

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101

MINUTES

January 14, 2016

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:00 a.m. A roll call sheet listing Board member attendance is attached.

Chairman Mathis brought to the attention of the Board of Directors the revised Board agenda. Karen Landers, General Counsel, briefly discussed the additional closed session item for conference with legal counsel regarding anticipated litigation pursuant to government code section 54956.9(d)(2). She stated that a claim was filed by Natalie DiTerlizzi. Subsequent to the agenda being posted, it became necessary for the Board to receive a briefing on the claim. Ms. Landers stated that a two-thirds favorable vote of the Board is required to add the closed session item to the agenda.

Action Taken

Mr. Minto moved to affirm Ms. Landers' findings and add the closed session item to the January 14, 2016 Board of Directors meeting agenda. Ms. Rios seconded the motion, and the vote was 11 to 0 in favor with Messrs. Alvarez, Gastil and Roberts and Ms. Zapf absent.

2. Approval of Minutes

Ms. Bragg moved to approve the minutes of the December 10, 2015, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 11 to 0 in favor with Messrs. Alvarez, Gastil and Roberts and Ms. Zapf absent.

3. Public Comments

*Harvey Johnson* – Mr. Johnson stated that he is blind and has a service dog. He said that he is upset that he constantly is asked by bus drivers if his dog is a service animal.

*Rick Rotterman* – Mr. Rotterman commented on the issue of people smoking at bus and trolley stops and the effect it has on children. He provided recommendations on how the non-smoking policy can be enforced on the system.

*Michael Horgan* – Mr. Horgan asked why the contracted buses have to use a different compass card reader than integrated readers. He inquired on the installation status of the automated vehicle stop announcement feature on the non-contracted buses. Lastly, he asked about the enforcement of the new requirement that will make riders vacate their seats for elderly and disabled.

Mr. Jablonski commented that one of the agenda items today will discuss the elderly and disabled seating penalty under State law. He noted that all buses now have real time

information on the variable message signs. Lastly, he stated that the compass card readers are a different generation fare box.

4. Elect Vice Chair, Chair Pro Tem, and Committee Appointments (Sharon Cooney)

Chairman Mathis referred to the proposed slate of committees which was made by the Ad Hoc Nominating Committee and provided to all Board members for review. He asked if there were any nominations from the floor.

Action Taken

Mr. McClellan moved to elect Ron Roberts as Vice Chairman and Todd Gloria as Chair Pro Tem for 2016. Mr. Minto seconded the motion, and the vote was 13 to 0 in favor with Mr. Roberts and Mr. Gloria abstaining.

Mr. McClellan moved to consider the nominating slate proposed by the Ad Hoc Nominating Committee for the appointment of representatives to MTS committees for 2016 and vote to appoint representatives to those committees. Mr. Minto seconded the motion, and the votes were as follows:

Accessible Services Advisory Committee (ASAC)

- Lorie Bragg, Chairman: 14 to 0 in favor, with Ms. Bragg abstaining.

Airport Authority Advisory Committee

- Harry Mathis, Committee Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- Ron Roberts, Alternate: 14 to 0 in favor, with Mr. Roberts abstaining.

Audit Oversight Committee

- Ernie Ewin, Chairman: 15 to 0 in favor.
- Harry Mathis, Committee Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- Ron Roberts, County Representative: 14 to 0 in favor, with Mr. Roberts abstaining.
- Todd Gloria, City of San Diego Representative: 14 to 0 in favor, with Mr. Gloria abstaining.
- Lorie Bragg, South Bay Representative: 14 to 0 in favor, with Ms. Bragg abstaining.
- Bob McClellan, East County Representative: 14 to 0 in favor, with Mr. McClellan abstaining.

Budget Development Committee

- Harry Mathis, Committee Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- Bob McClellan, Committee Representative: 14 to 0 in favor, with Mr. McClellan abstaining.
- Ron Roberts, Committee Representative: 14 to 0 in favor, with Mr. Roberts abstaining.
- Myrtle Cole, Committee Representative: 14 to 0 in favor, with Ms. Cole abstaining.
- John Minto, Committee Representative: 14 to 0 in favor, with Mr. Minto abstaining.

Executive Committee

- Set by Board Policy.

Joint Committee on Regional Transit (JCRT)

- Harry Mathis, Committee Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- Jim Cunningham, Committee Representative: 15 to 0 in favor.
- George Gastil, Committee Representative: 14 to 0 in favor, with Mr. Gastil abstaining.

Los Angeles – San Diego Rail Corridor Agency (LOSSAN)

- George Gastil, Committee Representative: 14 to 0 in favor, with Mr. Gastil abstaining.
- Lorie Bragg, Alternate: 14 to 0 in favor, with Ms. Bragg abstaining.

Public Security Committee

- Jim Cunningham, Committee Representative: 15 to 0 in favor.
- George Gastil, Committee Representative: 14 to 0 in favor, with Mr. Gastil abstaining.
- Harry Mathis, Committee Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- John Minto, Committee Representative: 14 to 0 in favor, with Mr. Minto abstaining.
- Mona Rios, Committee Representative: 14 to 0 in favor, with Ms. Rios abstaining.
- Lorie Zapf, Committee Representative: 14 to 0 in favor, with Ms. Zapf abstaining.

SANDAG Board

- Harry Mathis, Advisory Representative: 14 to 0 in favor, with Mr. Mathis abstaining.
- Mona Rios, Alternate: 14 to 0 in favor, with Ms. Rios abstaining.

SANDAG Regional Planning Committee

- Mona Rios, Committee Representative: 14 to 0 in favor, with Ms. Rios abstaining.
- Myrtle Cole, Alternate: 14 to 0 in favor, with Ms. Cole abstaining.

Taxicab Advisory Committee

- Lorie Zapf, Chair: 14 to 0 in favor, with Ms. Zapf abstaining.
- George Gastil, Alternate: 14 to 0 in favor, with Mr. Gastil abstaining.

CONSENT ITEMS

6. Transit Store Project - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG196.0-16 with Grahovac Construction Company Inc. (Grahovac) for the Transit Store Project.
7. MTS 69th Street Grade Crossing Replacement - Award Work Order Under a Job Order Contract  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7501-03, under MTS Doc. No. PWL182.0-16, with Herzog Construction, Inc. (Herzog) for the provision of services, materials and equipment for the replacement of the grade crossing located at 69th Street on the Orange Line.
8. Adoption of Amended 2016 Conflict of Interest Code  
Action would: (1) adopt Resolution No. 16-1 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act (PRA) of 1974; (2) adopt the amended 2016 MTS Conflict of Interest Code; and (3) forward the amended 2016 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

9. Trolley On-Board Video Surveillance System (OBVSS) Post Warranty Maintenance and Repair Services - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1294.0-16 with UTC Fire & Security Americas Corporation, Inc. (UTC), for the provision of OBVSS post-warranty maintenance and repair services for three (3) years on MTS Light Rail Vehicles (LRV).
10. California Governor's Office of Emergency Services (CalOES) California Transit Security Grant Program (CTSGP) Funding, Fiscal Year 2015-2016  
Action would approve Resolution No. 16-2, authorizing the use of, and application for, \$2,779,445 of California CTSGP for capital projects that provide increased protection against security and safety threats, and/or increases the capacity of transit operators to prepare for and provide disaster-response transportation systems.
11. Investment Report - November 2015

CONSENT ITEM COMMENTS

Ms. Cole commented that she is happy to see consent item number 7 regarding the 69<sup>th</sup> Street grade crossing replacement. She asked when the project will begin. Mr. Jablonski replied that the project will begin in early March 2016.

Action on Recommended Consent Items

Ms. Cole moved to approve Consent Agenda Item Nos. 6 – 11. Mr. McWhirter seconded the motion, and the vote was 15 to 0 in favor.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:13 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant To California Government Code Section 54957.6  
Agency: San Diego Trolley, Inc. (SDTI)  
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (Representing SDTI Train Operators, Electromechanics, Servicers and Clerical)  
Agency-Designated Representative: Jeff Stumbo
- b. CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION/CONFERENCE WITH LABOR NEGOTIATORS - CHIEF EXECUTIVE OFFICER Pursuant to California Government Code Sections 54957 and 54957.6;  
Agency-Designated Representative: Harry Mathis  
Employee: Paul C. Jablonski
- c. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)) (Claim filed by Natalie DiTerlizzi)

The Board reconvened to Open Session at 10:42 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from agency representatives.
- b. The Board gave a performance evaluation and gave instructions to its negotiator.
- c. The Board received a report from legal counsel.

REPORT / DISCUSSION ITEMS:

30. UC San Diego Blue Line Analysis (Kim Kennedy with UC San Diego Health) (TAKEN OUT OF ORDER)

Mr. Jablonski introduced Kim Kennedy, Executive Director, Marketing and Communications, with UC San Diego Health. He stated that Ms. Kennedy was very instrumental in the effort of the Blue Line naming rights deal. He noted that Ms. Kennedy attended the APTA Annual Meeting in 2015 to present on the naming rights deal between MTS and UC San Diego Health. Ms. Kennedy continued the presentation and she provided a brief background about herself and her history with other partnerships. She reviewed the scale and scope of UC San Diego Health and discussed target markets and business drivers for partnership strategies. Ms. Kennedy reviewed the UC San Diego Health partnership summary and timeline which includes North County Transit District, UC San Diego Transportation Services, San Diego Chargers, United States Olympic Committee, and lastly, the MTS Blue Line. Ms. Kennedy stated that all five partnerships have increased impressions and consumer awareness across the county. She noted that transportation partnerships are undervalued marketing assets. Lastly, she stated that UC San Diego Health has received awards for these partnerships including the AAMC Group on Institutional Advancement (GIA) National Award for Excellence in Integrated Advancement for the UC San Diego Health Partnership Program.

Mr. Gloria commented that this agreement provides many mutual benefits to MTS and its riders including being able to provide a higher level of service.

Mr. Roberts commented that many other transportation agencies are beginning to see that transportation is an undervalued asset and there is a great benefit that can come from these partnerships.

Action Taken

No action taken.

31. Superlative Group - Contract Extension (Rob Schupp) (TAKEN OUT OF ORDER)

Rob Schupp, Director of Marketing and Communications, stated that the Superlative Group has been working with MTS since 2010 to finalize the UC San Diego Blue Line naming rights deal. He noted that during that time, they also began negotiations with other groups on selling our other assets. He stated that staff is recommending to extend the contract by four years to continue their work. Mr. Schupp reviewed the terms of the contract extension.

Mr. Alvarez inquired what the projected future revenue will be for the other assets. Mr. Schupp stated that an asset evaluation was conducted and based on that evaluation, MTS is aware of how much each asset is worth. Mr. Alvarez asked where the revenue monies will go once received and if this money could be saved for the future in case of a recession. Mr. Jablonski replied that MTS has been continuously putting away money in reserves and will reach a reserve of 12.5%.

#### Action Taken

Mr. McClellan moved to authorize the Chief Executive Officer (CEO) to extend the San Diego Metropolitan Transit System (MTS) contract with the Superlative Group (MTS Doc. No. G1262.0-09), consistent with the draft Amendment No. 5. Ms. Bragg seconded the motion, and the vote was 14 to 0 in favor with Mr. Mullin absent.

#### NOTICED PUBLIC HEARINGS

25. Amendments to Ordinance No. 13, an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles, and Prohibited Actions on or About a Transit Facility, Trolley Station or Bus Stop (Samantha Leslie)

Samantha Leslie, Staff Attorney – Regulatory Compliance, reviewed Senate Bill 413 and stated that this bill allows a public transportation agency to enforce as an infraction the act of failing to yield seating reserved for elderly or disabled person in a facility or vehicle. Ms. Leslie reviewed how the policy will be implemented including designating a separate priority seating in each vehicle, apart from the wheelchair/securment area; revising Ordinance No. 13; revising standard operating procedures and training materials; changing the wording of signage for priority seating and wheelchair/securment areas; and providing notice to passengers through rider alerts, take ones and the website.

#### Public Comments

*Clive Richard* – Mr. Richard inquired how this policy will be implemented and enforced. He asked how much involvement an operator will have to enforce this policy.

Ms. Landers replied that the new row of seating will be priority for elderly and disabled and will need to be vacated, if needed. She stated that buses and trolleys will not be held up if a rider is not obeying the policy. The operator will call dispatch to send a security officer to meet the bus or trolley at the next stop.

*Lorraine Leighton* – Ms. Leighton stated that she is in support of this policy change. She asked for the Board members to ride the buses and trolleys to observe the challenges disabled people have while riding.

#### Action Taken

Ms. Bragg moved to: (1) adopt the proposed amendments to Ordinance No. 13 (An Ordinance regarding prohibited conduct onboard transit vehicles, and prohibited actions on or about a transit facility, trolley station or bus stop); and (2) direct publication of a summary of the amendments to Ordinance No. 13. Mr. Gastil seconded the motion, and the vote was 14 to 0 in favor with Mr. Mullin absent.

REPORT / DISCUSSION ITEMS:

32. San Diego Transit Corporation (SDTC) Pension Investment Status (Larry Marinesi and Jeremy Miller, Representative from RVK)

This report was waived.

Action Taken

No action taken.

33. San Diego Transit Corporation (SDTC) Employee Retirement Plan's Actuarial Valuation as of July 1, 2015 (Robert McCrory and Anne Harper of Cheiron Inc. and Larry Marinesi)

This report was waived.

Mr. Gloria commented that this item was discussed at the Executive Committee meeting and he encourages all of the Board members to keep an eye on the assumptions being made and to the potential budget impact.

Larry Marinesi, Chief Financial Officer, commented a complete actuarial experience study will be conducted and reported back to the Budget Development Committee and the Board of Directors in the spring of this year.

Action Taken

Mr. Alvarez moved to receive the SDTC Employee Retirement Plan's (Plan) actuarial valuation as of July 1, 2015. Mr. Minto seconded the motion, and the vote was 14 to 0 in favor with Mr. Mullin absent.

35. Taxicab Advisory Committee Membership Guidelines (Sharon Cooney) (TAKEN OUT OF ORDER)

Sharon Cooney, Chief of Staff, provided a presentation on the Taxicab Advisory Committee (TAC) membership guidelines. She reviewed the current makeup and recent history of the TAC. Ms. Cooney reviewed the December TAC recommendations which included adding a County Department of Agriculture, Weights and Measures non-voting representative; reducing the number of lease driver representatives from five to one; and increasing the number of Category 2 permit holder representatives (1 to 3 permits) by one. She noted that MTS staff does not agree with this recommendation, because there are still a considerable number of lease drivers still in the system. Ms. Cooney reviewed the MTS staff recommendation which included adding a County Department of Agriculture, Weights and Measures non-voting representative; changing the guidelines to reflect the Board's addition of a non-voting Sheriff's representative; and not recommending a change in the proportion of permit holders and lease drivers.

Public Comments

*Kamron Hamidi* – Mr. Hamidi commented that he has been on the TAC for five years. He believes that there are too many people that serve on the TAC. He recommended for the TAC

to become smaller. He also recommended freezing the eligibility determination by the date of the elections.

*Peter Zschiesche* – Mr. Zschiesche stated that he is with the Employee Rights Center and is also representing the United Taxi Workers of San Diego (UTWSD). He stated that they are in favor of the MTS staff recommendation.

#### Board Comments

Ms. Cooney commented that the recommendation of freezing the TAC eligibility when someone becomes a permit holder should be up to the discretion of the TAC and taken on a case by case basis.

Ms. Cole thanked Ms. Cooney and Bill Kellerman, Taxicab Administration Manager, for their hard work and efforts.

#### Action Taken

Ms. Cole moved to add a representative from the County of San Diego Department of Agriculture, Weights and Measures as a non-voting member of the Taxicab Advisory Committee and approve revisions to the Taxicab Advisory Committee Guidelines. Ms. Zapf seconded the motion, and the vote was 13 to 0 in favor with Mr. Mullin and Mr. Roberts absent.

#### 34. Taxicab Permitting Report (Sharon Cooney and Bill Kellerman) (TAKEN OUT OF ORDER)

Mr. Kellerman provided a presentation on the progress of taxicab permit issuance. He reviewed the history of the recent City policy changes for taxicab regulation. He discussed the implementation of the new policy changes and stated that in March 2015, MTS received approximately 1,300 interest forms requesting approximately 1,500 total permits. Mr. Kellerman said that a permit applicant fact sheet was developed which outline the new requirements. He reviewed the progress to date, stating the staff has conducted 638 applicant orientations; 258 completed applications have been returned by applicants for processing; 141 taxicabs have passed inspection and are in service; and approximately half the list of interested parties have been processed. He noted that they are currently ahead of their processing projections estimated from June 2015. Mr. Kellerman reviewed the improvements staff implemented to maximize efficiency in processing applications. Lastly, he stated that a typical application timeline is three to four months; however, he noted that each applicant is different and it takes different amounts of time to process applications on a case by case basis.

#### Public Comments

*Tony Hueso* – Mr. Hueso stated that he is concerned with the report and believes that there are relevant issues missing for the report. He said that he doesn't think the taxicab industry model is a relevant model anymore, but going towards an obsolete model. Mr. Hueso stated that he believes the current model is too restrictive and regulated compared to other industries.

#### Board Comments

Mr. Gloria inquired if staff is looking at the fees that are being assessed and if there are going to be any recommendations to change the fees that are being charged. Ms. Cooney replied that



fees are not going to be reviewed at this time, because there has not been a large enough number of permits issued; staff is still be hired and added to help this process; and there are hard costs associated as well. Ms. Cooney also noted that the fees being collected are mostly one-time fees. Mr. Gloria commented that there needs to be more work done to find ways to save the taxicab industry and he said that he is open to additional reforms to ensure that happens.

Ms. Zapf inquired if previous permit holders had to reapply for a new permit. Ms. Cooney replied that they only had to pay their annual fees and go through the inspection process.

Mr. Alvarez asked how many applications have been denied. Mr. Kellerman replied that four to five applications have been denied. Mr. Alvarez inquired about the remaining applications pending. Mr. Kellerman replied that there are different reasons for pending applications, such as the applicant is still in the process of getting their car, obtaining radio service, waiting for their background check to be completed or other various reasons.

Action Taken

No action taken.

36. 2016 State and Federal Legislative Programs (Sharon Cooney)

Ms. Cooney briefly reviewed the 2016 Federal legislative priorities as well as the 2016 State legislative priorities.

Action Taken

Ms. Zapf moved to approve staff recommendations for 2016 federal and state legislative programs. Mr. McClellan seconded the motion, and the vote was 10 to 0 in favor with Messrs. Alvarez, Minto, Mullin and Roberts and Ms. Salas absent.

37. MTS Advertising Campaign (Rob Schupp)

This item was deferred to the February 11, 2016 meeting.

Action Taken

No action taken.

38. Operations Budget Status Report for November 2015 (Mike Thompson)

This report was waived.

Action Taken

No action taken.

60. Chairman's Report

There was no Chairman's report.

61. Chief Executive Officer's Report

Mr. Jablonski reported that he traveled to Sacramento on two separate occasions to discuss the zero emission bus (ZEB) matter. The first trip he met with Richard Corey, Executive Director of the California Air Resources Board (CARB), and the second trip he met with representatives from the Governor's office. He stated that he also traveled to Orange County to meet with the transit advisory group which was formed to advise CARB on the ZEB issue. He also noted that he was elected Chair of that committee.

62. Board Member Communications

Mr. Gastil noted that he recently attended the Facilitating Access to Coordinated Transportation (FACT) 10<sup>th</sup> anniversary event.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is February 11, 2016.

65. Adjournment

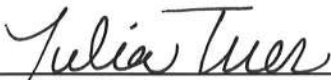
Chairman Mathis adjourned the meeting at 12:05 p.m.



Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Clerk of the Board  
San Diego Metropolitan Transit System



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 14, 2016

CALL TO ORDER (TIME): 9:00 a.m.

RECESS: \_\_\_\_\_

RECONVENE: \_\_\_\_\_

CLOSED SESSION: 9:13 a.m.

RECONVENE: 10:42 a.m.

PUBLIC HEARING: 11:09 a.m.

RECONVENE: 11:25 a.m.

ORDINANCES ADOPTED: 1

ADJOURN: 12:05 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:06 a.m.	12:00 p.m.
BRAGG	<input checked="" type="checkbox"/> (Spriggs) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
COLE	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input checked="" type="checkbox"/>	9:00 a.m.	11:05 a.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:06 a.m.	12:05 p.m.
GLORIA	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	12:05 p.m.
MCCLELLAN	<input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	11:40 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:07 a.m.	11:30 a.m.
SALAS	<input checked="" type="checkbox"/> (Miesen) <input type="checkbox"/>	9:00 a.m.	11:53 a.m.
WOIWODE	<input checked="" type="checkbox"/> (Sandke) <input type="checkbox"/>	9:00 a.m.	12:05 p.m.
ZAPF	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:07 a.m.	12:05 p.m.

SIGNED BY THE CLERK OF THE BOARD: Julia Tuer

CONFIRMED BY THE GENERAL COUNSEL: Kary Cera