



**BOARD OF DIRECTORS
SEPTEMBER 25, 2009**

**AGENDA ITEM NO. 09-09-1B
ACTION REQUESTED - APPROVE**

BOARD OF DIRECTORS DISCUSSION AND ACTIONS

JULY 24, 2009

Chair Lori Holt Pfeiler (Escondido) called the meeting of the SANDAG Board of Directors to order at 9:07 a.m. The attendance sheet for the meeting is attached.

1. **APPROVAL OF MEETING MINUTES (APPROVE)**

Action: Upon a motion by Mayor Mark Lewis (El Cajon), and a second by Mayor Don Higginson (Poway), the Board of Directors approved the minutes from the June 12 and June 26, 2009, meetings.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Chair Pfeiler provided a status on the meetings that have been scheduled with area city councils and the Board of Supervisors regarding the 2050 Regional Growth Forecast.

Mayor Jim Wood (Oceanside) mentioned the tour to Camp Pendleton on Friday, August 8, 2009, and encouraged Board members to attend.

Pedro Orso-Delgado, Caltrans District 11, announced that a new State Route (SR) 52 eastbound lane would be opened in August.

Richard Eckfield, a member of the public, provided an option to consider with regard to the Del Mar seasonal rail platform and San Dieguito Bridge projects.

Clive Richard, a member of the public, commented on a recent appellate court decision that the State Legislature's take of funds from the public transportation account violated the State Constitution.

Helen Nielsen-Eckfield, a member of the public, referred to an article in the Del Mar Village Voice, Racing Special Session, July 16-19, 2009, regarding the Del Mar rail platform project.

Nampet Michelsen, US Census Bureau, said that the 2010 Census effort has brought close to 1,000 jobs to San Diego. Many of the region's cities have strongly collaborated with them on this effort. They will now move forward with a Regional Complete Count Committee (CCC) strategy. The State of California has scheduled a statewide CCC meeting on August 19, 2009, at the Jacob Center. She encouraged each SANDAG jurisdiction to have its staff add this event to their calendars.

Bob Campbell, Chair of the North County Transit District (NCTD), stated that \$5 million-\$10 million has been spent over the past four years making repairs on the San Dieguito bridge trestles in Del Mar. Most of the trestles need to be replaced. He asked the Board of Directors to keep in mind future funding for trestle replacement.

3. **ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)**

This item summarizes the actions taken by the Executive Committee on July 10, and the Transportation and Public Safety Committees on July 17, 2009.

Action: Upon a motion by Supervisor Pam Slater-Price (County of San Diego) and second by Mayor Mary Sessom (Lemon Grove), the Board of Directors approved the actions taken by the Policy Advisory Committees at the meetings noted above. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – Coronado.

CONSENT ITEMS (4 through 9)

Chair Pfeiler announced that Item No. 6 would be pulled from the Consent Calendar.

4. **ANNUAL REVIEW AND PROPOSED AMENDMENTS TO BOARD POLICY NO. 003: INVESTMENT POLICY, AND ANNUAL REVIEW OF BOARD POLICY NO. 032: SAN DIEGO COUNTY REGIONAL TRANSPORTATION COMMISSION INTEREST RATE SWAP POLICY (APPROVE)**

The required annual review of Board Policy Nos. 003: Investment Policy, and 032: San Diego County Regional Transportation Commission Interest Rate Swap Policy has been conducted by the Director of Finance and the SANDAG investment advisor, Public Financial Management (PFM). There are two recommended changes to Policy No. 003, and no recommended changes to Policy No. 032. The Executive Committee recommends that the Board of Directors approve the proposed changes to SANDAG Board Policy No. 003 (Investment Policy), as shown in Attachment 2 of this agenda report.

5. **SANDAG FEDERAL FY 2009-2010 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOAL FOR FTA-ASSISTED CONTRACTS AND ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL FOR FHWA-ASSISTED (VIA CALTRANS) PROCUREMENTS (APPROVE)**

As recipients of U.S. Department of Transportation (USDOT) funds through Caltrans and the Federal Transit Administration (FTA), SANDAG is required to develop and submit annual Disadvantaged Business Enterprise (DBE) goals. The Board of Directors is asked to accept and release the Federal Fiscal Year 2009/2010 Annual Anticipated DBE Participation Level and Overall Annual DBE Goal for a 45-day public comment period as follows: (1) for FTA-assisted Projects: Overall Annual DBE Goal: 6 percent; and for Federal Highway Administration (FHWA)-assisted Projects: Annual Anticipated DBE Participation Level: 5 percent.

7. UNIVERSITY TOWNE CENTRE TRANSIT CENTER/SUPERLOOP PROJECT FUNDING EXCHANGE (APPROVE)

The Transportation Committee and the Independent Taxpayer Oversight Committee recommend that the Board of Directors: (1) direct staff to take the necessary programming actions to exchange \$5.7 million in Federal Transit Administration Section 5309 New Starts funds, approved for use by the UTC Transit Center Project, with *TransNet* funds programmed for the SuperLoop Project; and (2) authorize the Executive Director to initiate all required actions to negotiate and execute one or more agreements between SANDAG and the developer in support of implementation of the UTC Transit Center.

8. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (INFORMATION)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.

9. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (INFORMATION)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

Action: Upon a motion by Mayor Wood, and a second by Mayor Ron Morrison (National City), the Board of Directors approved Consent Items Nos. 4 through 9, except for Item No. 6. Yes - 18. No - 0. Abstain - 0. Absent - Coronado.

6. MID-COAST CORRIDOR TRANSIT PROJECT WORKING GROUP (APPROVE)

The Transportation Committee recommends that the Board of Directors approve the selected candidates to serve on the Mid-Coast Corridor Transit Project Working Group.

Supervisor Slater-Price asked that Lani Lutar, representing the San Diego County Taxpayers Association, be added to this Working Group.

Action: Upon a motion by Supervisor Slater-Price and a second by Second Vice Chair Jack Dale (Santee), the Board of Directors approved the selected candidates to serve on the Mid-Coast Corridor Transit Project Working Group, including the addition of Lani Lutar, representing the San Diego County Taxpayers Association. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - Coronado.

CHAIR’S REPORT (10 though 11)

10. PERFORMANCE EVALUATION OF EXECUTIVE DIRECTOR (APPROVE)

Pursuant to the employment agreement with the Executive Director, the Board of Directors shall annually review his performance. If the Executive Director’s performance is determined

to be satisfactory, the Board of Directors shall adjust his base salary in accordance with the employment agreement provisions. The Executive Committee recommends that the Board of Directors approve the Executive Director's Performance Evaluation for the period July 2008 to June 2009 and Performance Objectives for the period July 2009 to June 2010.

Action: Upon a motion by Chair Pfeiler and second by Mayor Cheryl Cox (Chula Vista), the Board of Directors approved the Executive Director's Performance Evaluation for the period July 2008 to June 2009 and Performance Objectives for the period July 2009 to June 2010. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - Coronado.

11. QUALITY OF LIFE FUNDING STRATEGY UPDATE (DISCUSSION/POSSIBLE ACTION)

Since summer 2008, the Quality of Life Ad Hoc Steering Committee has been discussing efforts to meet the funding needs for regional habitat preservation, shoreline management, water quality enhancement, and transit operations. Chair Lori Pfeiler, who chairs the Ad Hoc Steering Committee, provided the Board of Directors with an update on the status of those efforts and an overview of what is being proposed in FY 2010. The Quality of Life Ad Hoc Steering Committee recommends that the Board of Directors amend the *TransNet* Extension Ordinance to extend the deadline for acting on additional regional funding measures to meet the long-term requirements for implementing habitat conservation plans in the San Diego region from six to eight years. If the Board agrees with this recommendation, it should request staff to return with a draft Ordinance amendment for consideration by the Board at a future meeting.

Kathy Viatella, The Nature Conservancy, provided a status report.

Public comments:

Michael Beck, Endangered Habitats League, commented on the issue of self-sufficiency for our region and voiced support for the recommendation to extend the deadline to act on a regional measure.

Craig Benedetto, Alliance for Habitat Conservation, agreed with the recommendation to amend the *TransNet* Ordinance to extend the deadline to 2012 for acting on a regional funding measure, and emphasized the need to educate the public on why this is needed.

Gary Gallegos, Executive Director, referred to a handout about how we can organize this effort to allow for public outreach and education for a ballot measure that would occur in 2010.

Board members provided comments.

Action: Upon a motion by Mayor Crystal Crawford (Del Mar) and second by Supervisor Slater-Price, the Board of Directors directed staff to return with a draft Ordinance amendment to extend the deadline for acting on additional regional funding measures to meet the long-term requirements for implementing habitat conservation plans in the San Diego region from six to eight years for consideration by the Board at a future meeting.

Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

REPORTS (12 through 20)

18. NAVY METRO TRANSPORTATION DEMAND MANAGEMENT INITIATIVE (INFORMATION) –9:30 A.M. TIME CERTAIN

The United States Navy, as one of the largest employers in the San Diego region, has partnered with RideLink and the Metropolitan Transit System (MTS) to provide an analysis of commuter travel activity between the major naval housing areas and naval bases/facilities in the San Diego metropolitan area. A survey to measure interest and define transportation demand management (TDM) alternatives specific to the Navy's Murphy Canyon Housing has been completed. Staff will provide an overview of the survey results, discuss the logistics of customizing the service to maximize ridership based on the survey, and present next steps to the development of the TDM alternatives for a pilot service in support of the initiative.

Chair Lori Pfeiler introduced this item and welcomed Rear Admiral Len Hering.

Rear Admiral Len Hering, Commander, Navy Region Southwest, provided a status report on this initiative.

Dan Martin, Principal Planner, provided the staff report.

Board members provided comments.

Action: This item was presented for information only.

12. SECOND READING OF PROPOSED AMENDMENT TO THE *TransNet* EXTENSION ORDINANCE 04-01 REGARDING AUDIT REPORTING FOR THE REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PROGRAM (APPROVE subject to a 2/3rds vote)

The *TransNet* Extension Ordinance (Commission Ordinance CO-04-01) includes language requiring that all local jurisdictions have their Regional Transportation Congestion Improvement Program (RTCIP) financial records available for audit by July 1 of each calendar year. It is proposed that the audit requirements for the RTCIP be aligned with the annual fiscal and compliance audit requirements for the *TransNet* program. The Transportation Committee and the Independent Taxpayer Oversight Committee recommended that the Board of Directors conduct the second reading and approve CO-09-01, which would amend CO-04-01 to align the timeline for the RTCIP audits with the *TransNet* annual fiscal and compliance audit requirements.

Action: Upon a motion by Mayor Sessom and second by Mayor Morrison, the Board of Directors waived further reading of the proposed amendment to the *TransNet* Extension Ordinance. Yes – 17 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – Imperial Beach and Oceanside.

Action: Upon a motion by Second Vice Chair Dale and second by Mayor Sessom, the Board of Directors conducted the second reading and approved CO-09-01, which would amend CO-04-01 to align the timeline for the RTCIP audits with the *TransNet* annual fiscal and compliance audit requirements. Yes – 17 (weighted vote, 93%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – Imperial Beach and Oceanside (weighted vote, 7%).

13. PROPOSED AMENDMENT TO POLICY NO. 031: *TransNet* EXTENSION ORDINANCE AND EXPENDITURE PLAN RULES (APPROVE)

SANDAG Board Policy No. 031 provides administrative guidance for implementing the *TransNet* Extension Ordinance, including guidance for conducting the annual fiscal audits for *TransNet* recipients. The proposed amendments to three Rules of Board Policy No. 031 would provide additional clarification for various practices associated with the annual *TransNet* fiscal audits and the Regional Transportation Congestion Improvement Program. On June 10, 2009, the Independent Taxpayer Oversight Committee, which has the overall responsibility to conduct the annual fiscal audits, reviewed this proposal and recommended its approval. The Executive Committee recommended that the Board of Directors approve the proposed changes to Rules 17, 18, and 23 in SANDAG Board Policy No. 031 (*TransNet* Ordinance and Expenditure Plan Rules).

Second Vice Chair and Transportation Committee Chair Dale introduced the item.

Lauren Warrem, Acting Finance Director, provided the staff report.

Action: Upon a motion by Second Vice Chair Dale and second by Councilmember Mark Arapostathis (La Mesa), the Board of Directors approved the proposed changes to Rules 17, 18, and 23 in SANDAG Board Policy No. 031 (*TransNet* Ordinance and Expenditure Plan Rules). Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

14. AMERICAN RECOVERY AND REINVESTMENT ACT: TIGER DISCRETIONARY GRANT PROGRAM SUBMITTALS (APPROVE)

The American Recovery and Reinvestment Act of 2009 included a \$1.5 billion Supplemental Discretionary Grant program for capital investments in surface transportation infrastructure. The U.S. Department of Transportation has named the program “Transportation Investment Generating Economic Recovery Discretionary Grants” (TIGER Discretionary Grants), and applications are due by September 15, 2009. This item summarizes the federal program and includes a list of proposed regional project submittals. The Transportation Committee recommended that the Board of Directors approve the list of proposed regional project submittals for the TIGER Discretionary Grants program, and authorize the Executive Director to provide support letters for other local agency projects that are consistent with SANDAG policies and programs.

Second Vice Chair and Transportation Committee Chair Dale introduced the item.

Victoria Stackwick, Associate Legislative Analyst, provided the staff report.

Action: Upon a motion by Council President Ben Hueso (City of San Diego) and second by Mayor Morrison, the Board of Directors approved the list of proposed regional project submittals for the TIGER Discretionary Grants program and authorized the Executive Director to provide support letters for other local agency projects that are consistent with SANDAG policies and programs. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

15. SAN DIEGO INTERSTATE 5 CORRIDOR SYSTEM MANAGEMENT PLAN – LOSSAN RAIL CORRIDOR PRIORITIZATION ANALYSIS AND FEDERAL RAIL STIMULUS FUNDS (ACCEPT)

In June 2009, SANDAG, the North County Transit District, Amtrak, the Burlington Northern Santa Fe Railway, and Caltrans, completed a detailed evaluation of 40 individual rail projects along the San Diego portion of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor. These projects include double tracking, bridge replacements, and station improvements. Evaluation criteria were developed and detailed rail modeling simulations were completed in order to determine project rankings. In August 2009, project applications are due to the Federal Railroad Administration for consideration for a share of the \$8 billion identified for high-speed/intercity rail projects under the American Recovery and Reinvestment Act. The prioritized list of rail projects is being used to determine which projects are considered for both local and federal stimulus funds. The Transportation Committee recommended that the Board of Directors accept the LOSSAN Rail Corridor Prioritization Analysis for the purpose of submitting rail projects to the Federal Railroad Administration for federal stimulus fund consideration as identified in Attachment 2 to the agenda report.

Second Vice Chair and Transportation Committee Chair Dale introduced the item.

Linda Culp, Senior Planner, provided the staff report.

Board members provided comments.

Action: Upon a motion by Mayor Wood and second by Mayor Sessom, the Board of Directors accepted the LOSSAN Rail Corridor Prioritization Analysis for the purpose of submitting rail projects to the Federal Railroad Administration for federal stimulus fund consideration as identified in Attachment 2 of the agenda report. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

16. PROPOSED ADDITION OF DESIGN PROJECTS TO THE *TransNet* CAPITAL IMPROVEMENT PROGRAM (APPROVE)

With the recent successful competition for various federal and state transportation funds through programs such as the federal American Recovery and Reinvestment Act and the Proposition 1B state bonds, much of the *TransNet* project design work that was made ready for the competition has been depleted. Therefore, a proposal has been developed to continue forward on the design work for a series of transit, rail, and highway projects throughout the region in order to be prepared for future competition for transportation funds. The Transportation Committee recommended that the Board of Directors approve programming *TransNet* funds totaling \$70.4 million as shown in Attachment 1 to the

agenda report for the design of phased improvements on: the Coastal Rail (LOSSAN), Interstate 5 (I-5) North Coast, and South Bay Bus Rapid Transit (BRT). In addition, the Board is asked to authorize the Executive Director to enter into an agreement with Caltrans as necessary to enable Caltrans to assist with the highway design components related to the South Bay BRT.

Second Vice Chair and Transportation Committee Chair Dale introduced the item.

Richard Chavez, Principal Engineer, provided the staff report.

Chair Pfeiler noted that there were several requests to speak on this item.

John Chalker, California Transportation Commission, spoke in support of this item.

Gerald Sedomka, a member of the public, spoke against the MacKinnon Bridge. He asked that the Board not approve this project and to spend the money in other areas.

Donna Westbrook, a member of the public, spoke against the MacKinnon Bridge as it is not part of the I-5 high-occupancy-vehicle (HOV) lanes project.

Angelika Villagrana, San Diego Regional Chamber of Commerce, expressed support for the staff recommendation.

Action: Upon a motion by Mayor Wood and second by Councilmember Carrie Downey (Coronado), the Board of Directors approved programming *TransNet* funds totaling \$70.4 million as shown in Attachment 1 to the agenda report for the design of phased improvements on: the Coastal Rail (LOSSAN), I-5 North Coast, and South Bay Bus Rapid Transit (BRT). The Board also authorized the Executive Director to enter into an agreement with Caltrans as necessary to enable Caltrans to assist with the highway design components related to the South Bay BRT. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – National City.

17. MARINE LIFE PROTECTION ACT INITIATIVE COMMENT LETTER (APPROVE)

The Marine Life Protection Act Initiative has been working on designating Marine Protection Areas (MPA) within the Southern California region which includes San Diego County. Certain MPA designations have the potential to affect the ability of local coastal jurisdictions to carry out shoreline management and other activities along the coastline. The Executive Committee recommended that the Board of Directors approve submittal of a letter, in substantially the same form as attached to the agenda report, outlining concerns on the Marine Life Protection Act initiative consistent with the SANDAG Shoreline Preservation Strategy and Regional Comprehensive Plan.

Chair Pfeiler introduced this item.

Rob Rundle, Principal Planner, provided the staff report.

Action: Upon a motion by Mayor Sessom and second by Councilmember Downey, the Board of Directors approved submittal of a letter, in substantially the same form as attached to the

agenda report, outlining concerns on the Marine Life Protection Act initiative consistent with the SANDAG Shoreline Preservation Strategy and Regional Comprehensive Plan. Yes – 17 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – National City and Santee.

19. FINANCIAL MARKET STATUS (INFORMATION)

This monthly briefing is designed to keep the Board of Directors informed about the latest developments in the financial markets, the economy, and revenue forecasts, and the strategies we are exploring and implementing to minimize possible impacts to SANDAG.

Marney Cox, Chief Economist, provided a status report on the economic climate.

Lauren Warrem, Acting Finance Director, provided a debt program update.

Action: This item was presented for information only.

20. PRESENTATION BY BUILDING INDUSTRY ASSOCIATION OF SAN DIEGO COUNTY (INFORMATION)

Borre Winckel, Chief Executive Officer, Building Industry Association of San Diego County (BIA) provided a presentation of its JOIN (Jumpstart Our Industry Now) campaign to promote local economic stimulus measures designed to reinvigorate the local construction industry, which has suffered more than 30,000 job losses in the region. The BIA also briefed the Board of Directors on the state of the local construction industry and its outlook for the remainder of 2009 and beyond.

Mayor Sessom suggested that the BIA talk with special districts that have levied extraordinary fees on municipalities negatively affecting the construction of housing projects.

Action: This item was presented for information only.

21. UPCOMING MEETINGS

The August 14 and August 28 Board of Directors meetings have been cancelled. The next Policy meeting is scheduled for Friday, September 11, 2009, at 10 a.m. The next Business meeting is scheduled for Friday, September 25, 2008, at 9 a.m.

22. ADJOURNMENT

The meeting was adjourned at 11:53 a.m.

DGunn/M/DGU

ATTENDANCE SANDAG BOARD OF DIRECTORS MEETING JULY 24, 2009

JURISDICTION/ ORGANIZATION	NAME	ATTENDING	IN
City of Carlsbad	Matt Hall (Member)	Yes	
City of Chula Vista	Cheryl Cox (Primary)	Yes	
City of Coronado	Carrie Downey (Primary)	Yes	
City of Del Mar	Crystal Crawford (Primary)	Yes	
City of El Cajon	Mark Lewis (Primary)	Yes	
City of Encinitas	Teresa Barth (1st Alt.)	Yes	
City of Escondido	Lori Holt Pfeiler, Chair (Primary)	Yes	
City of Imperial Beach	Jim Janney (Primary)	Yes	
City of La Mesa	Mark Arapostathis (2nd. Alt.)	Yes	
City of Lemon Grove	Mary Sessom (Primary)	Yes	
City of National City	Ron Morrison (Member)	Yes	
City of Oceanside	James Wood (Member)	Yes	
City of Poway	Don Higginson (Primary)	Yes	
City of San Diego – A	Jerry Sanders (Primary, Seat A)/ Anthony Young (Alternate)	Yes/ Yes	Sanders 8:50-10:30 a.m./Anthony Young @ 9:12-9:31 a.m., sat as second City seat, then sat as first City seat from 10:42-11:53 a.m.
City of San Diego - B	Ben Hueso (Primary, Seat B)	Yes	9:31-11:35 a.m.
City of San Marcos	Rebecca Jones (2nd. Alt.)	Yes	
City of Santee	Jack Dale (2nd Vice Chair)	Yes	
City of Solana Beach	Lesa Heebner (Primary)	Yes	
City of Vista	Judy Ritter (Primary)	Yes	
County of San Diego - A	Dianne Jacob (Primary, Seat A)	No	
County of San Diego - B	Pam Slater-Price (Primary, Seat B)	Yes	
Caltrans	Pedro Orso-Delgado (1st. Alt.)	Yes	
MTS	Ron Roberts (1st. Alt.)	Yes	
NCTD	Bob Campbell (Primary)	Yes	
Imperial County	Victor Carrillo (Member)	No	
US Dept. of Defense	CAPT James Wink (Alternate)	Yes	
SD Unified Port District	Bill Hall (Alternate)	Yes	
SD County Water Authority	Mark Muir (Primary)	Yes	
Baja California/Mexico	Lydia Antonio (Alternate)	Yes	
Southern California Tribal Chairmen's Association	Robert H. Smith (Member)	No	