

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC), AND
SAN DIEGO TROLLEY, INC. (SDTI)
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

June 23, 2011

MINUTES

1. Roll Call

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

2. Approval of Minutes

Mr. McClellan moved to approve the minutes of the May 26, 2011, MTS Board of Directors meeting. Mr. Ovrom seconded the motion, and the vote was 9 to 0 in favor with Ms. Zarate abstaining.

3. Public Comments

Mikail Hussein – Mr. Hussein is representing the United Taxi Workers of San Diego (UTWSD). He stated there are 2,000 leased taxi drivers in the county of San Diego, and the taxi drivers would like to occupy an extra seat just given up by the San Diego Chamber of Commerce on the Taxicab Advisory Committee (TAC).

John Wood – Mr. Wood is asking the Board of Directors to consider moving the handicap pickup area down the platform at the Lemon Grove Depot trolley station so that the crossing gates are not triggered to come down and block traffic during passenger boarding and debarking. Mr. Jablonski commented that regulatory requirements make certain elements about crossing gates and timing out of MTS control. He stated that staff will continue to evaluate the issue and will follow up with a written response directly to Mr. Wood.

CONSENT ITEMS:

6. MTS: Portable Toilet Rental Services - Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1379.0-11 with Diamond Environmental for portable toilet rental services for a three-year base with 2 one-year options.

7. MTS: Certifications and Assurances for the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Funds

Action would approve Resolution No. 11-7, which agrees to comply with all conditions and requirements set forth in the Certifications and Assurances document and applicable statutes, regulations, and guidelines for all Public Transportation Modernization, Improvement, and

Service Enhancement Account- (PTMISEA)-funded transit projects and authorizes the CEO or designated representative to execute all required documents of the PTMISEA program and any amendments thereto with the California Department of Transportation (Caltrans).

8. MTS: NABI Brake Linings and Disc Brake Pads - Contract Award

Action would authorize the CEO to execute a five-year contract (MTS Doc. No. B0556.0-11) with North American Bus Industries (NABI) for brake linings and disc brake pads.

9. MTS: Taxicab Committee Revised Guidelines

Item No. 9 was pulled from the Consent Agenda for discussion

Sharon Cooney, Chief of Staff, provided background for the Taxicab Advisory Committee (TAC) Guidelines and how members of the TAC were selected. She advised the Board members that the Workshop on Regulatory Matters (WORM) had met to discuss how to fill the seat vacated by the San Diego Chamber of Commerce. After discussions as to whether to fill the position with another driver representative or another agency, the WORM decided that the best entity to fill the seat would be the Sheriff's Licensing Division.

Mikail Hussein – Mr. Hussein is representing the UTWSD and stated that he was happy that the underrepresentation of drivers on the TAC was being recognized. He explained that there were not 3 owners but actually 9 owners versus 1 driver on the Committee, which was unacceptable. He also stated that the drivers have no problem with the Sheriff's Department being on the Committee, but that the driver issues were misrepresented. He urged the Board not to pass the guidelines presented.

Peter Zschiesche - Mr. Zschiesche is from the Employee Rights Center of San Diego and explained that they have law students helping UTWSD understand taxi driver dynamics. He stated that due to the way the TAC was formed, the drivers have a detriment because they are shut out. He explained that at the last Committee meeting representation was proposed expanding driver selection, but the Committee did not support it and instead decided on the Sheriff's Department to be the go-between with the drivers. He stated that it is not appropriate because when drivers or the UTWSD have an issue with the Sheriff's Department, they deal with them directly. He stated that there are 2,000 drivers, and they should have a larger representation on the Committee.

Margo Tanguay – Ms. Tanguay is the leased driver representative on the TAC, and she gave a brief background of the Committee. She explained that the Committee was established originally by the City of San Diego's City Council and was taken over by MTS in 1988. She expressed her opinion that an educator needs to be a part of the Committee to provide training. She stated that the UTWSD did not represent all 2,000 drivers and said that some of them work for TSA, airlines, and hotels, and that many of them have other businesses.

Ms. Emerald asked Ms. Cooney what the configuration of the TAC was and Ms. Cooney gave the Board a breakdown of the members.

Ms. Emerald made a motion (motion #1) to amend the staff recommendation to incorporate 4 taxi drivers and 5 taxi owners on the Committee. Mr. Mathis asked for clarification as to what change Ms. Emerald wanted to make. Ms. Emerald said that instead of having 8 owners and 1

driver, that the Board even out the number of drivers and owners. The motion was seconded by Mr. Young.

Karen Landers, General Counsel, said that the proposed motion was too far away from what the staff recommendation was and for purposes of the Brown Act, the motion would need to be pushed back to the next Board meeting as the agenda item was only relative to replacing the Chamber representative with the Sheriff representative.

No action was taken on motion #1.

Ms. Emerald then moved (motion #2) that Consent Item No. 9 be continued to the next Board meeting as the reconfiguration of the TAC to give drivers greater representation in the industry.

Chairman Mathis stated that bringing the item back to the next Board meeting would be too soon and that it should go to the TAC for discussion because it was not discussed in the current context. Ms. Emerald stated that the Committee was not interested in discussing it, and that the only place that changes could occur was at the Board level. She again requested that it be continued to the next Board meeting to vote on reconfiguring the Committee. Mr. Young seconded the motion.

Board members expressed their concern about making a decision regarding TAC representatives without hearing input from the TAC itself.

Ms. Emerald again stated that she would like the item continued to the next meeting so there could be a full vetting and a public hearing. She also stated that if necessary, as Chair of the Public Safety and Neighborhood Services Committee, she could call a special hearing to do the initial vetting and bring a recommendation back to the Board.

Mr. Mullin proposed an amendment to motion #2 (Mullin amendment) deleting the requirement that the agenda item come back to the Board on July 14, 2011, and instead requiring it to come back to the Board "as soon as possible" after the TAC is able to hold a meeting and make a recommendation about additional changes to the TAC membership composition.

The Board voted 6 to 8 in favor of the Mullin amendment, with Rindone, Mullin, Ewin, McClellan, Mathis and Ovrom in favor, Emerald, Gloria, Janney, Lightner, Gastil, Minto, Zarate and Young opposed, and Roberts absent. The amendment failed to pass.

Chairman Mathis called for a vote from the Board to vote on motion #2 without any restrictions. The vote was 7 to 7 with Emerald, Gloria, Lightner, Gastil, Minto, Zarate and Young in favor, Rindone, Mullin, Ewin, McClellan, Mathis, Ovrom and Janney opposed, and Roberts absent. Motion #2 failed to pass.

Ms. Emerald made a new motion (motion #3) to continue the agenda item to the July 14, 2011, Board meeting, on the condition that the TAC and City of San Diego PS&NS Committees are able to meet and provide feedback to the Board before the July 14, 2011 meeting. If the TAC and PS&NS Committees are unable to meet within this timeframe, the agenda item will be continued until these conditions are satisfied. It was clarified that this specific agenda item to be docketed for the July 14, 2011 or later Board meeting is to be expanded in scope to allow the Board to take any action related to the TAC membership composition. Mr. Ovrom seconded the motion. The motion passed by a vote of 15 to 0 in favor.

10. MTS: Fiscal Year 2012 Transportation Development Act (TDA) Claim

Action would adopt Resolution Nos. 11-8, 11-9, and 11-10 approving fiscal year (FY) 2012 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

11. MTS: Increased Authorization for Legal Services - Wheatley Bingham & Baker

Action would authorize the CEO to execute MTS Doc. No. G1111.18-07 with Wheatley Bingham & Baker for legal services and ratify prior amendments entered into under the CEO's authority.

12. MTS: Increased Authorization for Legal Services - Law Offices of Mark H. Barber, APC

Action would authorize the CEO to execute MTS Doc. No. G1162.11-08 with the Law Offices of Mark H. Barber for legal services and ratify prior amendments entered into under the CEO's authority.

13. MTS: GIRO, Inc. Regional Scheduling System (RSS) - Contract Amendment

Action would: (1) authorize the CEO to execute MTS Doc. No. G0856.17-03 with GIRO, Inc. to fund the HASTUS Maintenance and Service Support Agreement for the Regional Scheduling System (RSS) contract for the period from July 1, 2011, through June 30, 2012; (2) ratify MTS Doc. No. G0856.15-03 with GIRO, Inc., which was previously executed under the CEO's authority to fund the Service Support Agreement for the HASTOP module for FY 11; and (3) ratify MTS Doc. No. G0856.16-03 with GIRO, Inc., which was previously executed under the CEO's authority to fund the HASTOP poster changes for FY 11.

14. MTS: Renewal of San Diego Transit Corporation and San Diego Trolley, Inc. Operating and License Agreements

Action would authorize the CEO to execute MTS Doc. No. T0035.4-90 with San Diego Transit Corporation (SDTC) and MTS Doc. No. T0034.4-90 with San Diego Trolley, Inc. (SDTI) for the renewal of operating and license agreements.

15. MTS: Increased Authorization for Legal Services - Law Offices of David C. Skyer

Action would authorize the CEO to enter into MTS Doc. No. G1108.7-07 with Law Offices of David C. Skyer for legal services and ratify prior amendments entered into under the CEO's authority.

16. SDTC: Trapeze Software License and Maintenance Agreement

Action would authorize the CEO to execute MTS Doc. No. B0563.0-11 with Trapeze Software Group, Inc. (Trapeze) for a software license and maintenance agreement for a base period of two years with one option year.

17. MTS: Motorola Regional Transit Management System - Service Contract Amendment

Action would authorize the CEO to execute: (1) MTS Doc. No. G0867.12-03 with Motorola, Inc. to extend the Regional Transit Management System (RTMS) warranty support period from July

1, 2011, to December 31, 2011; and (2) MTS Doc. No. G0868.6-03 with North County Transit District (NCTD) for a Funds Transfer Agreement.

Action on Recommended Consent Items

Mr. Rindone moved to approve Consent Agenda Item Nos. 6, 7, 8, 10, 11, 12, 13, 14, 15, 16 and 17, with Item No. 9 docketed to the next meeting. Mr. McClellan seconded the motion, and the vote was 10 to 0 in favor.

CLOSED SESSION:

The Board convened to Closed Session at 10:21 a.m.

- 24. a. SDTI: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6
Agency-Designated Representative - Jeff Stumbo
Employee Organization - Transit Enforcement Officers Association
- b. SDTI: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6
Agency-Designated Representative - Jeff Stumbo
Employee Organization - International Brotherhood of Electrical Workers, Local 465

The Board reconvened to open session at 10:36 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report and gave direction to staff.
- b. The Board received a report and gave direction to staff.

NOTICED PUBLIC HEARINGS:

- 25. None.

DISCUSSION ITEMS:

- 30. None.

REPORT ITEMS:

- 45. MTS: Operations Budget Status Report for April 2011

Mike Thompson, Budget Manager, provided the Board with a report on the budget status for operations during the month of April 2011. He explained that operations produced an \$812,000 favorable variance, and the administrative/other activities areas were favorable by \$490,000. He also explained that the year-to-date combined revenues through April 2011 were \$77,359,000 compared to the year-to-date amended budget of \$76,848,000 representing a \$511,000 positive variance, which is primarily due to a favorable variance within passenger revenue. He explained further that the year-to-date combined expenses through April 2011 were \$182,189,000 compared to the year-to-date amended budget of \$182,980,000 resulting in a \$791,000 favorable variance.

Mr. Thompson stated that the year-to-date net-operating income totaled a favorable balance of \$1,302,000 (1.2%). He stated that these factors include favorable variances in passenger revenue, personnel costs, outside services, and risk management costs partially offset by unfavorable variances in materials and supplies expenses and fuel costs.

Action Taken

Mr. Minto moved to receive the MTS operations budget status report for April 2011. Ms. Zarate seconded the motion, and the vote was 11 to 0 in favor.

46. MTS: 2011 Rock 'n' Roll Marathon Recap

Mr. Jim Byrne, Director of Transportation for MTS, provided an overview of bus service for the 2011 Rock 'N' Roll Marathon held on Sunday, June 5. He explained that this year's event prerace parking was moved back to the Airport Authority parking lot and was supplemented by a premium lot at SeaWorld. He mentioned that MTS staff met extensively with the Competitor Group, Bauer, SDPD, and MTS Trolley to coordinate transportation.

Mr. Byrne discussed the cooperation between all service providers, MTS Bus, Veolia Transportation, operators, supervisors, and service trucks to provide timely and seamless service for runners and guests. He mentioned that the service impact on existing service and the cause to operate on detours during the race, and most of the downtown routes resumed normal operations after 10:00 a.m. He expanded that the trolley bridge required 8 shuttle buses to shuttle passengers between Smart Corner and Fifth and B Street, which operated from 6:30 a.m. to 9:45 a.m.

Mr. Byrne explained the first bus was sent out to the Start Line at 3:40 a.m., and 75 buses were dedicated to getting the runners to the start line. He mentioned that 7,401 runners were transported to the starting line, and that a grand total of 26,361 passengers were carried during the event.

Mr. Tom Doogan, Special Events and Operations Coordinator for MTS, provided an overview of light rail transit (LRT) service for the 2011 Rock 'N' Roll Marathon. He mentioned that special downtown operations lasted 3½ hours because the marathon course intersected trolley tracks at four locations. He also mentioned that the marathon start times were staggered over a 50-minute time frame; this and the addition of a half-marathon caused participation to increase from 24,664 for 2010 to 26,485 in 2011, which is a 7% increase.

Mr. Doogan explained that runners were allowed to ride the trolley at no cost and used their official race number as their ticket, (costs were covered by the Competitor Group). He also

explained that ticket sales were available in advance at the marathon expo as well as at trolley stations with 2011 sales of \$58,431, and it is believed that the event was revenue positive for MTS Rail.

Action Taken

Mr. Minto moved to receive a report for information. Mr. McClellan seconded the motion, and the vote was 12 to 0 in favor.

60. Chairman's Report

Chairman Mathis mentioned that he had recently attended the American Public Transportation Association (APTA) Rail Conference in Boston. He stated that the overall theme presented was the uncertainty of reauthorization funds and New Starts programs related to public transportation. He mentioned that there are many rail projects and rail-expansion projects happening around the country and was happy to see an increased interest in streetcar projects.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin reported that an exit interview was conducted, and additional work for the audit is ongoing.

62. Chief Executive Officer's Report

Mr. Jablonski mentioned that he attended the APTA Rail Conference in Boston. He explained that the conference covered many topics such as funding issues, technical issues dealing with rail cars, transit systems, and fare policies. He mentioned that he was voted as the Vice Chair of the CEO Rail Committee. He also mentioned that there has been discussion of federal funding cuts in Washington of up to 30%, which would be an \$18 million cut to MTS. He stated that New Starts federal funding did receive a 25% cut during preliminary concessions.

63. Board Member Communications

Mr. Janney questioned how New Starts federal funding cuts would affect the Mid-Coast project. Mr. Jablonski explained that even modest cuts could have a big effect because cuts mean there are no funds for new projects. He explained that some cities are being very aggressive in their rail-expansion efforts, and he feels that we need to ramp up our advocacy efforts. He stated that if funding continues at the current level, the Mid-Coast project will go into preliminary engineering; if funding is cut, the project will take a backseat.

Mr. Rindone congratulated Chairman Mathis for the successful restoration of the vintage trolleys. He also gave compliments to Mr. Jablonski and staff for work on the Blue Line rehabilitation and feels that the rehabilitation will be good for all southern San Diego cities. He mentioned that he attended the LOSSAN meeting yesterday in Oceanside, which is comprised of six southern counties from Santa Barbara to San Diego. He stated that double-tracking extension is going to happen soon, and there will be new, consistent signage at rail stations, and a change in bylaws just occurred. He stated that the group is also considering adding the County of Riverside.

64. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, July 14, 2011.

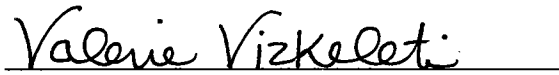
66. Adjournment

Chairman Mathis adjourned the meeting at 11:09 a.m. in memory of Arlene Fleming and her 21 years of service and devotion to the organization.



Chairperson
San Diego Metropolitan Transit System

Filed by:



Office of the Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): June 23, 2011

CALL TO ORDER (TIME): 9:04 AM

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 10:21 AM

RECONVENE: 10:36 AM

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 11:09 AM

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
CASTANEDA	<input type="checkbox"/> (Rindone) <input checked="" type="checkbox"/>		
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input checked="" type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/> (Sterling) <input type="checkbox"/>		
EMERALD	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:17 AM	10:36 AM
ENGLAND	<input type="checkbox"/> (Gastil) <input checked="" type="checkbox"/>		
GLORIA	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:41 AM	
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:08 AM	
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:17 AM	
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		
VAN DEVENTER	<input type="checkbox"/> (Zarate) <input checked="" type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		10:21 AM

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD: Valerie Vizkeletti

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL: John L. Lavelle