

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

MINUTES

June 18, 2015

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:05 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Ms. Emerald moved to approve the minutes of the May 14, 2015, MTS Board of Directors meeting. Ms. Rios seconded the motion, and the vote was 14 to 0 in favor with Mr. Minto absent.

3. Public Comments

Richard Thompson – Mr. Thompson commented that San Francisco provides free transit for seniors and people with disabilities. He referenced the handout he provided to the Board members. Mr. Thompson said that the only signs he sees on buses are for worker's compensation fraud and "See Something, Say Something" advertisements. He said that he does not agree with the new Senior/Disabled/Medicare (SDM) card requirements that are being enforced. He also said that there should be free public transportation.

CONSENT ITEMS

6. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments

7. Revisions to Board Policy No. 20: Allocation of State Transit Assistance Funds
Action would approve and adopt the updated Board Policy No. 20: Allocation of State Transit Assistance Funds.

8. Revisions to Board Policy No. 21: MTS Revenue-Generating Display Advertising, Concessions, and Merchandise
Action would approve and adopt the proposed revisions to Board Policy No. 21: MTS Revenue-Generating Advertising, Concessions, and Merchandise.

9. Investment Report – April 2015

10. Trolley Station Monument Signs – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute Doc. No. PWL164.0-15 with A Good Sign & Graphics Company for the procurement and installation of MTS Trolley station monument signs.

11. Merchant Service Provider – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1803.0-15 with Elavon, Inc. (Elavon) for the provision of Compass Card (Compass) program merchant services.
12. Regional Transportation Management System Back Office Upgrade and Contract Bus Fleet Expansion Agreement – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc. No. G1544.0-13 with Xerox Transport Solutions, Inc., on a sole source basis, for the installation of Automated Vehicle Announcements on an additional 299 vehicles with the existing Regional Transit Management System (RTMS).
13. Take One Notices Printing and Delivery Services – Exercise Contract Option Years
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc. No. G1298.0-10 with AAA Printing Company (AAA) to exercise option years one and two for Take One Notices printing and delivery services.
14. Motorola Regional Transit Management System Annual Maintenance and Support Services – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. G0867.16-03 with Motorola, Inc. (Motorola) to extend the Regional Transit Management System (RTMS) annual maintenance and support period from July 1, 2015 through June 30, 2016; and (2) execute MTS Doc. No. G0868.10-03 with North County Transit District (NCTD) for a Funds Transfer Agreement.
15. Softchoice Microsoft Enterprise Agreement – Contract Amendment
Action would: (1) Ratify MTS Doc. No. G1477.1-12 with Softchoice for the purchase of Microsoft Enterprise Agreement Licensing, which was previously executed pursuant to the Chief Executive Officer's (CEO) authority; and (2) Authorize the CEO to execute Amendment No. 2 with Softchoice for additional Microsoft Enterprise Agreement Licensing for the remaining license period.
16. Title VI Program Submittal
Action would enact Resolution No. 15-11 approving the Title VI Program, including the plans, notices, records, maps, and data that demonstrate MTS's compliance with requirements of Title VI of the Civil Rights Act of 1964 (Title VI), for submittal to the Federal Transit Administration (FTA).
17. Kimley-Horn Task Order: Design and Construction Documents for Transit Store Relocation
Action would: (1) ratify the Kimley-Horn Work Order No. 13.12 for the preliminary concept design work for a proposed relocation of the Transit Store to 1255 Imperial Avenue, Suite 100; and (2) authorize the Chief Executive Officer (CEO) to execute Kimley-Horn Work Order No. 13.12.01 to prepare design and construction documents for the Transit Store Relocation Project.

BOARD MEMBER COMMENTS

Ms. Emerald requested to have Agenda Item No. 6 pulled for discussion. Chairman Mathis said they would discuss Agenda Item No. 6 after voting on the remaining Consent Agenda Items.

Mr. Gloria inquired about Agenda Item No. 8 and asked for more information on public service announcements from local, state and federal government agencies. As an example, he asked if a County Supervisor could individually post a support advertisement or if the County of San Diego, as a government agency, would need to post that advertisement. Karen Landers, General Counsel, replied that the County of San Diego would need to sponsor the advertisement.

Action on Recommended Consent Items

Ms. Emerald moved to approve Consent Agenda Item Nos. 7 – 17. Ms. Cole seconded the motion, and the vote was 14 to 0 in favor with Mr. Minto absent.

BOARD MEMBER COMMENTS – CONTINUED

Ms. Emerald commented on Agenda Item No. 6 regarding DBE contracts. She stated that she was disappointed in the results for the past reporting period. Ms. Landers replied that the zero result for the last reporting period was irregular. She noted that Attachment C displays the history of DBE contracts. She stated that over the last several years, the DBE performance has been much higher. Ms. Landers commented that an ongoing struggle is that MTS does not do its own construction. She said that the majority of the procurements are rail related, and normally there is one large company that has the specific qualifications to complete the necessary work. Ms. Landers commented that MTS has been able to use DBE companies for inspection services, janitorial services and other types of consultant contracts. Ms. Landers also stated that MTS is always looking for DBE opportunities. Mr. Jablonski commented that another problem with the reporting is when a DBE contract has been signed for five years, only the first year is credited, not all five years. Ms. Emerald stated that she hopes to see higher goals and standards in the future.

Ms. Cole commented that she agrees with the statements made by Ms. Emerald. She also asked how outreach is done for DBEs. Samantha Leslie, Staff Attorney, stated that MTS has a voluntary outreach program. She said that the outreach is done through publications and notices, both online and in local newspapers.

Action on Recommended Consent Item Number 6

Ms. Emerald moved to approve Consent Agenda Item No. 6. Ms. Cole seconded the motion, and the vote was 14 to 0 in favor with Mr. Minto absent.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:22 a.m.

- a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9 (U.S. Department of Labor)

The Board reconvened to Open Session at 9:44 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS:

30. 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, provided a presentation regarding the proposed amendments to Ordinance No. 13. She reviewed the proposed amendments including the ban of electronic cigarettes, the policy on service animals, First Amendment activities, and revising the commercial activity sections in the ordinance.

Ms. Emerald inquired about news media going to trolley stations to interview passengers. She asked if the news media would need to contact the Marketing department for approval. Ms. Landers stated that is the existing practice for the news stations. Ms. Emerald also inquired about the First Amendment Activity policy and where those activities may take place at each station. Ms. Landers replied that MTS Policy 62 details the areas where First Amendment activities are allowed at each station. Ms. Emerald inquired where the 1255 Imperial Avenue designated areas are allowed. Ms. Landers replied that the patio area around the clock tower is available for First Amendment activities. Ms. Emerald commented on service animals and asked what security is allowed to ask without violating any Americans with Disabilities Act (ADA) laws. Ms. Landers replied that the two questions that are allowed to be asked, without violating ADA laws, are: "Is that a service animal?" and "What task is that animal trained to perform?"

Ms. Zapf inquired how MTS will advertise the no electronic cigarettes amendment. Ms. Leslie replied that there will be informational warnings from Code Compliance Inspectors, and marketing information campaigns. Ms. Zapf recommended that each bus stop and trolley stop should have a no smoking sign. Ms. Zapf asked about the repercussions of speakers playing out loud from people's phones or hand held devices. Ms. Landers replied that when a security officer asks a person to stop using their speakers it is usually successful and a ticket is not necessary. She also commented that the officers do have the ability to cite someone who continues to use their speakers and is not following the Ordinance. Lastly, Ms. Zapf stated that there should be more "See Something, Say Something" signs on trolleys and buses.

Ms. Rios asked if pets are allowed on board buses and trolleys if they are contained. Ms. Landers replied that pets are allowed if they are fully contained in a carrier and placed on the individual's lap.

Mr. Woiwode commented that the City of Coronado made a city wide ban on smoking but electronic cigarettes were not included in that ban.

Action Taken

Ms. Emerald 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. Ms. Zapf seconded the motion, and the vote was 14 to 0 in favor with Mr. Minto absent.

REPORT ITEMS

45. Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) Interagency Transfer Agreement with the State of California for Administration of Pacific Surfliner Service (Brent Boyd)

Brent Boyd, Senior Transportation Planner, provided a presentation on the LOSSAN Interagency Transfer Agreement. He provided a brief overview of what LOSSAN is and which areas are included within LOSSAN. He stated that LOSSAN is run by a Joint Powers Authority (JPA) and MTS is one of the nine voting members. He reviewed the history of the JPA and the new responsibilities. He discussed the details of the Interagency Transfer Agreement. Mr. Boyd noted that the agreement is between LOSSAN and the State and does not involve MTS. He also stated that this is being developed in conjunction with the San Joaquin JPA, using the Capitol Corridor Interagency Transfer Agreement as a guide.

Ms. Emerald inquired if MTS is potentially vulnerable to any new liability. Ms. Landers stated that the agreement has addressed this and MTS is not vulnerable to liability. Ms. Emerald asked what the benefit of this agreement is to MTS. Mr. Boyd stated that moving from state to local control will help decrease costs and potentially increase trips. Ms. Emerald asked if LOSSAN will rotate the lead agency and if MTS will get a chance to be the lead agency. Mr. Boyd replied that the lead agency has the option for rotation every three years.

Mr. Gastil stated that this is a big step forward for regional government. He commented that once the Interagency Transfer Agreement is in place, more decision making will be made on a regional basis.

46. Annual Security Report (January 1, 2014 through December 31, 2014) (Bill Burke)

This agenda item was deferred to the July 16, 2015 Board meeting.

47. Operations Budget Status Report for April 2015 (Mike Thompson)

Mike Thompson, Director of Financial Planning and Analysis, provided a presentation on the Operations Budget Status Report for April 2015. He reviewed the total operating revenue, total operating expenses, and total combined net operating variance. Mr. Thompson also discussed on-going concerns including sales tax subsidy revenue, State of CA budget, passenger levels and energy prices.

60. Chairman's Report

There was no Chairman's Report.

61. Chief Executive Officer's Report

Mr. Jablonski stated that he traveled to Sacramento in May for the CTA Spring Legislative Conference.

62. Board Member Communications

Ms. Bragg stated at the last Accessible Services Advisory Committee (ASAC) meeting they heard the ADA components of the Mid-Coast Project presentation and had great input from the disabled community. The Committee also heard an information item regarding the requirements needed for the SDM compass cards. Lastly, Ms. Bragg recommended for this committee to only meet two times per year.

Ms. Emerald commented that there was recently a court case which granted Uber drivers the right to be known as employees and not independent contractors.

Mr. Roberts commented that there will be a presentation for the aerial gondolas at the SANDAG meeting on June 19, 2015. He stated that this item should be brought to the MTS Board in the future.

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 July 16, 2015.

65. Adjournment

Chairman Mathis adjourned the meeting at 10:21 a.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): June 18, 2015

CALL TO ORDER (TIME): 9:05 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:22 a.m.

RECONVENE: 9:44 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 10:21 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BRAGG	<input checked="" type="checkbox"/> (Bilbray) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
COLE	<input checked="" type="checkbox"/> (Alvarez) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input checked="" type="checkbox"/>	9:05 a.m.	10:21 a.m.
EMERALD	<input checked="" type="checkbox"/> (Alvarez) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
GLORIA	<input checked="" type="checkbox"/> (Alvarez) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:05 a.m.	10:21 a.m.
MCCLELLAN	<input type="checkbox"/> (Ambrose) <input checked="" type="checkbox"/>	9:05 a.m.	10:21 a.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
MINTO	<input type="checkbox"/> (McNelis) <input type="checkbox"/>		
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
SALAS	<input checked="" type="checkbox"/> (Miesen) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
WOIWODE	<input checked="" type="checkbox"/> (Sandke) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.
ZAPF	<input checked="" type="checkbox"/> (Alvarez) <input type="checkbox"/>	9:05 a.m.	10:21 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:

