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Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 13, 2012

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 two working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) 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 - November 15, 2012 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 SILENCE electronics
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>Investment Report - October 2012</u>
Action would receive a report for information. | Receive |
| 7. | <u>Classroom Day Tripper Program Follow-up - Audit Report</u>
Action would receive Internal Audit's report on the Classroom Day Tripper Program. | Receive |
| 8. | <u>San Diego Transit Corporation (SDTC) Noncontract Pension Formula</u>
Action would: (1) amend the Retirement Plan for Noncontract Employees of the San Diego Transit Corporation (SDTC) to comply with the California Public Employees' Pension Reform Act of 2013 (PEPRA); and (2) adopt Resolution No. 12-20 implementing the "pick-up" provisions of Section 414(h)(2) of the Internal Revenue Code with respect to the Retirement Plan for noncontract employees of San Diego Transit Corporation. | Approve |
| 9. | <u>Transmissions and In-Frame Engine Overhaul Services - Contract Award</u>
Action would authorize the CEO to: (1) execute MTS Doc. No. B0595.0-13 with Dartco Transmission Sales and Service for the provision of transmission and in-frame engine overhaul services for Group III-Transmission Rebuilds for a three-year base period with 2 one-year options; and (2) exercise each option year at his discretion. | Approve |

CLOSED SESSION

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| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6; Agency-Designated Representative: Harry Mathis, Board Chair; Unrepresented Employee: Chief Executive Officer | Possible Action |
| | b. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a) (IRS Tax Appeal, Ref. No. 569-X) | Possible Action |
| | c. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.8
<u>Property:</u> The San Diego and Arizona Eastern Railway Company (SD&AE) Desert Line from approximate Mile Post 60 to approximate Mile Post 130 (Division to Plaster City) in San Diego and Imperial Counties
<u>Agency Negotiators:</u> Karen Landers, General Counsel; Tim Allison, Manager of Real Estate Assets; and Paul Jablonski, Chief Executive Officer
<u>Negotiating Parties:</u> Pacific Imperial Railroad, Inc. (PIR)
<u>Under Negotiation:</u> Price and Terms of Payment for Assignment of Operating Rights | Possible Action |

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

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| 25. | None. |
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DISCUSSION ITEMS

30. Operating Agreement and Lease for Desert Line with Pacific Imperial Railroad, Inc. (PIR) (Karen Landers)
Action would authorize the CEO to execute a long-term Operating Agreement and Lease for the Desert Line with PIR. Approve
31. Extension of Chief Executive Officer's Executive Employment Agreement (Karen Landers)
Action would authorize the CEO to execute a five-year extension of the CEO Executive Employment Agreement. Approve
32. Management Pension Formula (Jeff Stumbo)
Action would adopt Resolution No. 12-19 establishing a new MTS employee pension formula of 2% at 60. Adopt
33. a. 40-Foot Low-Floor CNG Transit Bus Procurement - Contract Award (Ernesto DeGuzman)
Action would authorize the CEO to: (1) execute MTS Doc. No. B0589.0-13 with Gillig, LLC for the purchase of fifty 40-foot, low-floor compressed natural gas (CNG) transit buses; and (2) make additional purchases of up to 300 buses for a period not to exceed five years from the date of the initial contract with Gillig, LLC. All purchases would be contingent upon the successful completion of the federally required Buy America audit and available funding. Approve
- b. 60-Foot Low-Floor Articulated CNG Transit Buses - Contract Award (Ernesto DeGuzman)
Action would authorize the CEO to: (1) execute MTS Doc. No. B0570.0-12 with New Flyer Industries for the purchase of up to 165 60-foot, low-floor, articulated, compressed natural gas (CNG) transit buses plus associated contract spare parts, manuals, training, special tools, and use-tax payments; and (2) issue a Notice to Proceed for 47 buses for the I-15 Corridor Bus Rapid Transit (BRT) and Mid-City Rapid Projects. All purchases would be contingent upon the successful completion of the federally required Buy America audit and available funding. Approve

REPORT ITEMS

45. Fiscal Year 2012 Comprehensive Annual Financial Report (Linda Musengo)
Action would receive a report for information. Receive
46. FY 2012 Final Budget Comparison (Tom Lynch)
Action would receive a report for information. Receive
47. Operations Budget Status Report - October 2012 (Mike Thompson)
Action would receive a report for information. Receive

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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>
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> January 17, 2013 | |
| 66. | <u>Adjournment</u> | |