

MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

January 18, 2024

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

Chair Whitburn called the Board meeting to order at 9:04 a.m. A roll call sheet listing Board member attendance is attached.

2. Public Comment

Alex Wong – Representing Ride SD made a written and verbal statement to the Board both during and prior to the meeting. Alex expressed support for SANDAG's South Leg Automated People Mover proposal over the Trolley to the Airport concept. The full written comment is provided in the January 18, 2024, Final Meeting Packet.

Lenora Porcella – A resident of Imperial Beach made a written statement to the Board prior to the meeting. Lenora expressed opposition with Route 227. The full written comment is provided in the January 18, 2024, Final Meeting Packet.

Jerrold Caswell – A resident of Imperial Beach made a verbal statement to the Board during the meeting. Jerrold expressed dissatisfaction with Route 227 and asked that the route be either removed or become an on-demand service.

Frank Hogan – A former MTS employee made a verbal statement to the Board during the meeting related to the Chief Information Officer.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the agency's public speaker time allocation and made anecdotal accounts of security concerns.

Robert Douthit – A resident of Imperial Beach, made a verbal statement to the Board during the meeting. Robert expressed dissatisfaction with the high frequency of Route 227 and urged the Board to remove the route.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA suggested various ways to incentivize more choice riders.

3. Appointment of Ad Hoc Nominating Committee for Recommending Appointments to MTS Committees for 2024 (Sharon Cooney)

Action would appoint an Ad Hoc Nominating Committee to make recommendations to the Board with respect to the appointment of the Chair Pro-Tem and MTS and non-MTS committees for 2024.

Committee Comment

Chair Whitburn noted that the Ad Hoc Nominating Committee, composed of Board Members Dillard, Donovan, Elo-Rivera, Gastil, Hall, Goble, and Whitburn, prepared the nominating slate for the full Board's consideration.

Board Member Gastil nominated Board Member Dillard as primary for the SANDAG Regional Planning Committee representative, and himself as an alternate. Board Member Dillard accepted the appointment.

Board Member McCann noted that Board Member Chavez was now an alternate representative for the MTS Board. He asked that Board Member Gonzalez be appointed to the MTS Public Security Committee, in lieu of Alternate Board Member Chavez. Board Member Gonzalez accepted the appointment.

Chair Whitburn noted that Vice Chair Goble was listed as the East County Alternate representative on the Executive Committee. Since Vice Chair Goble was already on the Executive Committee as Vice Chair, Board Member Hall asked to be listed as the alternate representative for East County. This change was noted in the slate.

Chair Whitburn nominated Board Member Dillard as the first alternate to the SANDAG Board, since Board Member Chavez was no longer a primary MTS Board Member. Board Member Hall asked to be considered as second alternate.

Chair Whitburn noted that based on the proposed slate, Board Member Montgomery Steppe would be nominated to continue as the Chair Pro Tem.

Chair Whitburn noted that Board Member Campillo was not assigned to any Committees and opened appointment preferences to him.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with the proposed edited slate.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with the representative composition of the Board.

Action on Recommended Consent Items

Chair Whitburn moved to elect Board Member Montgomery Steppe as Chair Pro-Tem, and approved the appointment of representatives to MTS and non-MTS committees for 2024, as proposed by the Ad Hoc Nominating Committee including the following changes: Board Member Dillard appointed as primary to the SANDAG Regional Planning Committee with Board Member Gastil as alternate to the SANDAG Regional Planning Committee; Board Member Gonzalez as a committee member to the MTS Public Security Committee (in lieu of Alternate Board Member Chavez); Board Member Hall as the alternate East County Representative to the Executive Committee; Board Member Dillard as the first alternate to the SANDAG Board with Board Member Hall as the second alternate to the SANDAG Board. Vice Chair Goble seconded the motion, and the vote was 14 to 0 in favor with Board Member Bush absent.

CONSENT ITEMS:

- 4. Approval of Minutes**
Action would approve the December 14, 2023 Board of Directors meeting minutes.
- 5. Traction Power Substations (TPSS) Design - Work Order**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA357-AE-31, under MTS Doc No. PWL357.0-22, with CR Associates (CRA), a Disadvantaged Business Enterprise (DBE), in the amount of \$2,047,425.49 for design services to replace existing TPSS with new Siemens TPSS.
- 6. Regional Communications System (RCS) Radios Purchase and Installation – Sole Source Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2846.0-24, with Motorola Solutions, Inc in the amount of \$266,395.10 for a period of four (4) base years.
- 7. Operations Budget Status Report for November 2023**
- 8. Network Equipment and Services – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2796.0-24 (in substantially the same format as Attachment A), with Axelliant LLC (Axelliant), a Minority Business Enterprise (MBE), for the purchase of network equipment, services and related license subscriptions, in the amount of \$871,391.03.
- 9. Trash Receptacles – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. L1653.0-24, with Big Belly Solar, LLC (“Big Belly”), for the provision of seventy-eight (78) Big Belly trash receptacles at a cost of \$300,097.18 (inclusive of shipping and taxes) plus an option to purchase an additional ninety-six (96) Big Belly trash receptacles in 2024-2025 at a cost of \$478,883.78 (inclusive of shipping and taxes), for an overall estimate contract total of \$778,980.96 (inclusive of shipping and taxes); and 2) Exercise the option purchase at the CEO’s discretion.
- 10. Washington Street Wall Modification – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC348-09 (in substantially the same format as Attachment A), under MTS Doc. No. PWG348.0-22, with Veterans Engineering Inc. (Veterans), for the modification of the existing wall between the Washington Street Trolley Station and the North County Transit District (NCTD) tracks along the Green Line right-of-way in the amount of \$610,819.97.
- 11. MTS Board Policy No. 21: MTS Revenue-Generating Display Advertising, Concessions, and Merchandise – Revision Status Report**
- 12. Addition of Full Time Equivalent Position: Grants Analyst**
Action would authorize the Chief Executive Officer (CEO) to add one (1) Grants Analyst to the position tables previously approved in the Fiscal Year 2024 budget.

Public Comment for Consent Items

Truth – Provided a verbal statement to the Board during the meeting. Truth commented on items 4-12, particularly the: (4) paraphrased language in the minutes, (5) 30 year old updates to power substations, (7) budget costs, (8) allotted public speaker time, (9) supported new modes of trash receptacles, (11) supported removing advertisements blocking bus windows and opposed alcohol advertisements, (12) the opposition of an additional position, (6) communication hardware for security, and (10) concerns about vandalism.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA commented on items 9 – 11 and expressed concerns with (9) trash receptacles smart technology, (10) contract cost, and (11) alcohol advertisements.

Board Comment

Board Member Moreno commented staff on item 9. Chair Whitburn added that the contract award was a result of the customer satisfaction survey, along with the Social Equity Listening Tour survey. Board Member Moreno and Chair Whitburn both commended staff on implementing this project.

Action on Recommended Consent Items 4-12

Board Member Gastil moved to approve Consent Agenda Item Nos. 4 to 12. Board Member McCann seconded the motion, and the vote was 14 to 0 in favor with Board Member Bush absent.

DISCUSSION ITEMS AND REPORT ITEMS:

13. PRONTO Online Reduced Fare Application Update (Leanne Powell and Stacie Bishop)

Leanne Powell, MTS Fare System Administrator, and Stacie Bishop, MTS Manager of Marketing, presented on the PRONTO online reduced fare application update regarding project background, application amenities, functional process, preliminary results, and the outreach/communication plan.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the PRONTO program and temporary honor system onboarding. Truth suggested that MTS safety officers have reference cards for this program to hand out to fare evaders and suggested an annual re-certification process.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with the program identification requirements and transit pass exemptions for immigrant refugees.

Board Comment

Board Member Elo-Rivera asked about the agency's partnerships with schools. Ms. Bishop replied that MTS would bring members of the outreach and PRONTO support team to schools to assist with an in-person recertification process. First time onboarding to PRONTO would also be available at this event and their eligibility as a youth rider would be set until they are 19. She noted school's concerns with MTS's ability to collect birthdate information and photographs of students. Sharon Cooney, Chief Executive Officer, added that her son was a beta tester and

able to use the application without assistance. Board Member Elo-Rivera saw in-person promotion of the program as a benefit, even though many users would opt in for self-service. He also asked about the data security measures. Israel Maldonado, Director of Fare Technology and Operations explained that the customer relationship model (CRM) program tokenizes and temporarily stores customer information, when a case is automatically approved, the data is deleted, for cases that require a manual review, data is deleted within 30 days, and nothing is stored within MTS servers.

Board Member Moreno expressed support for the Youth Opportunity Pass (YOP). She talked about a constituent who lost their PRONTO card, their inability to replace their pass online and their need for in-person assistance. Board Member Moreno expressed concern about constituent's potential obstacle seeking in person attendance during a work week. She believed that the onboarding requirements were cumbersome and asked staff if the requirement to provide eligibility documents is set forth by the Regional Fare Ordinance. Ms. Cooney clarified that the certification process was a requirement set forth by the agency to ensure eligibility. Ms. Cooney encouraged Board Member Moreno to connect staff to her constituent in order to properly understand the issue and improve the process. Board Member Moreno asked staff to clarify if the certification requirements were set by the agency. Karen Landers, MTS General Counsel, added that the eligibility process is not specified in the Regional Fare Ordinance, however, there is a presumption that the agency will go through a process to verify eligibility. Board Member Moreno asked about the amount of youth that have completed the YOP verification process, compared to last December. Ms. Bishop clarified that staff was not able to work with data in that time frame, and that the ability to differentiate Senior, Disabled and Medicare (SDM) successful applicant's vs YOP users in the automatic process, was limited. She did note that 80% of 13 or younger youth without identification, was successfully approved through the manual certification process. Board Member Moreno re-asked if YOP data from last December was available. Ms. Bishop stated she was not able to pull that data, but that data was available for the five weeks prior to the launch of the application, and the agency has 1,900 youth that applied from November 1st to December 5th. She noted that in the previous online form, staff did see twice as many applications on a weekly basis however, since staff was not able to verify eligibility, it was unclear how many of those submittals were fraudulent. Board Member Moreno asked staff to confirm that the system only works 62% of the time. Ms. Powell replied that 62% of the applications received of the 1,400 successful applications were approved through the automatic approval process. Board Member Moreno asked what happened to the remaining 38% of the applicants. Ms. Powell noted that those applicants were moved to the manual verification process. Board Member Moreno asked if riders would be asked to appear in person. Ms. Powell replied that a support agent would reach out to the customer to complete onboarding requirements. Ms. Powell noted that staff has yet to collect abandoned or denied applications. Board Member Moreno explained that she did not want an overly cumbersome process to deter YOP from onboarding and was concerned about the current requirements. She suggested additional verification stations throughout the system or an easier process. Board Member Moreno asked that staff streamline a process to the Board for consideration.

Vice Chair Goble asked staff how they identify users that have aged out of the YOP program. Ms. Bishop explained that the system ages out the user on the last date of the birthday month and reverts the card to an adult account. He also asked why Medicare applicants qualify but not MediCal. Ms. Landers believed that the distinction was based on federal requirements. Ms. Bishop added that the Marketing department included the distinction to avoid customer

confusion. Vice Chair Goble also asked staff if temporary disabilities qualify. Ms. Bishop noted that they would, and that staff is able to populate a date of expiration on the system that either the rider or their doctor submits.

Board Member Dillard asked about a scenario to quickly replace lost or stolen cards. Ms. Bishop noted that cards can be replaced using the online self-service on their portal, make a request over the phone or seek assistance in person at the Transit Store. Board Member Dillard asked about the turnaround time for that request. Ms. Bishop replied that they could expect 5-10 business days for mailing. Students can also replace their card by visiting the retail network and purchasing a \$2 card. Board Member Dillard asked if replacement cards were also available at libraries. Ms. Bishop replied that the agency is looking at having social service providers or schools to verify students on behalf of MTS. Ms. Cooney also added that customer service was available over the phone and that in person assistance was not necessary. Ms. Cooney emphasized the need to understand errors in the data collection to address issues and provide a better customer experience. Ms. Bishop also added that within the 6-month transition period, PRONTO support will grant temporary access to the reduced fare while proper verification is pending. Board Member Dillard asked what the senior age qualification was. Ms. Bishop replied that the age period was 65. Board Member Dillard asked if there was a picture update request for youth who had a childhood picture on their account. Mr. Maldonado replied that there was not currently a program, but it was something to consider. Board Member Dillard asked if riders would receive a notification reminder that their YOP account was ending. Mr. Maldonado replied that the system was very flexible and would confirm that the notification is active.

Board Member Montgomery Steppe asked if the 85% successful applications were based off 1,500 accounts that have been verified. Ms. Bishop replied that as of January 17, 2024, there were 1,800 application attempts, of which, 1,500 were approved. She noted that number does include pending cases, which are opened for 10 business days. Board Member Montgomery Steppe asked that if a case is closed in 10 days, can a case be re-opened before June 30th. Mr. Maldonado replied that once the case is closed it cannot be re-opened, but the case number can still be referenced, and an individual can start a new verification process. Board Member Montgomery Steppe was concerned that users may be discouraged to re-apply if they see that their progress has been closed and suggested that customers do understand that they can re-apply with the same card. She asked what the expectations were of the Community Based Organizations (CBOs). Ms. Bishop replied that there were program flexibilities based on their capabilities. She also added that MTS staff collected feedback data from the CBO partners. Board Member Montgomery Steppe asked if CBOs reported statistics. Ms. Bishop replied that they will receive participation, and material distributed reports. Board Member Montgomery Steppe asked how CBOs would prepare for the June 30th application deadline. Ms. Bishop replied that staff hosted a demonstration of the online application.

Board Member Bush acknowledged his struggle with the form initially and supported streamlining the application. He asked what the practice and policy was with enforcement of the YOP pass. Mr. Maldonado replied that staff is focused on flexibility and education until June 30th. He added that the security and bus operators will be given communication cards to distribute, in an education effort. Board Member Bush asked staff to re-confirm that MTS was not barring or prohibiting people from riding the system. Mike Wygant, Chief Operating Officer for Bus, confirmed that education was the focus, unless they are creating safety issues or disrupting other customers.

Chair Whitburn commended the project and asked that staff provide an update of the program in the next few months.

Action Taken

No action taken. Informational item only.

OTHER ITEMS:

14. Chair, Board Member and Chief Executive Officer's (CEO's) Communications and CEO Report

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with various PO purchases in the CEO Report.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with the agency's meeting structure.

Board Comment

Board Member Leyba-Gonzalez thanked staff for coordinating a meeting between City of Imperial Beach and MTS representatives regarding Bus Route 227. He asked staff to provide residents ridership data within Imperial Beach, prior to the next City Council meeting.

Vice Chair Goble talked about a new City of El Cajon program that assists women and children. In the nine months of that transitional program, one graduate from the program is now an MTS driver.

Board Member Hall asked about an update regarding Board room audio upgrades. Ms. Cooney replied that the RFP was released earlier in the week.

15. Remainder of Public Comments Not on The Agenda

There were no additional public comments.

CLOSED SESSION:

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth (16) stipulated about the discussions that would be had during closed session, and (17) provided their opinion on the ongoing litigation.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA (16) expressed dissatisfaction with the limited knowledge of the case details provided on the agenda, and (17) provided their opinion on the ongoing litigation.

The Board convened to Closed Session at 10:43 a.m.

16. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e)(5): (1 Potential Case)

17. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL

Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)
Grecia Figueroa v Nathan Fletcher, San Diego Metropolitan Transit System, et al.
San Diego Superior Court Case No. 37-2023-00012828-CU-OE-CTL

Closed Session Reconvening

The Board reconvened to Open Session at 12:04 p.m.

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session:

- 16. The Board received a report from legal counsel and gave instructions.
- 17. The Board received a report from legal counsel and gave instructions.

ADJOURNMENT

18. Next Meeting Date

The next regularly scheduled Board meeting is February 8, 2024 at 9:00 a.m.

19. Adjournment

The meeting was adjourned at 12:04 p.m.

/S/ Stephen Whitburn
Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/S/ Dalia Gonzalez
Clerk of the Board
San Diego Metropolitan Transit System

/S/ Karen Landers
General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): January 18, 2024 CALL TO ORDER (TIME): 9:04 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 10:43 a.m. RECONVENE: 12:03 a.m.
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 12:04 a.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Gonzalez	<input checked="" type="checkbox"/>	Chavez	<input type="checkbox"/>	9:04 a.m.	10:43 a.m.
City of Chula Vista	McCann	<input checked="" type="checkbox"/>	Chavez	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of Coronado	Donovan	<input checked="" type="checkbox"/>	Duncan	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
County of San Diego	Montgomery Steppe	<input checked="" type="checkbox"/>	Vargas	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of El Cajon	Goble (Vice-Chair)	<input checked="" type="checkbox"/>	Ortiz	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of Imperial Beach	Leyba-Gonzalez	<input checked="" type="checkbox"/>	Aguirre	<input type="checkbox"/>	9:04 a.m.	10:43 a.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of Lemon Grove	Gastil	<input checked="" type="checkbox"/>	Mendoza	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	9:38 a.m.	12:04 a.m.
City of Poway	Frank	<input checked="" type="checkbox"/>	Pepin	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of San Diego	Moreno	<input checked="" type="checkbox"/>	Campbell	<input type="checkbox"/>	9:08 a.m.	12:04 a.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	LaCava	<input type="checkbox"/>	9:14 a.m.	12:04 a.m.
City of San Diego	Gloria	<input type="checkbox"/>	Campillo	<input checked="" type="checkbox"/>	9:06 a.m.	12:04 a.m.
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Lee	<input type="checkbox"/>	9:04 a.m.	12:04 a.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval Minto	<input type="checkbox"/> <input type="checkbox"/>	9:04 a.m.	12:04 a.m.

SIGNED BY THE CLERK OF THE BOARD: /S/ Dalia Gonzalez