



**May 1, 2024**

**ITEM TITLE: RESOLUTION NO. 2024-033 APPROVING EIGHTH AMENDMENT TO AGREEMENT BETWEEN THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) AND THE CITY OF IMPERIAL BEACH FOR ADMINISTRATION OF FOR-HIRE VEHICLE REGULATIONS. (0680-70 & 0680-75)**

**ORIGINATING DEPARTMENT:**

City Manager

**EXECUTIVE SUMMARY:**

The San Diego Metropolitan Transit System (MTS) is authorized under the California Public Utilities (PUC) to enter into contracts with any city in the County of San Diego to regulate any For-Hire Vehicle Services rendered within the city's limits. The City of Imperial Beach and MTS entered into a five-year agreement in 1990 and there have been seven amendments to this agreement. Staff is recommending that the City Council adopt Resolution No. 2024-033 approving an eighth amendment to the agreement between MTS and the City for the administration of For-Hire Vehicles and to authorize the City Manager to execute the agreement.

**RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2024-033 approving an eighth amendment to an Agreement for the administration of For-Hire Vehicle Regulations between San Diego Metropolitan Transit System (MTS) and the City of Imperial Beach and authorize the City Manager to execute the agreement.

**OPTIONS:**

- Adopt Resolution No. 2024-033 approving an eighth amendment to an Agreement between San Diego Metropolitan Transit System (MTS) and the City of Imperial Beach for the administration of For-Hire Vehicles Regulations between and authorizing the City Manager or designee to execute the agreement.
- Provide direction to the City Manager to take a specific action.
- Request additional information and an additional report.

**BACKGROUND/ANALYSIS:**

The San Diego Metropolitan Transit System (MTS) is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts with any city in the County of San Diego and with the County of San Diego to license or regulate by ordinance any For-Hire Vehicle Services rendered wholly within the city's corporate limits or within the unincorporated area of the county.

For-hire vehicle Services means vehicles, other than public transportation vehicles, transporting passengers over public streets for compensation, which includes taxicabs, non-emergency medical vehicles, passenger jitney services, low-speed vehicles, charts, and sightseeing vehicles.

Since July 1990, MTS has provided administration of taxicab and other for-hire vehicles in Imperial Beach. The regulations are in accordance with MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and Regulating of Transportation Services Within the City and County by the Adoption of a Uniform Paratransit Ordinance" and its other policies and regulations.

The purpose of the revisions to the eighth amendment of the agreement is to match the updated language of PUC 120266 that became effective January 2, 2022, per AB 302 which allows MTS to now enter into contracts with any jurisdiction within the County to regulate for-hire vehicle services. Previously, MTS could only enter into contracts with jurisdictions within MTS's service area.

The current eighth amendment to the agreement would continue the same services from July 1, 2024, through June 30, 2029. MTS staff is scheduled to take this item to their Board for consideration and approval on June 20, 2024.

The City Council, with one member absent, considered the eighth amendment to the agreement on April 17, 2024, and a majority vote on the resolution for the agreement was not obtained. City of Imperial Beach Council Policies state that when a majority vote cannot be obtained and one or more Councilmembers is absent, that matter will automatically be added to a future agenda so that it can be considered at least once by the City Council with all Councilmembers present. Thereafter, should a tie vote occur, the City Council is required to continue the item by majority vote or make motions until an action receives three affirmative votes.

Following the April 17, 2024 City Council meeting, MTS offered to amend the MOU to exclude terms for low-speed vehicles. However, this would require the City of Imperial Beach to create new policies, regulations, monitoring, and enforcement for low-speed vehicles proposing to operate within the City. A regulatory framework and staffing are not currently in place and would require additional research.

Locally, the cities of Chula Vista, National City, and San Diego operate under the same model agreement with MTS as currently proposed in this staff report, though the City of Coronado does not. Staff contacted the City of Coronado to inquire about its regulations and were informed that its for-hire pilot project is not yet implemented, though SANDAG's Flexible Fleets model may be considered. The Flexible Fleets model requires significant stipulations and insurance requirements that are still being reviewed by staff.

#### **ENVIRONMENTAL DETERMINATION:**

Not a project as defined by CEQA.

#### **FISCAL IMPACT:**

None. The agreement between MTS and the City allows MTS to continue to regulate For-Hire Vehicle Services rendered wholly within the city's limits that would be otherwise regulated by city staff.

#### **ATTACHMENTS:**

ATT 1 – Resolution No. 2024-033

ATT 2 – Eighth Amendment to Agreement for Administration of For-Hire Vehicle Regulations  
between San Diego Metropolitan Transit System and City of Imperial Beach