

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

October 23, 2014

MINUTES

A. ROLL CALL

Karen Landers stated that Chairman Mathis and Vice Chairman Roberts were both absent, and an interim Chairman needed to be assigned for this meeting. Mr. Gloria accepted the duty to act as interim Chairman. Mr. Gloria called the Executive Committee meeting to order at 9:29 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Ovrom moved for approval of the minutes of the August 22, 2014, MTS Executive Committee meeting. Mr. McClellan seconded the motion, and the vote was 4 to 0 in favor, with Mr. Mathis absent.

C. COMMITTEE DISCUSSION ITEMS

1. Trolley Renewal Project Update

Bruce Schmith of SANDAG provided a presentation on the Trolley Renewal Program update. He discussed the Blue Line stations and rail construction including the Barrio Logan station, Harborside station, Pacific Fleet station, 8th Street station, 24th Street station, E Street station, H Street station, Palomar Street station and Iris Avenue station. Mr. Schmith discussed the other competitively bid projects, job order contracts and future projects. He also reviewed the traction power substation (TPSS) construction update and stated that the light rail vehicle procurement was now complete.

Karen Landers, General Counsel, referenced agenda item number 13 in the draft Board agenda, stating that MTS is holding approximately \$8,700,000 in retention for the benefit of Siemens Industry, in case of any issues with the procurement of ultrashort low-floor vehicles. Ms. Landers stated that MTS will be releasing \$4,000,000 in retention with Siemens Industry, leaving \$4,700,000 in retention, which will be enough to resolve any issues that may occur in the close out process.

Mr. Gloria inquired if there will be construction on the Blue Line stations located further south, near San Ysidro. Mr. Schmith stated that those stations will be under construction in the future and will be included in work group A.

Action Taken

Informational item only. No action taken.

2. Amended and Restated MTS-BNSF-NCTD San Diego Subdivision Shared-Use Agreement

Paul Jablonski reviewed the background of the MTS-Burlington Northern Santa Fe Railway (BNSF)-North County Transit District (NCTD) San Diego Subdivision Shared Use Agreement. He stated that this shared use agreement defines each party's respective roles and liability. Ms. Landers continued the presentation and discussed the reasons for the amended shared use agreement, which include the confusing indemnification and liability provisions. She reviewed the restated and amended items of the shared use agreement, including MTS-NCTD project coordination; derailments for all parties; third party liability; insurance; good-faith negotiations and the removal of arbitration provisions. Lastly, Ms. Landers reviewed the restated and amended items relating only to the NCTD and BNSF portion of the shared use agreement.

Action Taken

Mr. McClellan moved to forward a recommendation to the Board of Directors to approve the Amended and Restated Shared-Use Agreement between MTS, Burlington Northern Santa Fe (BNSF), and North County Transit District (NCTD). Mr. Cox seconded the motion, and the vote was 4 to 0 in favor, with Mr. Mathis absent.

D. REVIEW OF DRAFT OCTOBER 30, 2014 BOARD AGENDA

Recommended Consent Items

6. Adoption of the 2015 San Diego Metropolitan Transit System (MTS) Executive Committee and Board of Directors Meeting Schedule

Action would adopt the 2015 Executive Committee and Board of Directors meeting schedule.

7. Number Not Used

8. Adoption of Amended 2014 Conflict of Interest Code

Action would: (1) adopt Resolution No. 14-12 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act (PRA) of 1974; (2) adopt the amended 2014 MTS Conflict of Interest Code; and (3) forward the amended 2014 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

9. Investment Report - August 2014

Informational only.

10. Centralized Train Control (CTC): SDSU Fire Life Panel System Upgrade and Technical Support - Addendum 17 Project Scope of Work Amendment 24.1

Action would approve an amendment to Addendum 17 Project Scope of Work (MTS Document No. G0930.17-04.24.1) for the flagging and Construction Management services for the SDSU Fire Life Panel System Upgrade project.

11. Procurement and Installation of Replacement Coupler and Draft Gear for SD-100 Light Rail Vehicles (LRV) - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1192.0-14 with Dellner, Inc. for the procurement and installation of 104 buffer couplers, plus four spare coupler and draft gears for SD-100 LRVs.
12. Green Line Closed-Circuit Television (CCTV) System Upgrades - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL155.0-14 with Kratos Public Safety & Security Solutions, Inc. (Kratos) for the procurement and installation of MTS Green Line CCTV systems upgrades.
13. Siemens Industry, Inc. - 11th Amendment to Contract No. L0914.0-10 - Procurement of Ultrashort Low-Floor Vehicles
Action would authorize the Chief Executive Officer to execute the 11th Amendment to MTS Doc. No. L0914.0-10 documenting contract close out agreements and authorizing a one-time partial release of retention.
14. Revisions to Board Policy No. 51 Regarding Claims Against the San Diego Metropolitan Transit System, a California Public Agency, or its Subsidiaries, San Diego Transit Corporation or San Diego Trolley, Inc.
Action would approve and adopt the updated Board Policy No. 51.
15. Clarifier Waste Transportation and Recycling Services - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG157.0-14 with Asbury Environmental Services for the provision of clarifier waste removal, transportation and recycling services.
16. San Ysidro Radio Tower Lease with the City of San Diego
Action would authorize the CEO to execute MTS Doc. No. G1757.0-15 with the City of San Diego for a lease of space at their Moody Canyon radio site in San Ysidro.

Draft Board Agenda Comments

Mr. Jablonski commented that there will be a Desert Line Report brought to the Board meeting on October 30, 2014. He stated that this report will review the negotiations that have been occurring between Pacific Imperial Railroad (PIR) and Baja California Railroad.

Sharon Cooney, Chief of Staff, commented that after MTS receives direction from the San Diego City Council, a taxicab agenda item will be brought to the Board.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

No discussion for this agenda item.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Mr. Gloria inquired about MTS's commercial advertisement policy. He commented that he has observed posted advertisements that conflict with the current policy. Ms. Landers stated that currently there are groups of advertisements MTS is allowed to post. She said that if MTS allowed issue advertisements, it would then create a First Amendment public forum for the MTS

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advertisement space, which would result in almost every type of advertisement being accepted. The only way to not create a First Amendment public forum is to enforce only commercial-type advertisements, MTS related advertisements and public agency sponsored advertisements. Ms. Landers stated that she is currently working on amendments to the current advertising policy to add clarification and minimize confusion. She commented that staff has made a concerted effort to look at every advertisement that comes through MTS. Ms. Landers noted that MTS has followed a pattern and practice over the past several years of not allowing issue advertisements. Mr. Gloria asked if there will be an action to approve the amendments to the advertisement policy. Ms. Landers replied that she is anticipating completing the policy amendments and forwarding those to the Board potentially in December.

G. PUBLIC COMMENTS

There were no public comments.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for November 13, 2014, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Mr. Gloria adjourned the meeting at 10:33 a.m.

A handwritten signature in dark ink, appearing to read "Gloria", is written over a horizontal line.

Chairman

Attachment: A. Roll Call Sheet

EXECUTIVE COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF (DATE) October 23, 2014

CALL TO ORDER (TIME) 9:29 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION _____

RECONVENE _____

ADJOURN 10:33 a.m.

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
GLORIA <input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:29 a.m.	10:33 a.m.
MATHIS <input type="checkbox"/>		
OVROM <input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>	9:29 a.m.	10:33 a.m.
ROBERTS <input type="checkbox"/> (Cox) <input checked="" type="checkbox"/>	9:29 a.m.	10:33 a.m.
CUNNINGHAM <input type="checkbox"/> (McClellan) <input checked="" type="checkbox"/>	9:29 a.m.	10:33 a.m.
Transportation Committee Rep Slot (Mathis)		

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:

