

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

July 14, 2011

DRAFT MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:11 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Castaneda moved to approve the minutes of the June 23, 2011, MTS Board of Directors meeting. Mr. Van Deventer seconded the motion, and the vote was 8 to 0 in favor.

3. Public Comments

*John Wood* – Mr. Wood commented about the crossing gates and timing at Lemon Grove Depot station and stated that an underground tunnel would solve the problem. He also commented that if MTS could not afford to build a tunnel, then MTS should hire the cartels to do it.

*Dale Chock* – Mr. Chock was present to talk about his harassment by police at the San Diego State University (SDSU) Transit Center. He explained that he had prolonged contact with patrolmen; they asked if they could pat him down. He stated that they were physically intrusive and questioned him over and over even though they had no reason to stop him.

Chairman Mathis responded that Mr. Chock should write a formal complaint to SDSU. Mr. Jablonski stated that the transit center is SDSU property, and MTS uses it by easement. He told Mr. Chock to give his contact information to his staff, and he will be in touch with his contact at the university regarding his complaint.

*Lorraine Leighton* – Ms. Leighton stated that she witnessed 2 supervisors smoking at the Convention Center taxicab shelter even though there is a 25 foot smoking restriction in place.

CONSENT ITEMS:

6. Caltrans Mass Transportation Program Master Agreement for State-Funded Projects  
Action would adopt Resolution No. 11-11 authorizing the Chief Executive Officer (CEO) or designated representative to execute Master Fund Transfer Agreement A0041 A01 with the California Department of Transportation (Caltrans).

7. Cuyamaca/Gillespie Field Airplane Damage Repairs

Action would authorize the CEO to reimburse the San Diego Association of Governments (SANDAG) for invoices related to Cuyamaca/Gillespie Field airplane damage repairs.

8. Investment Report - May 2011

Action would receive a report for information.

9. SANDAG FY 2012 Budget Amendment - Light Rail Vehicle (LRV) Car Wash Replacement and Substation SCADA Design

Action would authorize the San Diego Association of Governments (SANDAG) to amend its FY 2012 Capital Improvement Program (CIP) budget and transfer \$200,000 from CIP 1144000 (Substation SCADA Design) to CIP 1128600 (LRV Car Wash Replacement).

Action on Recommended Consent Items

Ms. Lightner moved to approve Consent Agenda Item Nos. 6, 7, 8, and 9. Ms. Emerald seconded the motion, and the vote was 11 to 0 in favor.

CLOSED SESSION:

24. None.

DISCUSSION ITEMS: *(Taken Out of Order)*

30. Taxicab Administration Workshop and Revised Guidelines Related to Taxicab Advisory Committee Membership

John Scott, Taxicab Administration Manager, gave the Board an overview of the taxicab industry as it relates to MTS jurisdiction. He talked about the history of MTS's role in the taxicab industry, obligations under agreements, vehicle inspections, set rates of fare, permitting, and MTS's relationship to taxicab drivers. Mr. Scott explained that MTS does not license taxicab drivers-it is the Sheriff's responsibility.

Karen Landers, General Counsel, described the roles and responsibilities of the Taxicab Committee, which is advisory to the MTS Board of Directors. She also talked about the recent history of events surrounding the change in membership to the Taxicab Advisory Committee (TAC). She then gave an overview of the current recommendations for TAC membership as reflected in the chart below.

Current Taxicab Advisory Committee	Recommendation by the Taxicab Advisory Committee and Executive Committee	City Council Resolution
17 members	19 members	17 members
1 MTS Board	1 MTS Board	1 MTS Board
7 tourism/user <ul style="list-style-type: none"> <li>- Con Vis</li> <li>- Airport Authority</li> <li>- Convention Center</li> <li>- Travelers' Aide</li> <li>- Hotel/Motel Industry</li> <li>- Hotel/Motel Industry</li> <li>- Regional Chamber of Commerce</li> </ul>	7 tourism/user <ul style="list-style-type: none"> <li>- Con Vis</li> <li>- Airport Authority</li> <li>- Convention Center</li> <li>- Travelers' Aide</li> <li>- Hotel/Motel Industry</li> <li>- Hotel/Motel Industry</li> <li>- Sheriff's Licensing Division</li> </ul>	6 tourism/user <ul style="list-style-type: none"> <li>- Con Vis</li> <li>- Airport Authority</li> <li>- Convention Center</li> <li>- Travelers' Aide</li> <li>- Hotel/Motel Industry</li> <li>- Hotel/Motel Industry</li> </ul>
8 owners <ul style="list-style-type: none"> <li>- 3 owners 1-3 cabs (includes 1 owner/driver on current TAC)</li> <li>- 5 owners 4+ cabs</li> </ul>	7 owners ( -1 owner rep – see new owner/driver position below) <ul style="list-style-type: none"> <li>- 2 owners 1-3 cabs</li> <li>- 5 owners 4+ cabs</li> </ul>	5 owners ( -3 owner reps)
1 leased driver	3 leased drivers ( +2 driver reps)	5 leased drivers ( +4 leased driver reps)
	1 owner/driver <ul style="list-style-type: none"> <li>- (transfer from owner category and designated as required owner/driver)</li> </ul>	

Ms. Lightner commented that she was surprised the Executive Committee meeting on July 7 included a vote when the direction given at the last Board of Directors meeting was to bring it back to the Board at the July 14 meeting. She also stated that Ms. Emerald should have been involved in the Executive Committee discussions as well as the Public Safety & Neighborhood Safety (PS&NS) recommendation.

Ms. Emerald wanted to know if the TAC had an alternate policy. Mr. Scott stated that currently an individual can appoint their own alternate on the TAC. Ms. Emerald also wanted to know when the current positions come up for reelection. Mr. Scott responded that all positions will be up for election in 2013. Ms. Emerald stated that she appreciates staff working on this issue and getting the information to the Board in such a timely manner.

#### Motion

Ms. Emerald moved to adopt the City of San Diego Resolution No. R-2012-14 wherein the composition of the TAC will include an equal number of taxicab drivers and taxicab owners

(without increasing the number of members on the committee). The motion also requires that drivers elected to the TAC have a minimum of 3 years' experience. Ms. Lightner seconded the motion.

Chairman Mathis stated that a vote on the motion would not take place until the public speakers were finished making comments.

#### Public Comments

*Akbar Majid* – Mr. Majid stated that this issue is moving at the speed of a bullet. He feels that staff have worked hard and diligently on the issue and stated he is in support of the MTS staff recommendation.

*Fata Arghand* – Mr. Arghand stated that he would like to give his three minutes of speaking to the next speaker, Anthony Palmeri.

*Anthony Palmeri* – Mr. Palmeri is the President of Yellow Radio service, which is composed of 85 owners; mostly driver/owners. He has been involved with the TAC since 1989. He said that he does not want people to get the impression that this issue is owners versus drivers, and he feels that the drivers are ultimately more important. He also explained that the TAC chose to have a representative from the Sheriff's Licensing Division because it regulates all taxi drivers in the county except for Coronado. He stated that drug testing is done by the Sheriff's Licensing Division, which also has the authority to take permits away from drivers. He believes that the Workshop on Regulatory Matters (WORM) should have regular frequent meetings with drivers to hear problems. Mr. Palmeri stated that he has never heard of independent contractors being members on a Board with business owners. He stated his support for the TAC recommendation.

Ms. Lightner asked Mr. Palmeri which entity he represents on the TAC. Mr. Palmeri responded that he is the Travelers' Aide representative and that he owns 1 taxicab which is operated in the City of San Diego.

*Thomas Lam* – Mr. Lam is an intern with the United Taxi Workers of San Diego (UTWSD), and he supports the City Council resolution. He is asking for a committee roster on the TAC that gives the industry a voice, and one that reflects its constituents. He stated that there is not a magical marriage between drivers and lease holders.

*Sarah Saez* – Ms. Saez is a volunteer with UTWSD as well as the Employee Rights Center, and she stated some examples of cities that have incorporated equal numbers of drivers and equal numbers of permit holders on their Boards. She explained that drivers are not treated as employees; they are independent contractors, and therefore they pay business taxes, receive no health benefits, or workers' compensation, and are unable to form a union. She stated that taxi drivers are business people who have a right to be represented equally and encourages the Board of Directors to adopt the City Council Resolution.

*Matt Freeman* – Mr. Freeman is representing the UTWSD, and the Employee Rights Center. He wanted to explain that lease drivers and permit holders are very different. He is encouraging the Board to pass an equal representation recommendation.

**Mikaili Hussein** – Mr. Hussein is representing the UTWSD, and feels that increasing driver representation on the TAC will help expose the burdens of the taxi drivers and give them a place to bring forward complaints. He thanked Ms. Emerald for her support and vision in promoting equality.

**Jesse Mills** – Mr. Mills is a professor at the University of California, San Diego and volunteers with the UTWSD. He stated his support for the City Council Resolution creating equal representation on the TAC. He explained that he has not heard a good argument as to why the TAC needs to be an owner-dominated committee. He applauds Board members Emerald, Gloria, and Young for their decisive leadership. He then stated that there is an equity issue pertaining to drivers elected to the TAC (such as "good standing") and feels that there should be an amendment made to 2.3 and 2.4 of the agenda item.

**Moni Kehinde** – Ms. Kehinde is a lawyer with the Equal Rights Center and represents UTWSD. She stated that there is a culture of intimidating and harassing drivers. She provided an example with Mr. Hussein's case and trying to get a copy of his lease. She said that drivers are mistreated, and the drivers are present today because all citizens have a right to be heard.

**Tony Hueso** – Mr. Hueso is a small business owner who has been in business for 29 years. His problem is with government, and he wants the Sheriff's Department to be involved on the TAC. He stated that he is a volunteer member of several Boards, and he finds it disrespectful when decisions have been made without hearing all the details. He stated that everyone wants to be an owner - all drivers or permit holders want to be an owner. He explained that small businesses are not represented on the TAC, and he is asking for a fair, equitable process. He wants more government at the table and is in support of the TAC recommendation.

**Alex Gebreselassie** – Mr. Gebreselassie's family owns 5 permits and has recently been chosen to represent on the TAC. He explained that every owner on the TAC has been a driver at some point with the same complaints, and the industry has flourished on behalf of what past owners have done. He explained that there used to be a shortage of drivers but now there a shortage of taxis to drive. He stated that the TAC is willing to compromise, and change should come out of progression.

**Ahmed Sahid** – Mr. Sahid was not present during his time to speak.

**Rabbi Laurie** – Rabbi Laurie feels that taxi drivers should be able to speak without fear, and justice would demand equal representation on the TAC. She said that the Board must turn toward an equal voice on the TAC. She feels it is very sad that most taxi drivers are concerned about retaliation if they speak today and that there are 2,000-plus drivers who are called the "driving poor." She feels that people doing the driving deserve a voice without worry of retaliation.

**Kifle Ande** – Mr. Ande has been a taxicab owner and operator since 1987 and stated his support for the MTS staff recommendation. He wants to protect the integrity of the industry. He wishes the best for the drivers, but stated that you have to work hard to succeed.

**Albert Mavashiev** – Mr. Mavashiev is a new lease holder and operator and has been very vocal about his complaints and has not experienced any retaliation. He feels that it is impossible to satisfy everyone. He explained that he became involved in the taxi industry when he was laid

off from vehicle repair work with a successful dealership. He explained that he is self-employed and has no benefits.

*Bemnel Hailemichael* – Mr. Hailemichael has been driving since 1989 and is now an owner and a driver. He believes there is a problem with equality and feels that owner/drivers should be represented on the TAC.

*Abdelazi Ari* – Mr. Ari stated that he is a driver and is \$100 in debt before he walks out the door every morning for work and an owner is not, so they are not the same.

*Faraidon Bustani* – Mr. Bustani is a permit holder and the grassroots of the taxi industry in San Diego. He said that the drivers always complain about the owners and cannot understand why as they work side by side. He explained that not everyone can be a taxi owner. He stated that he is proud of himself, his family, and his business, and he hopes this meeting does not hurt his business.

*Mosses Uldermarian* – Mr. Uldermarian is currently an independent owner/driver. He has been a driver for 21 years in San Diego and feels that owner/operators need to be included on the TAC. He stated that the fairest proposal is the MTS recommendation.

*Margo Tanguay* – Ms. Tanguay explained that the lease program was an act of Congress signed by Jimmy Carter back in 1978. She feels that adding a member from the Sheriff's Department to the TAC will create a level playing field. She stated her support for the MTS recommendation. She also stated her support for adding a driver with 1 year plus to provide fresh input.

*Mr. Mumin* – Mr. Mumin is speaking on behalf of taxi drivers being oppressed by taxi owners, and he would like MTS help in regulating issues.

*Mr. Herzi* – Mr. Herzi has been driving a taxi for almost 20 years and applied many times for a medallion; he feels there needs to be more rights for drivers.

*(Taken Out of Order)*

*Mr. Noah* – Mr. Noah was present to talk about the limousine service takeover that is going on at hotels. He believes that limousine services are only supposed to pick up scheduled customers. He also requested uniform prices for all taxis.

#### Discussion

Ms. Emerald stated that after listening to the public comments, she would like to amend her motion to expand "good standing" to include owners. Ms. Lightner agreed to the amended motion.

Ms. Lightner would like staff to come back with a well-thought-out recommendation to the Board of Directors regarding guidelines for the TAC membership. She also stated that she would like annual elections staggered. She feels there needs to be a discussion on term limits as well as cross-pollination restrictions.

Chairman Mathis stated his reluctance for the Board of Directors to legislate the details of the TAC membership.

Ms. Emerald stated that she does not think the election process to the TAC would be micromanaging, and she would like staff to put forward some ideas on a process to achieve the intent of the vote as soon as possible.

Mr. Ovrom questioned why the City Council Resolution has left out the Sheriff's Licensing Division from the TAC. Ms. Emerald expressed concern for a regulator sitting on the committee and stated that she felt there could be a conflict of interest with a regulator also making decisions.

Mr. Roberts acknowledged that Ms. Tanguay has worked tirelessly for years and has missed very few meetings. He feels she has a very good understanding of the taxi industry. He stated that the TAC was formed to deal with quality of service and safety issues that were not taken seriously, and there was a great deal of concern to ensure professionalism. He explained that the City of San Diego was frustrated and asked MTS to take over. He stated that after listening to this discussion today he is rethinking his position. He feels that discussions have pitted owners and drivers against each other when the purpose of the TAC is to bring them together. He explained that he would like to see 3 owners of 1-3 cabs, 3 owners of 4 or more cabs, and 3 leased drivers while keeping the other members as is. He also stated that the Board is overlooking the uniqueness of the industry and trying to rush change. He does not support the motion, and if the motion does not pass, he would like to look at a smaller breakdown, as stated above, and add the Sheriff's Licensing Division or a neutral party associated with the visitor industry.

Mr. Castaneda sees incongruence with respect to revenue and increased insurance costs putting an unfair strain on the industry. He stated that if he has to vote on this issue, he will reflect on the public safety of those that use the services. He stated his support for Ms. Emerald's motion.

Ms. Bragg thanked the drivers for being present at the Board meeting and providing input. She stated that her family used to own a taxi company and so she is familiar with both sides of the issue. She explained that she would love to support the spirit in which the motion is offered; however, she is not ready to vote on it. She feels that components of the puzzle are missing specifically the election process not vetted out enough and perhaps the allocation of the seats on the TAC. She suggested 5 tourism/users, 5 owners, and 5 leased drivers to make sure it is a healthy balance and fair representation for everyone.

Chairman Mathis commented that having a representative from the Sheriff's Licensing Division on the TAC could be a benefit. Ms. Emerald stated they could be an ex-officio member.

Mr. Minto shared his opinion that law enforcement should be represented at the committee meetings, but they should not be an active member of the TAC.

Chairman Mathis stated that in terms of the vote of the Board, the staff will work out the details with respect to the elections with a proposal that the Board can review.

#### Action

The motion failed by 7 to 3 with Castaneda, Emerald, Gloria, Lightner, Minto, Van Deventer, and Young in favor; Bragg, Ovrom, and Roberts opposed; Chairman Mathis abstaining; and

Cunningham, England, and McClellan absent. Mr. Mathis stated that the motion needs 8 votes to pass. Ms. Emerald stated that she would like to call for a weighted vote. Mr. Jablonski commented that another jurisdiction besides the City of San Diego needs to join in a request for a weighted vote. Mr. Castaneda representing the City of Chula Vista stated that he is willing to support a weighted vote.

Ms. Bragg, representing the City of Imperial Beach, then opted to change her vote to support the motion. Chairman Mathis called for a re-vote of the motion. The vote was 8 to 2 with Bragg, Castaneda, Emerald, Gloria, Lightner, Minto, Van Deventer, and Young in favor; Ovrom and Roberts opposed; Chairman Mathis abstaining; and Cunningham, England, and McClellan absent. The motion carries.

Ms. Emerald stated that the next TAC meeting will take place in September, and she will work with staff to put together and present a proposal for new policy.

NOTICED PUBLIC HEARINGS: *(Chairman Mathis stated there were no public speakers for this item).*

25. Public Hearing Regarding Equivalent Facilitation for Modification of Detectible-Warning Tactile Strip to Accommodate Bridge Plate on Low-Floor Vehicles

Wayne Terry, Chief Operating Officer of Rail, gave the Board an overview of the Request for Equivalent Facilitation to the Federal Transit Administration (FTA) for a modification to the required tactile-warning strip on rail transit platforms. He stated that in order to achieve Americans with Disabilities Act (ADA) compliance for the safe use of the bridge plate, MTS and the San Diego Association of Governments (SANDAG) are proposing to submit a Request for Equivalent Facilitation. He explained that currently, 19 Green Line stations use modified tactile pavers to accommodate the bridge plate on the low-floor vehicles. He explained further that as part of the Low-Floor Improvement Program, 34 Blue and Orange Line stations will be improved to include modified tactile pavers. Mr. Terry also explained there has been an increase in the number of passengers who use the wheelchair-lift boarding over the past 5 years, and that the disabled community line up to ride the Green Line.

Action Taken

Mr. Minto moved to (1) receive public testimony; (2) adopt Resolution No. 11-12 approving the proposed design for the modified detectable-warning edge on all MTS light rail station platforms; and (3) authorize staff to submit a Request for Equivalent Facilitation to the FTA. Mr. Castaneda seconded the motion, and the vote was 10 to 0 in favor.

REPORT ITEMS:

45. Operations Budget Status Report for May 2011

A motion was made to receive a report without a staff presentation.



Action Taken

Ms. Emerald moved to receive an operations budget status report of MTS operations for May 2011. Mr. Van Deventer seconded the motion, and the vote was 10 to 0 in favor.

46. Tecate Bus Stop Improvement Project

Devin Braun, Senior Transportation Planner, talked about the Tecate Bus Stop Improvement Project. He explained that a federal grant, 5311(f), paid for a share of \$38,863 and a local match of \$5,035 for a total project cost of \$43,898. The project included purchasing and installing shelters, benches, schedule displays, and a trash can as well as pouring a new concrete waiting area at the bus stop on Route 894. He stated that Route 894 is the rural route with the highest ridership with more than 72% of total rural ridership.

Action Taken

Ms. Emerald moved to receive a report for information. Mr. Ovrom seconded the motion, and the vote was 10 to 0 in favor.

60. Chairman's Report

There was no Chairman's report.

61. Audit Oversight Committee Chairman's Report

There was no Audit Oversight Committee Chairman's Report.

62. Chief Executive Officer's Report

Mr. Jablonski stated that the Finance Department received an award for excellent financial reporting for the fiscal year 2010.

63. Board Member Communications

Mr. Castaneda told the Board that his son decided to take the bus instead of get his drivers' license and that he was excited to use the GOMTS texting feature when the bus stop signage includes the bus stop ID number.

64. Additional Public Comments on Items Not on the Agenda

*Margo Tanguay* – Ms. Tanguay stated that similar dialogues were going on during the consolidation and that it is a delight to watch the growth of this transit agency.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, August 18, 2011.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:48 a.m.

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Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

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Office of the General Counsel  
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

H:\Minutes - Executive Committee, Board, and Committees\Minutes - 2011\MINUTES - Board 07-14-11 DRAFT.docx

METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): July 14, 2011

CALL TO ORDER (TIME): 9:11 AM

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

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

CLOSED SESSION: \_\_\_\_\_

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

PUBLIC HEARING: \_\_\_\_\_

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

ORDINANCES ADOPTED: \_\_\_\_\_

ADJOURN: 11:48 AM

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
CASTANEDA	<input checked="" type="checkbox"/> (Rindone) <input type="checkbox"/>		
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input type="checkbox"/>		
EWIN	<input type="checkbox"/> (Sterling) <input type="checkbox"/>		
EMERALD	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		
ENGLAND	<input type="checkbox"/> (Gastil) <input type="checkbox"/>		
GLORIA	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:22 AM	
JANNEY	<input type="checkbox"/> (Bragg) <input checked="" type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:16 AM	
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>		
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:16 AM	11:45 AM
VAN DEVENTER	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		11:47 AM
YOUNG	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		11:35 AM

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

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL: Pauli Sanders