



**BOARD OF DIRECTORS
JULY 26, 2013**

**AGENDA ITEM NO. 13-07-1B
ACTION REQUESTED - APPROVE**

BOARD OF DIRECTORS DISCUSSION AND ACTIONS

JUNE 28, 2013

Chairman Jack Dale (Santee) called the meeting of the SANDAG Board of Directors to order at 9:02 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MEETING MINUTES

Julie Wiley, Special Counsel, stated that there was a request to correct the minutes of the May 10, 2013, Board Policy meeting.

Action: Upon a motion by Mayor Cheryl Cox (Chula Vista), and a second by Councilmember Jack Feller (Oceanside), the Board of Directors approved the minutes from the May 10, 2013, Board Policy meeting as amended, and the May 24, 2013, Board Business meeting. Yes – 17 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – Imperial Beach, and National City.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Jack Shu, Cleveland National Forest Foundation, spoke regarding comments made during a previous meeting by another member of the public, Mike Bullock, Sierra Club, and requested that the Board respond to those comments.

Mayor Ron Morrison (National City) provided a verbal report from his recent attendance at the National Association of Regional Councils (NARC) Annual Conference. He announced that Mayor Mary Sessom (Lemon Grove) was elected to serve as an At-Large Member of the 2013-2014 NARC Board of Directors.

Mayor Teresa Barth (Encinitas) read a letter from Deputy Mayor Lisa Shaffer addressed to Mayor Matt Hall (Carlsbad) into the record regarding a response by the Board of Directors to the recent comments regarding greenhouse gas emissions made by Mike Bullock, Sierra Club, at a recent Board meeting.

Mayor Bob Filner (City of San Diego) requested the Board of Directors be briefed regarding the license plate reader system and impacts to the region, and the SANDAG building lease terms.

Council President Todd Gloria (City of San Diego) presented the Construction Management Association of America (CMAA) San Diego Chapter 2012 Project Achievement Award for a public works project less than \$5 million to Frank Owsiany, Senior Transportation Engineer, for the Santa Fe Pedestrian Underpass Project.

Supervisor Greg Cox (Chairman, County of San Diego) presented CMAA San Diego Chapter 2012 Project Achievement Award for a public works project less than \$5 million to Dean Hiatt, Senior Transportation Engineer, and Stephan Vance, Senior Regional Planner, for the Bayshore Bikeway Project Segments 7 & 8A.

Mayor Sessom presented the CMAA San Diego Chapter 2012 Project Achievement Award for projects greater than \$15 million to Shelby Tucker, Associate Legal Counsel, Rob Rundle, Principal Regional Planner, and John Anderson, Senior Transportation Engineer, for the San Diego Regional Beach Sand Project.

3. ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)

This item summarized the actions taken by the Transportation and Regional Planning Committees on June 7, the Executive Committee on June 14, and the Transportation Committee on June 21, 2013.

Action: Upon a motion by Supervisor Bill Horn (County of San Diego), and a second by Supervisor Cox, the Board of Directors approved Item No. 3. Yes – 17 (weighted vote, 80%). No – 0 (weighted vote, 0%). Abstain – San Diego A (weighted vote, 20%). Absent – Imperial Beach.

CONSENT (4 THROUGH 8)

4. UNIVERSITY OF CALIFORNIA, SAN DIEGO SUPERCOMPUTER CENTER AGREEMENT (APPROVE)

Staff proposed a one-year pilot program with the University of California, San Diego (UCSD) Supercomputer Center (Center) to use its supercomputers to run the Activity-Based Model (ABM) for SANDAG project work. This pilot program would test the feasibility of using the Center on an ongoing basis to improve model runtimes and reduce computer infrastructure costs at SANDAG. The Executive Committee recommends that the Board of Directors authorize the Executive Director to execute the UCSD Service Agreement in substantially the same form as attached to the report for this and future agreements with UCSD related to ABM deployment.

5. AMENDED AND RESTATED ADDENDUM FOUR TO MASTER MEMORANDUM OF UNDERSTANDING BETWEEN SANDAG AND MTS, FY 2014 CLAIMS FOR TDA AND STA, AND FY 2013 TDA CLAIM AMENDMENTS (APPROVE)

The Transportation Development Act (TDA) provides one-quarter percent of the state sales tax for support of public transportation and non-motorized transportation. This report presented the FY 2014 requests for TDA Article 4, Article 4.5, Article 8, Planning and Administration claims, one State Transit Assistance (STA) claim, and amendments to the FY 2013 TDA claims for the Metropolitan Transit System (MTS) and North County Transit District (NCTD). The Transportation Committee recommends that the Board of Directors: (1) approve the Amended and Restated Addendum Four to Master Memorandum of Understanding between SANDAG and MTS; (2) adopt Resolution Nos. 2013-26 through 2013-30 approving the FY 2014 claims, and adopt the STA findings as certified by NCTD; and (3) adopt Resolution Nos. 2013-31 through 2013-33 approving FY 2013 TDA claim amendments, all in substantially the same form as attached to the report.

6. ANNUAL REVIEW OF COMMITTEES AND WORKING GROUPS (INFORMATION)

As required by SANDAG Board Policy No. 004: Rules of Procedure for Board of Directors, Policy Advisory Committees, and Other Legislative Bodies, this item provided an annual report on the status of all standing and temporary committees and working groups.

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

In accordance with various SANDAG Board Policies, this report summarized certain delegated actions taken by the Executive Director since the last Board of Directors meeting.

8. REPORT ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (INFORMATION)

Board members provided 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 Supervisor Horn, and a second by Mayor Morrison, the Board of Directors approved Consent Items 4 through 8. Yes – 17. No – 0. Abstain – San Diego A. Absent – Imperial Beach.

CHAIR'S REPORTS (9)

9. RECOGNITION OF OUTGOING *TransNet* INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE MEMBER

On behalf of the Board of Directors, Chairman Dale recognized Jim Ryan, outgoing member of the *TransNet* Independent Taxpayer Oversight Committee, who completed his term of service in May 2013.

REPORTS (10 through 13)

10. 2013 ANNUAL REPORT FROM THE *TransNet* INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE (INFORMATION)

Carolyn Lee, a member of the *TransNet* Independent Taxpayer Oversight Committee, presented the Committee's annual report for FY 2013. In accordance with the *TransNet* Extension Ordinance, this annual report presents the results of the annual fiscal and compliance audit process, including findings and recommendations.

Action: This item was presented for information.

11. *TransNet* SMART GROWTH INCENTIVE PROGRAM: PROJECT FUNDING RECOMMENDATIONS FOR THE FY 2013 CYCLE (APPROVE)

Mayor Sessom, Regional Planning Committee Chair, introduced the item.

Mr. Vance presented the item. The Regional Planning and Transportation Committees recommended that the Board of Directors approve for funding the list of recommended projects for

the *TransNet* Smart Growth Incentive Program FY 2013 cycle in substantially the same form as attached to the report.

Action: Upon a motion by Mayor Art Madrid (La Mesa), and a second by Mayor Morrison, the Board of Directors approved for funding the list of recommended projects for the *TransNet* Smart Growth Incentive Program FY 2013 cycle. Yes – 17 (weighted vote, 80%). No – 0 (weighted vote, 0%). Abstain – San Diego A (weighted vote, 20%). Absent – Imperial Beach.

12. MID-COAST CORRIDOR TRANSIT PROJECT: PROPOSED CRITERIA FOR CM/GC PROCUREMENT AND PUBLIC HEARING: DESIGNATION OF LOSSAN PROJECTS AS SUBSTANTIALLY COMPLEX (APPROVE)

Council President Gloria, Transportation Committee Chair, introduced the item.

John Haggerty, Division Director of Rail, presented the item. In April, the Board of Directors authorized the use of the Construction Manager/General Contractor (CM/GC) construction contracting method for the Mid-Coast Corridor Transit Project and designated itself as the body to approve the award of the CM/GC contract.

Chairman Dale opened the public hearing at 10:05 a.m. to take testimony on designating the Elvira to Morena Double Track Project and San Diego River Bridge Project along the LOSSAN corridor as substantially complex.

There being no public comments, Chairman Dale closed the public hearing at 10:06 a.m.

Mayor Filner made a motion to move the staff recommendation with the addition of measures to guarantee local hiring for the Mid-Coast Corridor Transit Project. Mayor Sessom seconded the motion for discussion.

Action: Upon a substitute motion by Supervisor Cox, and a second by Second Vice Chair Don Higginson (Poway), the Board of Directors: (1) approved the CM/GC Request for Proposal evaluation criteria and contract provisions; (2) adopted Resolution No. 2013-34 authorizing the use of the CM/GC construction delivery method for the Elvira to Morena Double Track Project and San Diego River Bridge Project (LOSSAN Projects) as part of the CM/GC procurement for the Mid-Coast Corridor Transit Project; (3) opened and closed the public hearing to receive public testimony regarding the complexity of the LOSSAN Projects and the need for a retention amount in excess of 5 percent; and (4) adopted Resolution No. 2013-35 designating the LOSSAN Projects as substantially complex thereby allowing retention up to 10 percent. Yes – 16 (weighted vote, 57%). No – San Diego A, San Diego B, and San Marcos (weighted vote, 43%). Abstain – 0 (weighted vote, 0%). Absent – Imperial Beach.

Mayor Sessom made a motion to direct staff to develop a Board policy with options to increase/ensure local hiring for any and all SANDAG construction contracts and return with the draft policy in time for it to be considered for the Mid-Coast project. Councilmember Lesa Heebner (Solana Beach) seconded the motion.

Board discussion ensued regarding the timing of the proposed Board policy. Supervisor Cox made a motion to direct staff to develop options for local hiring provisions for future SANDAG construction

contracts, not including (so as not to delay) the Mid-Coast project. This motion did not receive a second.

Ms. Wiley clarified that since the topic of potential local hiring policies was not included on the agenda and the Board discussion was veering away from the topic of the Mid-Coast procurement; the Board should refrain from taking formal action on such a motion at this time.

Mayor Sessom withdrew her motion, and Mayor Heebner withdrew her second.

Chairman Dale directed staff to return to the Board with available data regarding the use of local firms on current SANDAG construction contracts, a summary of the limitations regarding local preference provisions on federally funded projects, and options for what can be done within these federal limitations. Gary Gallegos, Executive Director, suggested that this be a discussion item for a future Board Policy meeting.

13. PROPOSED MIXED-USE DEVELOPMENT OF BUS LAYOVER FACILITY AND SANDAG OFFICE SPACE (DISCUSSION/POSSIBLE ACTION)

In December 2012, staff was directed to conduct a feasibility study for the potential mixed-use development of a bus layover facility and SANDAG office space. The results of this study were presented to the Board of Directors for discussion and possible action.

Laura Coté, Director of Administration, Charles "Muggs" Stoll, Director of Land Use and Transportation Planning, and Marney Cox, Chief Economist, presented the item.

Anne McMillan Eichman, Little Italy Residents Association, spoke in opposition to the bus layover facility.

Jack Shu, Cleveland National Forest Foundation, spoke in opposition to this item.

Action: Upon a motion by Council President Gloria, and a second by Mayor Hall, the Board of Directors approved an amendment to the FY 2014 Program Budget to add \$200,000 to CIP 1130600 (Building Site Assessment) to conduct further analysis on the potential mixed-use development of the bus layover facility and SANDAG office space. Of this amount, \$25,000 would be transferred from CIP 1201514 (Downtown BRT Layover Facility) and \$175,000 would be funded from the agency contingency reserve. Yes – 18 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent – Imperial Beach.

14. CONTINUED PUBLIC COMMENTS

There were no continued comments.

Chairman Dale adjourned to closed session at 11:43 a.m.

15. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(2) - TWO POTENTIAL CASES

- A. This item was regarding a written claim filed by South Bay Expressway LLC alleging a breach of contract claim related to release of escrow funds associated with the purchase of the State Route 125 franchise.

B. This item was regarding a written claim by Market Corner, Inc. for allegations of damages suffered to the business during construction of the Orange and Blue Line trolley improvement project.

16. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) – MICHAEL ROBERTSON V. SAN DIEGO ASSOCIATION OF GOVERNMENTS (SAN DIEGO SUPERIOR COURT CASE NO. 37-2013-00051297-CU-WM-CTL)

Chairman Dale reconvened to open session at 12:03 p.m.

Ms. Wiley reported the following out of closed session: The Board of Directors met in closed session and on Item No. 15B, the Board voted to deny the claim from Market Corner, Inc.; on Item No. 16, the Board directed staff to defend the lawsuit by Michael Robertson on behalf of SANDAG; and Item No. 15A was postponed until the next Board meeting.

17. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, July 12, 2013, at 10 a.m. The next Board Business meeting is scheduled for Friday, July 26, 2013, at 9 a.m.

18. ADJOURNMENT

Chairman Dale adjourned the meeting at 12:04 p.m.

Attachment: Attendance Sheet

ATTENDANCE
SANDAG BOARD OF DIRECTORS MEETING
JUNE 28, 2013

JURISDICTION/ ORGANIZATION	NAME	ATTENDING OPEN SESSION	ATTENDING CLOSED SESSION
City of Carlsbad	Matt Hall (Primary)	Yes	Yes
City of Chula Vista	Cheryl Cox (Primary)	Yes	Yes
City of Coronado	Michael Woiwode (Primary)	Yes	Yes
City of Del Mar	Terry Sinnott (Primary)	Yes	Yes
City of El Cajon	Mark Lewis (Primary)	Yes	Yes
City of Encinitas	Lisa Shaffer (Primary)	Yes	Yes
City of Escondido	Sam Abed (Primary)	Yes	Yes
City of Imperial Beach	Jim Janney, 1st Vice Chair (Primary)	No	No
City of La Mesa	Art Madrid (Primary)	Yes	Yes
City of Lemon Grove	Mary Sessom (Primary)	Yes	Yes
City of National City	Ron Morrison (Primary)	Yes	Yes
City of Oceanside	Jack Feller (Primary)	Yes	Yes
City of Poway	Don Higginson, 2nd Vice Chair (Primary)	Yes	Yes
City of San Diego – A	Bob Filner (Primary, Seat A)	Yes	No
City of San Diego - B	Todd Gloria (Primary, Seat B)	Yes	Yes
City of San Marcos	Chris Orlando (Primary)	Yes	Yes
City of Santee	Jack Dale, Chair (Primary)	Yes	Yes
City of Solana Beach	Lesa Heebner (Primary)	Yes	Yes
City of Vista	Judy Ritter (Primary)	Yes	Yes
County of San Diego - A	Greg Cox (Primary, Seat A)	Yes	Yes
County of San Diego - B	Bill Horn (Primary, Seat B)	Yes	Yes
Caltrans	Laurie Berman (1st. Alt.)	Yes	
MTS	Harry Mathis (Primary)	Yes	
NCTD	Mark Packard (Primary)	Yes	
Imperial County	Sup. John Renison (Primary)	No	
US Dept. of Defense	CAPT Allan Stratman (Alternate)	Yes	
SD Unified Port District	Ann Moore (Primary)	No Commissioner Lou Smith attended	
SD County Water Authority	Tom Wornham (Primary)	Yes	
Baja California/Mexico	Remedios Gómez-Arnau (Primary)	No	
Southern California Tribal Chairmen's Association	Allen Lawson (Primary)	Yes	