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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.

February 18, 2010

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 - January 21, 2010
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.

Approve

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

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| 6.  | <u>MTS: San Diego and Arizona Eastern (SD&amp;AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&amp;AE Railway Company Board of Directors at its January 19, 2010, Meeting</u><br>Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Carrizo Gorge Railway, Inc. (Carrizo) quarterly reports; and (2) ratify actions taken by the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors at its meeting on January 19, 2010. | Ratify  |
| 7.  | <u>MTS: Operations Budget Status Report for November 2009</u><br>Action would receive a report on MTS's operations budget status for November 2009.  | Receive |
| 8.  | <u>MTS: Pension Obligation Bonds Refinancing Update</u><br>Action would ratify actions taken by staff on the refinancing of the variable pension obligation bonds (POBs).  | Ratify  |
| 9.  | <u>MTS: Investment Report - December 2009</u><br>Action would receive a report for information.  | Receive |
| 10. | <u>MTS: MVE LRT Project Legal Services - Contract Amendment</u><br>Action would authorize the CEO to execute MTS Doc. No. M6655.13-07 with Hecht, Solberg, Robinson, Goldberg and Bagley, LLP for legal services on the Mission Valley East Light Rail Transit (MVE LRT) Project.  | Approve |
| 11. | <u>MTS: Transportation Development Act (TDA) Revenue Estimate</u><br>Action would receive the revised Fiscal Year 2010 Transportation Development Act (TDA) revenue estimate.  | Receive |
| 12. | <u>MTS: Excess Liability Insurance Renewal</u><br>Action would ratify and confirm the placement of the liability insurance policy (limits of \$75 million less a \$2 million self-insurance retention).  | Ratify  |
| 13. | <u>MTS: Human Resources Consulting Services - Contract Amendment</u><br>Action would authorize the CEO to execute MTS Doc. No. G1250.1-09 with Keenan & Associates for human resources consulting services.  | Approve |
| 14. | <u>MTS: SANDAG Budget Transfer for the SDTC KMD Building Rehabilitation Project</u><br>Action would forward a request to the San Diego Association of Governments (SANDAG) Transportation Committee (TC) to transfer \$150,000 from the SANDAG KMD Drop Table Project (CIP 1100200) to the SANDAG SDTC KMD Building Rehabilitation Project (CIP 1128900).  | Approve |

## CLOSED SESSION

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| 24. | a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code section 54956.9(a): <u>Betty Joyce Jones v. City of San Diego, MTS, et. al</u> (Case No. 37-2008-00087149-CU-PO-CTL) | Possible<br>Action |
|     | b. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION Pursuant to California Government Code section 54956.9(b): ( <u>One Potential Case</u> )                              | Possible<br>Action |
|     | c. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code 54956.9(a) <u>Metropolitan Transit System v. San Diego State University</u> (Case No. 37-2007-00083692-CU-WM-CTL)  | Possible<br>Action |

### Oral Report of Final Actions Taken in Closed Session

## NOTICED PUBLIC HEARINGS

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| 25. | <u>MTS: Public Hearing of Necessity to Adopt a Resolution of Necessity for Full Acquisition of Assessor's Parcel No. 623-250-23, 3650 Main Street, Chula Vista, California, Owned by Sav-On Systems, a California Limited Partnership (Tim Allison)</u><br>Action would: (1) receive public testimony; (2) adopt Resolution of Necessity No. 10-04 by a two-thirds vote pertaining to the full acquisition of Assessor's Parcel No. (APN) 623-250-23; and find that: the public interest and necessity require the project; the project is planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; the interest in the properties are necessary for the project; and an offer of just compensation has been made to the property owner; and (3) authorize staff to proceed with condemnation proceedings necessary to acquire the full interest in the subject parcel. | Approve |
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## DISCUSSION ITEMS

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| 30. | <u>MTS: State Budget Update and Support for Transportation Ballot Initiative (Sharon Cooney and Mark Watts of Smith Watts, LLC)</u><br>Action would: (1) receive a report on state budget discussions from MTS's Sacramento representative; and (2) approve Resolution No. 10-3, Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. | Approve |
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## DISCUSSION ITEMS - CONTINUED

31. MTS: Fiscal Year 2011 Capital Improvement Program (CIP) (Larry Marinesi) Approve  
Action would: (1) approve the fiscal year 2011 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 Chief Executive Officer (CEO) to identify and adjust projects for the adjusted funding levels; (2) forward a recommendation to the San Diego Association of Governments (SANDAG) Board of Directors to approve the submittal of federal Section 5307 and Section 5309 applications for the MTS fiscal year 2011 CIP; (3) approve the transfer of \$4,372,601 from previous CIP projects to the fiscal year 2011 CIP; and (4) forward a recommendation to the SANDAG Board of Directors to approve the amendment of the Regional Transportation Improvement Program (RTIP) in accordance with the fiscal year 2011 CIP recommendations.
32. MTS: Proposed Revisions to MTS Policy No. 59 (Natural Gas Hedge Policy) (Larry Marinesi) Approve  
Action would: (1) approve the updated Energy Hedge Program; (2) approve the Direct Access Program; and (3) approve revisions to MTS Policy No. 59 (Natural Gas Hedge Policy), including the continued designation of the Chief Executive Officer and Chief Financial Officer as the administrators of the policy, and authorize the administrators to execute hedges in accordance with this policy.

## REPORT ITEMS

45. MTS: Chargers Football 2009 Year-End Summary (Tom Doogan) Receive  
Action would receive a report for information.
46. MTS: Safety and Transit Facilities (Kristen Rohanna from SANDAG) Receive  
Action would receive a report for information.
47. MTS: Urban Area Transit Strategy (Carolina Gregor of SANDAG) Receive  
Action would receive a report for information.
48. MTS: Operations Budget Status Report for December 2009 (Mike Thompson) Receive  
Action would receive a report for information.

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| 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><br>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> March 11, 2010 <b>(8:00 a.m. Finance Workshop)</b>  |             |
| 66. | <u>Adjournment</u>  |             |