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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.

October 22, 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 the Minutes - September 24, 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

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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.

CONSENT ITEMS

6. MTS: Federal Legislative Representation Approve
Action would authorize the Chief Executive Officer (CEO) to execute Task Order No. 5 of the triagency contract with Blank Rome Government Relations, LLP (MTS Doc. No. G0980.0-06) effective November 1, 2009.
7. MTS: Adoption of 2010 MTS Executive Committee and Board of Directors Meeting Schedule Adopt
Action would adopt the 2010 Executive Committee and Board of Directors meeting schedule.
8. MTS: Increased Authorization for Legal Services - Paul, Plevin, Sullivan & Connaughton LLP Approve
Action would authorize the CEO to execute MTS Doc. No. G1095.2-07 with Paul, Plevin, Sullivan & Connaughton LLP for legal services and ratify prior amendments entered into under the CEO's authority.
9. MTS: Increased Authorization for Legal Services - Law Offices of Julie Morris Soden Approve
Action would execute MTS Doc. No. G1173.6-08 with the Law Offices of Julie Morris Soden for legal services and ratify prior amendments entered into under the CEO's authority.
10. MTS: Increased Authorization for Legal Services - Liebman, Quigley, Sheppard & Soulema, APC Approve
Action would authorize the CEO to execute MTS Doc. No. G1087.6-07 with Liebman, Quigley, Sheppard & Soulema, APC for legal services and ratify prior amendments entered into under the CEO's authority.
11. MTS: Liability Claims Analysis Report Receive
Action would receive the Liability Claims Analysis Report for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI).
12. MTS: Approval of the Old Town Transit Center Improvements and Fund Transfer Memorandum of Understanding (MOU) with SANDAG Approve
Action would: (1) authorize the CEO to execute an MOU with the San Diego Association of Governments (SANDAG) for the construction of Public Utilities Code- (PUC)-mandated improvements at Old Town Transit Center; and (2) transfer California Department of Transportation- (Caltrans)-contributed funds to SANDAG for these improvements.
13. MTS: Light Rail Vehicle Gearbox Overhaul Kits - Contract Award Approve
Action would authorize the CEO to execute MTS Doc. No. L0900.0-10 with Hi-Tec Enterprises to purchase up to 180 light rail vehicle (LRV) gearbox overhaul kits and an option to purchase an additional 40 if needed (contingent upon receipt of a Buy America waiver from the Federal Transit Administration (FTA)).
14. MTS: Job Access and Reverse Commute Grant Approve
Action would approve Resolution No. 09-23 authorizing the CEO to submit applications for federal fiscal year 2009 Job Access and Reverse Commute (JARC) (5316) "Non-Urban (Rural) Areas - Federal Transit Administration" funding.

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| 15. | <u>MTS: LRV Station CCTV Components (Phase 2) - Work Order Amendment</u>
Action would: (1) ratify MTS Doc. No. G1246.0-09 Work Order No. 09.05 for \$99,506.02 with David Evans and Associates for engineering and design services for Capital Improvement Project (CIP) "LRV Station CCTV Components (Phase 2)" previously approved under the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1246.0-09 Work Order Amendment No. 09.05.01 for \$6,553.47 for changes in the scope of design work. | Ratify/
Approve |
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CLOSED SESSION

24. None.

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

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| 30. | <u>MTS: Proposed Changes to MTS Taxicab Administration Administrative Penalty Guidelines (John Scott)</u>
Action would authorize proposed changes to the MTS Taxicab Administration's "Administrative Penalty Guidelines." | Approve |
| 31. | <u>MTS: Update on Siemens Light Rail Vehicle (LRV) Procurement (Tiffany Lorenzen and Wayne Terry)</u>
Action would receive an update on the status of the Siemens Industry, Inc. (Siemens) procurement of 57 and up to 65 low-floor light rail vehicles (LRVs) and authorize the Chief Executive Officer to secure the contract with a parent company guaranty from Siemens Corporation in lieu of a performance and payment bond. The Executive Committee recommended forwarding this item for information and approval. | Possible
Action |
| 32. | <u>MTS: Pension Obligation Bonds - Refinancing Options (Tom Lynch)</u>

Action would:

(1) approve Resolution No. 09-25, which would give the Chief Executive Officer (CEO) the authority to: (A) pay off the Series B variable pension obligation bonds at a cost of \$38,800,000; (B) terminate the SWAP Agreement with UBS Investment Bank at a cost of \$2,833,000; (C) borrow \$30,000,000 from Dexia Credit Local (Dexia);

(2) amend the FY 2010 Capital Improvement Plan (CIP) budget reducing \$5,000,000 in the projects listed below to aid in the above payoff of the variable pension obligation bonds: (A) CIP 11237 East County Bus Maintenance Facility - \$3,790,000; (B) CIP 11224 Work Platform Truck - \$149,000; (C) CIP 11239 MCS Bus Purchases - \$360,000; (D) CIP 11200 Miscellaneous Operating Capital - \$701,000; and

(3) authorize the use of \$6,768,000 from MTS contingency reserves to aid in the above payoff of the variable pension obligation bonds. | Approve |

REPORT ITEMS

- | | | |
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| 45. | <u>MTS: Super Loop Pilot Update (Mark Thomsen)</u>
Action would receive a report on the Super Loop Pilot Project. | Receive |
| 46. | <u>MTS: FY 09 Year-End Rail Operations Report (Wayne Terry)</u>
Action would receive a report for information. | Receive |
| 47. | <u>MTS: Transit Services Year-End Report (Claire Spielberg)</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> November 12, 2009 | |
| 66. | <u>Adjournment</u> | |