGULF DEVELOPMENT GROUP	LICENSE FOR LANDSCAPE AND IRRIGATION	(\$15,000.00)	6/25/2009
L5699.0.09	TRC SOLUTIONS INC	JOINT ROE PERMIT NCTD GROUND WATER MONIT	(\$1,000.00)	6/25/2009
S200-09-411	PAR ELECTRIC	ROE PERMIT SDGE POLE REPLACEMENT BAY BLV	(\$2,250.00)	6/25/2009
G1198.2-09	HOTEL DEL CORONADO	ECO PASS	(\$24,192.00)	6/29/2009
L5232.1-08	SDG&E	ROE PERMIT TIME EXT AMEND #1	(\$500.00)	6/29/2009
S200-09-406	LEVI HERMANN	LEASE FOR ENCROACHMENT ON MAN ST CHULA V	(\$8,832.00)	6/29/2009
S200-09-413	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT HARBOR/CIVI	(\$10,500.00)	7/2/2009
S200-09-414	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT 28TH ST	(\$19,500.00)	7/2/2009
S200-09-415	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT IMPERIAL/ME	(\$13,500.00)	7/2/2009

TO THE FOLLOWING SAID LISTED ENTITIES:

6/25/2009

TO WHOM IT MAY CONCERN:

ENCLOSED IS THE LISTED SAID ENTITIES UNTO WHO ARE INVOLVED WITH THE SAID TRANSPORTATION IN THE SAN DIEGO COUNTY AREA. THIS REPORT DOES DEALS WITH NOT ONLY AS YOUR SAID SET OF THE SAID 6 MONTH NOTICES.

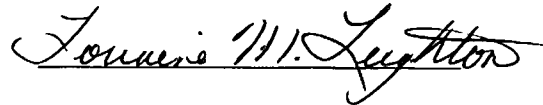
1. THE CITY OF OCEANSIDE CITY COUNCIL.
2. THE NORTH COUNTY TRANSIT DISTRICT FOR THE SAID NAME "NCTD", AS WELL AS THE PERSONEL WHO DID THE OPERATIONS OPERATING UNDER THE NAME OF TRANS AMERICA FOR THE COASTER TRAIN ON THIS DATE OF 12/26/2008 TO 01/08/2009!
3. THE COUNTY OF SAN DIEGO CLAIMS DIVISION AND THE BOARD OF THEIR SUPERVISORS
4. THE SANDAG BOARD OF MEMBERS
5. THE CITY OF SAN DIEGO COUNCIL
6. THE MTS DIRECTOR'S OF THE MTS MEETINGS WITH THAT OF THE CEO PAUL JABLONSKI, MR MATHIS, MR BILL HORN ETC.
7. THE OTHER CITY OFFICIALS WHO SIT ON THE MTS BOARD.

NOW, THIS DEALS AS WITH ALSO THE SECOND TIME OF THE SAID NOTICE AS TO WHY , WHAT HAD HAPPENED WITH THE COASTER EMPLOYEE, WHO WAS AT THIS TIME A TICKET COUNTER ETC. ALSO, THIS DOES WITH THE FACT ON THIS DATE OF THIS REPORT GIVIN ON TO THE NCTD CLAIMS SUPERVISOR, AND ALONG WITH THE COMPASS CARD, WITH ITS \$ AMOUNT ON IT, THE FACT THAT THEIR MACHINES WERE NOT REGISTERING, PLUS THE EXTREME FACT OF THE COASTER EMPLOYEE WHO DIDN'T HAVE THE HAND HELD MACHINE TO USE, THEREFOE MY FAULT! THE STATION IS LOCATED IN THE CITY OF OCEANSIDE, AT THE TRAIN STATION. THIS REPORT WENT IN ON FOR AROUND THE 12/26/2008 TO THE DATE OF 1/8/2009. THE FACTS ARE FROM THE FIRST COASTER ON SATURDAY MORNING TO WHERE I BOARDED FROM TO THE TIME OF WHAT THE TRANSAMERICA, PERSONAL, WHAT SAID RIGHT DID/DOES HE HAVE TO ? MY COMPASS CARD AS A PERSON ON THE PILOT PROGRAM, THE FACT THAT HE WENT THROUGH MY PERSONEL BAGS, TO WHAT HE WAS LOOKING FOR IS STILL UNKNOWN, THE FACT THAT HE HAD DECIDED TO LABEL MISS LORRAINE M. LEIGHTON, A FARE PERSON WHO DOESN'T HAVE THE PROPER FARE TO BE ON THE COASTER TRAIN. THEN AS I GET OFF UP AT OCEANSIDE TRAIN STATION, AND JUST STILL ON THE HANDICAP CEMENT BLOCK, THE PERSON WORKING FOR THE COASTER AS A TICKET COUNTER THEN GOES AND SLAPS HIS HAND RIGHT DOWN ON MY SHOULDER THEN PROCEEDES TO PULL MY BODY LEANING BACKWARD. NOW LAST TIME I CHECKED TO DO A SEARCH YOU HAVE TO HAVE A WARRANT, BE A SHERIFF, OR THE SAID ICE TEAM, LET ALONE A SAID OCEANSIDE POLICE OFFICER.

TOLD BY NCTD IN OCEANSIDE THAT IF HE GIVES YOU ANY KIND OF PROBLEM THEN YOU LET HIM KNOW TO CALL NCTD HEADQUARTERS. THE FACT THAT MY CARD WAS SET UP FOR THE COASTER TRAIN, PLUS THE OTHER PAPERWORK, WHY DID HE STILL HARASSED ME? AND SINCE THEIR HAS NOT BEEN ANY WORD AS TO WHY LET ALONE THE RESULTS FROM THE REPORT.

P.S. NOW THOSE LISTED ABOVE ALL HEARD THE REPORT AT THEIR SAID MEETINGS, SO YOU CAN NOT SAY YOU WERE NEVER NOTIFIED!

SINCERELY YOURS,

A handwritten signature in cursive script that reads "Lorraine M. Leighton". The signature is written in black ink and is positioned above the typed name.

MISS LORRAINE M. LEIGHTON
1097 EMERALD AVENUE
EL CAJON, CA. 92020