



**BOARD OF DIRECTORS
JANUARY 27, 2017**

**AGENDA ITEM NO. 17-01-1
ACTION REQUESTED - APPROVE**

BOARD OF DIRECTORS DISCUSSION AND ACTIONS

DECEMBER 16, 2016

Chair Ron Roberts (Chair, County of San Diego) called the meeting of the SANDAG Board of Directors to order at 9:07 a.m.

1. APPROVAL OF MEETING MINUTES

Action: Upon a motion by Councilmember Carrie Downey (Coronado), and a second by Supervisor Dianne Jacob (County of San Diego), the Board of Directors approved the minutes from the November 4, 2016, Board Policy meeting, and the November 18, 2016, Board Business meeting. Yes – Chair Roberts, Vice Chair Terry Sinnott (Del Mar), Mayor Mary Salas (Chula Vista), Councilmember Downey, Mayor Catherine Blakespear (Encinitas), Mayor Serge Dedina (Imperial Beach), Councilmember Kristine Alessio (La Mesa), Councilmember Jerry Jones (Lemon Grove), Mayor Jim Wood (Oceanside), Mayor Steve Vaus (Poway), Councilmember Lorie Zapf (City of San Diego A), Council President Myrtle Cole (City of San Diego B), Mayor Jim Desmond (San Marcos), Mayor John Minto (Santee), Mayor Judy Ritter (Vista), and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, Escondido, National City, and Solana Beach.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Kathryn Rhodes, a member of the public, spoke regarding a potential revenue source from the San Diego County Regional Airport Authority.

Chair Roberts recognized several outgoing staff for their service to SANDAG.

3. ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)

This report summarized the actions taken by the Policy Advisory Committees since the last Board Business Meeting. The Board of Directors was asked to ratify these actions.

Action: Upon a motion by Councilmember Downey, and a second by Councilmember Alessio, the Board of Directors approved Item No. 3. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Sam Abed (Escondido), Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Ron Morrison (National City), Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

CONSENT

4. APPROVAL OF PROPOSED CONTRACT AWARDS (APPROVE)

The Board of Directors was asked to authorize the Executive Director to execute contract awards for Job Order Contract – General Electrical, Traffic Signal, and Communications Services; Job Order Contract – Railroad Signals, Overhead Catenary System, and Track Work Services; Job Order Contract – General Building and Facilities Construction Services; and Regional Back-Office System.

5. FY 2016 TRANSPORTATION DEVELOPMENT ACT AUDIT EXTENSION REQUEST (APPROVE)

The Board of Directors was asked to approve a Transportation Development Act audit extension request for North County Transit District, until January 31, 2017, as permitted by the California Public Utilities Code and the California Code of Regulations.

6. PROPOSED FY 2017 PROGRAM BUDGET AMENDMENT: CENTRALIZED TROLLEY CONTROL MAINTENANCE (APPROVE)

The Transportation Committee recommended that the Board of Directors: (1) approve an amendment to the FY 2017 Program Budget to accept \$1,246,419 from the Metropolitan Transit System to fund the Centralized Trolley Control Maintenance (Overall Work Program Project No. 3312300); and (2) extend the duration of Contract No. 5000786 with ARINC, a Division of Rockwell Collins, to December 31, 2021, and increase its capacity by \$5 million.

7. SANDAG DISADVANTAGED BUSINESS ENTERPRISE PROGRAM UPDATE (INFORMATION)

In July 2015, the Board of Directors approved Federal Fiscal Year 2016–2018 Overall Triennial Disadvantaged Business Enterprise (DBE) Goals for the Federal Transit Administration and Federal Highway Administration. This report provided an update on the SANDAG DBE program, including progress on the Triennial DBE Goals.

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 Business meeting.

9. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY THE 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 Business meeting.

Action: Upon a motion by Mayor Salas, and a second by Mayor Wood, the Board of Directors approved Consent Items 4 through 9. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob. No – None. Abstain – None. Absent – Carlsbad, El Cajon, and Solana Beach.

CHAIR'S REPORT

10. PERFORMANCE EVALUATION OF EXECUTIVE DIRECTOR (APPROVE)

The Executive Committee recommended that the Board of Directors approve: (1) the Executive Director's evaluation for the period July 2015 to June 2016, determining his performance satisfactory; and (2) a 4 percent bonus award based on the Executive Director's performance during the past year.

Vice Chair Sinnott introduced the item.

Kathryn Rhodes, a member of the public, spoke in opposition to this item.

Action: Upon a motion by Vice Chair Sinnott, and a second by Mayor Abed, the Board of Directors approved the Executive Director's evaluation for the period July 2015 to June 2016, determining his performance satisfactory; and a 4 percent bonus award based on the Executive Director's performance during the past year. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

REPORTS

11. HEARING OF NECESSITY: ACQUISITION OF PROPERTY INTERESTS LOCATED IN THE CITY OF SAN DIEGO FOR THE MID-COAST CORRIDOR TRANSIT PROJECT (APPROVE)

The Board of Directors was asked to: (1) receive public testimony; (2) adopt Resolution of Necessity No. 2017-14 by a two-thirds vote, pertaining to acquisition of property for the Mid-Coast Corridor Transit Project; and (3) authorize staff to proceed with all condemnation filings and proceedings necessary to acquire the interests in the subject parcels.

Ryan Kohut, Senior Legal Counsel, presented the item.

Chair Roberts opened the public hearing at 9:55 a.m.

Andrew Nagurney representing Dan Floit, property owner, spoke in opposition to this item.

Chair Roberts closed the public hearing at 9:57 a.m.

Action: Upon a motion by Mayor Wood, and a second by Mayor Minto, the Board of Directors adopted Resolution of Necessity No. 2017-14 by a two-thirds vote, pertaining to acquisition of property for the Mid-Coast Corridor Transit Project, and authorized staff to proceed with all condemnation filings and proceedings necessary to acquire the interests in the subject parcels. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto,

Mayor Ritter, and Supervisor Jacob (weighted vote, 93%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

12. PROPOSED FY 2017 PROGRAM BUDGET AMENDMENT: ELVIRA TO MORENA DOUBLE TRACK PROJECT AND CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONSTRUCTION SERVICES AGREEMENT SUPPLEMENT 5 (APPROVE)

The Transportation Committee recommended that the Board of Directors: (1) approve an amendment to the FY 2017 Program Budget adding \$61.98 million in Transit and Intercity Rail Capital Program funding, \$18.15 million in *TransNet* Program funding, and \$3.96 million in funds from the City of San Diego to the Elvira to Morena Double Track (EMDT) Project (Capital Improvement Program Project No. 1239811), increasing the project budget to \$192.5 million; (2) approve the Guaranteed Maximum Price negotiated between Mid-Coast Transit Constructors and SANDAG for Supplement 5 of the Construction Manager/General Contractor Construction Services Agreement for the EMDT Project in the amount of \$93.6 million; and (3) authorize the Executive Director to execute Supplement 5.

John Haggerty, Division Director of Rail, introduced the item.

Sharon Humphreys, Senior Engineer, and Mr. Haggerty presented the item.

Kathryn Rhodes, a member of the public, spoke in support of this item.

Action: Upon a motion by Councilmember Zapf, and a second by Councilmember Downey, the Board of Directors approved an amendment to the FY 2017 Program Budget adding \$61.98 million in Transit and Intercity Rail Capital Program funding, \$18.15 million in *TransNet* Program funding, and \$3.96 million in funds from the City of San Diego to the EMDT Project (Capital Improvement Program Project No. 1239811), increasing the project budget to \$192.5 million; approved the Guaranteed Maximum Price negotiated between Mid-Coast Transit Constructors and SANDAG for Supplement 5 of the Construction Manager/General Contractor Construction Services Agreement for the EMDT Project in the amount of \$93.6 million; and authorized the Executive Director to execute Supplement 5. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

13. REGIONAL ACTIVE TRANSPORTATION PROGRAM FUNDING RECOMMENDATIONS (APPROVE)

The Transportation Committee recommended that the Board of Directors: (1) adopt Resolution No. 2017-13, certifying the results of the San Diego Regional Active Transportation Program (ATP) competition including the proposed ATP Application Ranking and Funding Recommendation; and (2) recommend that the California Transportation Commission fund the proposed San Diego Regional ATP projects.

Chair Roberts introduced the item.

Jenny Russo, Senior Contracts and Procurement Analyst, presented the item.

Action: Upon a motion by Mayor Desmond, and a second by Mayor Wood, the Board of Directors adopted Resolution No. 2017-13, certifying the results of the San Diego Regional ATP competition including the proposed ATP Application Ranking and Funding Recommendation and recommended that the California Transportation Commission fund the proposed San Diego Regional ATP projects. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

14. *TransNet* PROGRAM AND REVENUE FORECAST UPDATE (INFORMATION)

At its November 18, 2016, meeting, the Board of Directors discussed the latest developments in the financial markets, the economy, and sales tax revenues and capacity to complete all projects included in the *TransNet* Extension Ordinance.

Kim Kawada, Chief Deputy Executive Director, and Ray Major, Chief Economist, presented the item and provided an update on the *TransNet* Major Corridors Program, including progress and an overview of SANDAG revenue and cost estimates.

Kathryn Rhodes, a member of the public, spoke in support of this item.

Action: This item was presented for information.

Chair Roberts took public comments on closed session items prior to adjourning.

Bruce Kleege, a member of the public, spoke in opposition to Item 15.

Jeffrey Essakow, Protea Properties, spoke in support of Item 15.

Chair Roberts adjourned to closed session at 11:11 a.m.

15. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 AND CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9

The Board of Directors was briefed by legal counsel and the SANDAG real property negotiation team on the status of negotiations with Protea Properties, LLC, regarding the price and terms of payment of a potential settlement to acquire real property at 2565 Clairemont Drive, San Diego, CA 92117 (Assessor Parcel No. 430-030-59-00) in the matter of SANDAG v. SA Marina, LLC et al. (San Diego Superior Court Case No. 37-2016-00017083-CU-EI-CTL) for use by SANDAG to construct the Mid-Coast Corridor Transit Project.

16. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8; AND POTENTIAL INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(4) (UP TO 5 POTENTIAL CASES) – DOWNTOWN BUS STOPOVER AND MULTIUSE FACILITY

The Board of Directors was briefed by the SANDAG negotiation team on the status of negotiations as to price and terms of payment to obtain rights to enter the following properties, all located within the block bounded by A Street, B Street, State Street, and Union Street, in San Diego, CA, for preliminary environmental and seismic testing: Assessor Parcel Nos. 533-413-01-00 (GLP Trust); 533-413-16-00 (McClellan Trust); 533-413-03-00 (1241 State Street, LLC); 533-413-04-00, 533-413-05-00, 533-413-06-00 (Creelman Mary E Trust/Townsend Family Trust); 533-413-10-00, 533-413-11-00, 533-413-12-00 (Stahlman Family Properties, LLC); 533-413-15-00 (Union & B, LLC).

17. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OF SUBDIVISION (D) OF SECTION 54956.9

The Board of Directors was briefed on potential litigation against SANDAG related to the Los Peñasquitos Lagoon Bridge Replacement Project.

Chair Roberts reconvened open session at 12:01 p.m.

John Kirk, General Counsel, reported the following out of closed session: on Item 15, the Board of Directors met in closed session and upon a motion by Councilmember Zapf and second by Supervisor Jacob, by a unanimous vote, voted to approve a proposed settlement with the property owner, Protea Properties, to acquire the subject property for the Mid-Coast project, and subject to Federal Transit Administration approval, authorized the Executive Director to execute all agreements necessary to effectuate that transaction. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

Julie Wiley, Special Counsel, reported the following out of closed session: the Board of Directors also met in closed session on Item 16. The Board unanimously authorized the filing of petitions with the court against the owners of the parcels listed in the agenda item if needed in order to obtain rights of entry to the parcels for due diligence testing. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed, Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

On Item 17, the Board delegated authority to the Executive Director to enter into agreements with the parties involved with the Los Peñasquitos project to fund necessary retrofits on the construction project, and to transfer funds between Los Angeles-San Diego-San Luis Obispo Rail Corridor projects as may be needed to allow construction on this project to continue. Yes – Chair Roberts, Vice Chair Sinnott, Mayor Salas, Councilmember Downey, Mayor Blakespear, Mayor Abed,

Mayor Dedina, Councilmember Alessio, Councilmember Jones, Mayor Morrison, Mayor Wood, Mayor Vaus, Councilmember Zapf, Councilmember Cole, Mayor Desmond, Mayor Minto, Mayor Ritter, and Supervisor Jacob (weighted vote, 100%). No – None (weighted vote, 0%). Abstain – None (weighted vote, 0%). Absent – Carlsbad, El Cajon, and Solana Beach.

18. CONTINUED PUBLIC COMMENTS

There were no continued public comments.

19. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, January 13, 2017, at 10 a.m. The next Board Business meeting is scheduled for Friday, January 27, 2017, at 9 a.m.

20. ADJOURNMENT

Chair Roberts adjourned the meeting at 12:03 p.m.

**ATTENDANCE
SANDAG BOARD OF DIRECTORS' MEETING
DECEMBER 16, 2016**

JURISDICTION	NAME	ATTEND OPEN SESSION	ATTEND CLOSED SESSION ITEM 15	ATTEND CLOSED SESSION ITEM 16	ATTEND CLOSED SESSION ITEM 17
City of Carlsbad	Matt Hall (Primary)	No	No	No	No
City of Chula Vista	Mary Salas (Primary)	Yes	Yes	Yes	Yes
City of Coronado	Carrie Downey (Primary)	Yes	Yes	Yes	Yes
City of Del Mar	Terry Sinnott, First Vice Chair (Primary)	Yes	Yes	Yes	Yes
City of El Cajon	Bill Wells (Primary)	No	No	No	No
City of Encinitas	Catherine Blakespear (Primary)	Yes	Yes	Yes	Yes
City of Escondido	Sam Abed (Primary)	Yes	Yes	No	No
City of Imperial Beach	Serge Dedina (Primary)	Yes	Yes	Yes	Yes
City of La Mesa	Kristine Alessio (Primary)	Yes	Yes	Yes	Yes
City of Lemon Grove	Jerry Jones (1st Alt.)	Yes	Yes	Yes	Yes
City of National City	Ron Morrison (Primary)	Yes	Yes	Yes	Yes
City of Oceanside	Jim Wood (Primary)	Yes	No	No	No
City of Poway	Steve Vaus (Primary)	Yes	No	No	No
City of San Diego – A	Lorie Zapf (1st Alt.)	Yes	Yes	No	No
City of San Diego – B	Myrtle Cole (2nd Alt.)	Yes	Yes	Yes	Yes
City of San Marcos	Jim Desmond (Primary)	Yes	Yes	Yes	Yes
City of Santee	John Minto (1st. Alt.)	Yes	Yes	Yes	Yes
City of Solana Beach	Mike Nichols (1st Alt.)	No	No	No	No
City of Vista	Judy Ritter (Primary)	Yes	No	No	No
County of San Diego – A	Dianne Jacob (Primary, Seat A)	Yes	Yes	Yes	Yes
County of San Diego - B	Ron Roberts, Chair (Primary, Seat B)	Yes	Yes	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			
U.S. Dept. of Defense	Joe Stuyvesant (Primary)	Yes			
SD Unified Port District	Garry Bonelli (Primary)	No			
SD County Water Authority	Mark Muir (Primary)	Yes			
Mexico	Marcela Celorio (Primary)	Yes			
Southern California Tribal Chairmen's Association	Cody Martinez (Primary)	No			