

EXECUTIVE COMMITTEE MEETING FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC),
AND SAN DIEGO TROLLEY, INC. (SDTI)

April 03, 2008

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

A. ROLL CALL

Chairman Mathis called the meeting to order at 9:02 a.m. A roll call sheet listing Executive Committee member attendance is attached.

REQUEST TO ADD AGENDA ITEM

Mr. Roberts requested that an agenda item be added to the agenda. Ms. Tiffany Lorenzen, MTS General Counsel, reported the following: Government Code Section 54954.2 discusses the provisions under the Brown Act for discussing matters that are not on the agenda. Subsection b says that the legislative body may take action on an item of business not appearing on the posted agenda under any of the following conditions stated below. Prior to discussing any items pursuant to the subdivision, the legislative body shall publicly identify the item. Subsection 2 specifies upon a determination by 2/3 vote of the members of the legislative body present at the meeting, or if less than 2/3 of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in Subdivision A.

Mr. Roberts reported that discussion of this item was delayed until he returned from his trip to China. He stated that the agenda item in question will address his request to provide monthly passes for language teachers from China. He stated that 12 of 20 are currently working free of charge throughout the whole county in various school districts. He stated that he had been discussing this matter with MTS CEO Paul Jablonski when it was realized that it had to be brought before the Executive Committee.

Mr. Rindone moved to (1) find that there was a need to take immediate action on the provision of free monthly passes to language teachers from China; (2) that the need for action came to the attention of the local agency subsequent to the agenda being posted; and (3) add this item to the agenda. Mr. Monroe seconded the motion, and the vote was 6 to 0 in favor.

B. APPROVAL OF MINUTES

Mr. Emery moved approval of the minutes of the March 6, 2008, Executive Committee meeting. Mr. Rindone pointed out that the roll call sheet attached to the minutes was incomplete. He then seconded the motion, and the vote was 6 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

Monthly Passes for Language Teachers from China (Added Agenda Item)

Mr. Roberts reported that the Chinese government, through a nonprofit organization, has funded sending 50 language teachers from China to the United States. He stated that 20 of those teachers will be coming to San Diego County, and 12 are in San Diego County already. He briefly discussed the schools to which they are being assigned. He also reported that the nonprofit organization is providing for all of their expenses so there is virtually no cost to the region. He added that the County of San Diego has raised money, through other agencies, to provide the teachers with day trips to other places. He stated that, at this time, he was requesting one monthly pass for each of the teachers up to a maximum of 20 teachers and added that he would return to the Committee with a long-range plan. Mr. Rindone reported that Chula Vista has had a student exchange program with China for the last 18 years, and the students are always encouraged to use the trolley.

Action Taken

Mr. Rindone moved to provide one free monthly pass for each of the language teachers from China assigned to San Diego up to a maximum of 20 teachers. Mr. Emery seconded that motion, and the vote was 7 to 0 in favor.

CLOSED SESSION:

The Committee convened to Closed Session at 9:08 a.m. to discuss the following item:

1. **MTS: CLOSED SESSION: Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(a): Balfour Beatty/Ortiz v. MTS (Superior Court Case No. GIC 868963)**

The Committee reconvened to Open Session at 9:58 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following action taken in Closed Session:

The Committee received a report from and gave direction to General Counsel and outside counsel.

3. **MTS: Mission Valley East Light Rail Transit Project – Budget Transfer and Construction Management Contract Amendment (CIP 10426.12)
(This Item was Taken Out of Order)**

Mr. John Haggerty reviewed the recommended budget transfers and funding changes for the Mission Valley East Light Rail Transit Project. Ms. Lorenzen

pointed out that these funds are for legal fees previously approved in 2006 and for transfers within line items. Mr. Jablonski pointed out that the SDSU item for \$1.5 million is just a budget transfer.

Action Taken

Mr. Emery moved to (1) transfer \$705,000 from the Mission Valley East Light Rail Transit (MVE LRT) Project Reserve (10426-4500) into the line items shown in Attachment A of the agenda item to fund additional claims support work and eliminate negative line item balances; (2) transfer \$1,500,000 from the MVE LRT Project Reserve funds into the project revenue (funding) as shown on Attachment B of the agenda item to fully fund the approved project budget; and (3) execute Contract Amendment No. 48 (Attachment C of the agenda item) to MTS Doc. No. L6343.0-01 with Washington Group International, Inc. for claims support services on the MVE LRT Project and extend those services through December 31, 2008. Ms. Atkins seconded the motion, and the vote was 7 to 0 in favor.

2. MTS: El Cajon Transit Center Building (OPS 970.4)

Mr. Peter Tereschuck, SDTI General Manager, reviewed the background of the El Cajon Transit Center and discussed various options for the future of the facility located there. Mr. Tereschuck then reviewed the original agreement with El Cajon and showed a diagram of the current facility. He also showed pictures of the exterior of the building, Greyhound office, concessions area, restrooms, interior ceiling panels/ventilation screens, the roof, and the rooftop HVAC system.

Mr. Tereschuck reported that the Greyhound office located in this building used to sell tickets for service that is hit and miss with anywhere from zero to five trips per day. He stated that the office was closed the day the pictures were taken. He also reported that the concessions are provided through a contract with Kobey Corp. He stated that MTS gets about \$175 from this particular vendor, which represents 25 percent share of revenues MTS receives from Kobey vendors. He pointed out that this contract is up for renegotiation in one and one-half years. He briefly discussed the abuse of the restrooms and the difficulty of maintaining them at this location. He then detailed work that needs to be performed related to the roof and the rooftop air conditioning system.

Mr. Tereschuck provided Committee members with a list and the cost of maintenance that was completed on this building in response to a complaint from the City of El Cajon. He also reviewed the elements of annual maintenance costs, which were estimated at \$61,593. He then reviewed the three options for consideration by the Committee – to demolish, rehabilitate, or permanently close the building – and the estimated cost for each. He pointed out that if no hazardous materials are encountered if the building is demolished, the cost would be on the low side of the projected estimate.

Mr. Tereschuck pointed out that staff anticipates entering into an agreement for redeveloping this site in the future (from one to five years) and therefore looks less

favorably on the option to rehabilitate the building since it will most likely be torn down to make way for that redevelopment.

In response to a question from Mr. Rindone, Mr. Tim Allison, MTS Real Estate Manager, reported that MTS is about 16 to 18 months away from being able to discuss development possibilities at this location with developers. Mr. Ewin felt it would not be financially prudent to continue to operate this facility. He stated that the City of El Cajon may want an opportunity to express an opinion about what decision is made. Chairman Mathis stated that Mayor Lewis has already expressed an interest in demolishing the facility but would like to keep a concessionaire at this location. Chairman Mathis advised the Committee that Mayor Lewis will have an opportunity to express his opinion when this matter is brought before the Board on April 10, 2008. In response to a question from Mr. Monroe, Chairman Mathis reported that a locked bathroom would be provided for the operators who would be provided with keys.

In response to a question from Mr. Monroe, Mr. Allison reported that this property is 7 acres with 20 percent used for the bus bays and the building. He added that there are 450 parking spaces as well. Mr. Jablonski stated that, behind Grantville, El Cajon is one of MTS's prime sites. He added that staff will be presenting strategies for soliciting projects in about 60 days for Grantville. He reminded the Executive Committee that it gave Grantville a higher priority than El Cajon, and it will therefore be a couple of years before staff could start working on El Cajon. Mr. Allison pointed out that MTS has representation on El Cajon's development committee and has had discussions with El Cajon's Director of Redevelopment. He said that MTS has been active in the El Cajon redevelopment process for the last two years.

In response to a question from Ms. Atkins, Ms. Lorenzen reported that MTS has a lease with Greyhound. She reported that the original term of the lease was for 20 years with 5 one-year options and there are 3 options left. She pointed out that the options are exercisable at the discretion of the tenant, not the landlord. She then briefly discussed possible areas that MTS would be considering as a landlord if MTS were to break the lease. She added that staff wants to move Greyhound out of the building at little or no cost to MTS by either offering them a kiosk or agreeing to incorporate them into the joint development project at some point in the future and putting them in a temporary location in the meantime. Ms. Atkins stated that she would like to have more definitive information on this matter as well as the matter involving Kobey Corp. Chairman Mathis pointed out that the building, if left standing, will continue to be a drain on MTS's resources. Mr. Tereschuck pointed out that all the repairs to the building need to be made as soon as possible.

Mr. Emery stated that staff should ensure that El Cajon's plans don't preclude MTS from pursuing joint development on this property. He felt that the building should be demolished and that a kiosk for the food vendor be set up to satisfy El Cajon. Mr. Roberts agreed that the building should be demolished.

Action Taken

Mr. Emery moved to recommend to the Board of Directors to demolish the building at the El Cajon Transit Center. Mr. Roberts seconded the motion, and the vote was 6 to 1 in favor, with Mr. Rindone casting the dissenting vote.

Chairman Mathis stated that this action is taken with the idea of providing security, a kiosk for Greyhound, and addressing the issue of providing a comparable food amenity. Mr. Tereschuck pointed out that there is a 21-hour security presence at this location and that will be maintained. Mr. Jablonski stated that the \$300,000 already in the budget for rehabilitation of the building will be used for the cost of the demolition and to possibly add bus shelters at a modest cost.

D. REVIEW OF DRAFT APRIL 10, 2008, BOARD AGENDA

Recommended Consent Items

6. MTS: Proposed Amendments to Board Policy No. 25 (Equal Employment Opportunity Program for Employees and Contractors) (ADM 110.2)

Recommend that the Board of Directors approve the proposed revisions (Attachment A of the agenda item) to Board Policy No. 25.

7. MTS: Investment Report (FIN 300)

Recommend that the Board of Directors receive a report for information.

8. MTS: Office of Homeland Security Grant Applications (AG 210.9)

Recommend that the Board of Directors approve Resolution No. 08-5 (Attachment A of the agenda item) authorizing the CEO to submit applications for fiscal year 2007-2008 California Transit Security Grant Program – State Transit Assistance Agencies funding.

Recommended Consent Items

There was no discussion of the recommended Consent Items.

Recommended Board Discussion Items

There was no discussion of the recommendation Discussion items.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

There was no report given on this item.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Grossmont Trolley Station: Mr. Ewin reported that the Grossmont project is really starting to take form and suggested that Committee members ride the Orange or Green Line to Grossmont to see it.

Consul General of Mexico: Mr. Monroe reported that he recently met the new Consul General of Mexico. He stated that he was favorably impressed. He also stated that Congressman Filner's office suggested that the local community write a joint letter to the General Services Administration (GSA) regarding the GSA's Border Reconfiguration Project. Ms. Sharon Cooney, Director of Government Affairs and Community Relations, reported that she has been working on this issue and has had discussions with both Washington and local legislative offices on this issue. She also reported that the GSA has given her documents that they are going to propose to the Border Control and Customs in the next week or so. She stated that the legislative delegation has proposed waiting to see the outcome of this effort and whether or not the project moves forward. If it doesn't move forward, then they propose doing a joint letter. She stated that she has made calls to the Consul General's office but has not gotten a call back yet. She added that this item is on the agenda for the April 10, 2008, Board meeting. Mr. Rindone stated that he also spoke to the Consul General at the reception and that she asked everyone to be patient as she gets up to speed in her new assignment.

Joint MTS Board and San Diego Regional Airport Authority Board: Mr. Monroe pointed out that during the discussion of the airport plans, no mention was made of plans for taxicabs, for which MTS is responsible. He stated that he would discuss this matter with the Airport Authority.

Food Vendors at Stations: Mr. Monroe suggested that MTS have a food vendor at Old Town. He was advised that there is a vendor inside the depot building, and MTS is receiving revenue as a result of that operation of \$625/month. Mr. Monroe suggested that MTS look at providing food vendors at other locations as a way to increase revenues. Mr. Tereschuck reported that MTS is receiving about \$3,000 a month from its vendor service.

Meeting with San Diego Mayor Sanders Regarding Airport Plan: Mr. Mathis reported that he, Mr. Jablonski, and Ms. Cooney attended an organizational meeting in Mayor Sanders' Office regarding the Memorandum of Agreement for the Airport Plan. He stated that MTS will be part of the planning process. He reported that there will be a standing committee and he will serve as MTS's representative with Mr. Rindone as his alternate. He stated that he will keep the Board informed and provide documents to Board members as they are developed. He added that staff members will have seats on the technical committee.

Mr. Jablonski stated that he had talked to Carl Nettleton, a consultant working for Steve Peace, about making presentation of the Peace Plan to the MTS Board. Mr. Nettleton declined to make a presentation because they are working through the Memorandum of Agreement process. Mr. Roberts stated that he would discuss this matter with Mr. Peace.

External Auditing Process: Mr. Ewin stated that the external auditors will be on-site starting on Monday, April 7, 2008.

G. PUBLIC COMMENTS

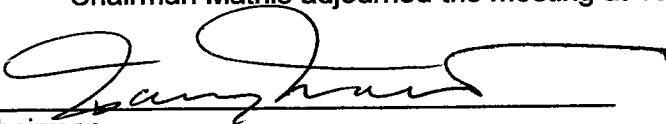
There were no Public Comments.

H. NEXT MEETING DATE:

The next meeting is scheduled for Thursday, April 17, 2008, in the Executive Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:52 a.m.


Chairman

Attachment: A. Roll Call Sheet

[gail.williams/minutes](#)

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) 4/3/08

CALL TO ORDER (TIME) 9:02 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION 9:08 a.m.

RECONVENE 9:58 a.m.

ADJOURN 10:52 a.m.

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS <input checked="" type="checkbox"/> (Young) <input type="checkbox"/>	9:08 a.m. Just Before Agenda Item C1	
EMERY <input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
EWIN <input checked="" type="checkbox"/> (Clabby) <input type="checkbox"/>		
MATHIS <input checked="" type="checkbox"/>		
MONROE <input checked="" type="checkbox"/> (McLean) <input type="checkbox"/>		
RINDONE <input checked="" type="checkbox"/> (McCann) <input type="checkbox"/>		
ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD



CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:

