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Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

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

January 15, 2009

9:00 a.m.

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

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ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - December 11, 2008 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.
4. MTS: Election of Vice Chair and Chair Pro Tem and Appointments to Committees for 2009 Elect
Action would: (1) elect a Vice Chair and a Chair Pro Tem for 2009; and (2) consider the nominating slate proposed by the Ad Hoc Nominating Committee for the appointment of representatives to MTS committees for 2009 and vote to appoint representatives to those committees.

Please turn off cell phones and pagers
during the meeting



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.

CONSENT ITEMS

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| 6. | <u>MTS: Trash Disposal Services (SDTC and SDTI)</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1209.0-09 with Daily Disposal Services, Inc. for trash disposal services for a period of five years. | Approve |
| 7. | <u>MTS: Amendments to Assignment of Contract for San Diego Association of Governments' On-Call General Transportation Planning Services (IBI Group)</u>
Action would authorize the CEO to ratify MTS Doc. No. G1135.0-08 and execute Amendment No. 1 to MTS Doc. No. G1135.0-08 with IBI Group as part of the San Diego Association of Governments' (SANDAG's) On-Call General Transportation Planning Service Agreement, which was established as a jobs order contract with MTS. Amendment No. 1 would allow MTS to proceed with evaluating weekend service structure and productivity. | Ratify/
Approve |
| 8. | <u>MTS: Bus Operator Uniforms - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. B0509.0-09 with Kingsbury Uniforms, Inc. for bus operator uniforms for up to a five-year period. | Approve |
| 9. | <u>MTS: Transportation Development Act (TDA) Claim Amendments</u>
Action would adopt Resolution Nos. 09-1, 09-2, and 09-3 approving the revised FY 2009 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims. | Approve |
| 10. | <u>SDTI: Security Patrol Services - Contract Amendment (Option Years One and Two)</u>
Action would authorize the CEO to exercise option years 1 and 2 to MTS Doc. No. C.O.066.0-06 with Heritage Security Services/Transit Systems Security for security patrol services pursuant to the original Request for Proposals. | Approve |
| 11. | <u>MTS & SDTI: Internal Revenue Service-Required CalPERS Pension Resolutions</u>
Action would adopt Resolution Nos. 09-5, 09-6, and 09-7 that would allow MTS to continue to make employee pension contributions on a pretax basis. | Adopt |

CLOSED SESSION

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| 24. | a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(a) <u>MTS v. Zurich Insurance</u> , (AAA Case No. 51 195 Y 00164 08) | Possible
Action |
| | b. 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> , (San Diego Superior Court Case No. GIC 868963) | Possible
Action |
| | c. MTS: CLOSED SESSION - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): <u>San Diego Public Transit Riders Alliance v. MTS et al.</u> , (San Diego Superior Court Case Nos. 07-2007-0082217-CU-TT-CTL and 37-2008-00086580-CU-TT-CTL) | Possible
Action |

d. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Guzman v. SDTC, (GIC 847471) Possible Action

e. MTS: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6 Possible Action
Agency-Designated Representative – Jeff Stumbo
Employee Organization – Transit Enforcement Officers Association

NOTICED PUBLIC HEARING

25. MTS: Public Hearing - Service Adjustments for Sorrento Valley Coaster Connection Approve
Action would: (1) conduct a public hearing on the recommended restructuring of the Sorrento Valley Coaster Connection (SVCC) (Routes 89, 971, 972, 973, 974, 975, 976, 977, and 978); and (2) adopt MTS Resolution No. 09-4, "Findings in Support of Exemption Under the California Environmental Quality Act (CEQA) Relating to Proposed Service Adjustments to Sorrento Valley Coaster Connection"; and (3) respond to suggestions made by the public and take action (if any) on the Sorrento Valley Coaster Connection at the next regularly scheduled Board meeting on February 19.

DISCUSSION ITEMS

30. MTS: Increased Authorization for Legal Services - Law Offices of David C. Skyer Approve/
Action would authorize the CEO to execute MTS Doc. No. G1108.5-07 with the Law Ratify
Offices of David C. Skyer for legal services and ratify prior amendments entered into under the CEO's authority.
31. MTS: Fiscal Year 2010 Capital Improvement (CIP) Program Approve
Action would: (1) approve the fiscal year 2010 Capital Improvement Program (CIP) with the estimated federal and nonfederal funding levels. As the federal appropriation figures are finalized and/or other project funding sources become available, allow the CEO to identify and adjust projects for the adjusted funding levels (any adjustments in excess of \$500,000 will be brought to the Board's attention); (2) recommend that the San Diego Association of Governments (SANDAG) Board of Directors approve the submittal of federal Sections 5307 and 5309 applications for the MTS fiscal year 2010 CIP after the federal appropriations are finalized; (3) approve the \$12.5 million preventative maintenance increase and, in turn, swap Transportation Development Act (TDA) funding from operations to the CIP. There would be no net change to operations or capital; this exercise would simply provide more flexibility in funding within the CIP and would permit the agency to expend federal funding more quickly; (4) approve the transfer of \$1,627,724 from previous CIP projects to the fiscal year 2010 CIP; (5) approve the transfer of \$27,787,888 in nonfederal funding from previous fiscal year CIP projects to fiscal year 2010 Blue Line Rehabilitation (11266) to reflect the receipt of Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA); (6) approve the transfer of \$3.1 million of nonfederal funds currently allocated to the East County Bus Maintenance Facility (ECBMF) in exchange for \$3.1 million of federal funding currently allocated to bus procurement projects in fiscal year 2010; and (7) recommend that the SANDAG Board of Directors approve the amendment of the Regional Transportation Improvement Program (RTIP) in accordance with the fiscal year 2010 CIP recommendations.

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| 32. | <u>MTS: New Flyer 40-Foot Buses - Contract Amendment</u>
Action would authorize the CEO to execute MTS Doc. No. G1101.5-07 with New Flyer Industries, Inc. to purchase 38 low-floor, 40-foot, compressed natural gas (CNG) transit buses. | Approve |
| 33. | <u>MTS: Uniform Report of DBE Awards or Commitments and Payments and Approval of 2008 DBE Program</u>
Action would receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. | Receive |
| 34. | <u>MTS: Approval of Design Modifications at the Old Town Transit Center as Mandated and Approved by the California Public Utilities Commission</u>
Action would consider and approve the proposed design for improvements for the Old Town Transit Center (OTTC) as mandated and approved by the California Public Utilities Commission. | Approve |

REPORT ITEMS

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| 45. | <u>MTS: Year-to-Date Operations Budget Status Report Through October 2008</u>
Action would receive the MTS Year-to-Date Operations Budget Status Report through October 2008. | Receive |
| 46. | <u>MTS: Investment Report - November 2008</u>
Action would receive a report for information. | Receive |
| 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. | <u>Additional Public Comments Not on the Agenda</u>
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. | <u>Next Meeting Date:</u> February 19, 2009 | |
| 66. | <u>Adjournment</u> | |