

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

MINUTES

September 21, 2017

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased].

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Roberts moved to approve the minutes of the July 20, 2017, MTS Board of Directors meeting. Ms. Cole seconded the motion, and the vote was 11 to 0 in favor with Mr. Alvarez, Ms. Bragg, Mr. Cunningham and Ms. Salas absent.

3. Public Comments

*Martha Welch* – Ms. Welch commented about MTS stations not having public restrooms and senior fares only having a one-way option. She commented on the Orange Line trolley ending at American Plaza instead of Santa Fe Depot. Ms. Welch said that she saw a Blue Line trolley with all older trolley cars instead of the new trolley cars.

*David Rodger* – Mr. Rodger commented that there is a lack of MTS information available to tourists. He said that the MTS information pamphlets he has found do not provide simple information for tourists to utilize while visiting San Diego.

*Sara Blodgett* – Ms. Blodgett commented on behalf of the San Diego Dance Theater. She stated that her organization puts on trolley dances in collaboration with MTS and the City of San Diego. She said that the dances are brought to a different trolley line every year and this year they will start in Chula Vista, go through National City and end at the Central Library. She asked for everyone to come out to see this year's trolley dances.

*Martina Valencia* – Ms. Valencia commented that she provided the Board a petition letter regarding Route 894. She said they are requesting to not discontinue Route 894. Ms. Valencia also asked for the addition of service on Route 894 on Saturdays. She said that she has 300 signatures on the petition.

*Dan Lobell* – Mr. Lobell stated that the bus drivers should kneel down the buses at every stop for riders. He also said that when he gets off the Green Line at Santa Fe Depot, he often sees Uber drivers and regular drivers loading and unloading passengers at the bus stop. Mr. Lobell recommended that there should be officers there monitoring that stop so they can cite those drivers.

## CONSENT ITEMS

6. Lease Agreement with Pacific Axe, LLC at 1695 Main Street, San Diego  
Action would authorize the Chief Executive Officer (CEO) to execute a Lease Agreement with Pacific Axe, LLC for a lease at 1695 Main Street, San Diego.
7. Phase II Propane Fueling Services at Copley Park Division (CPD) - Contract Amendment  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0656.1-16 with Ferrellgas, LP (Ferrellgas) for the provision of propane fueling services.
8. Blue Line Traction Power Substation Installation Design Services - Work Order  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA1948-AE-04 to MTS Doc. No. G1948.0-17 with HNTB Corporation for the Blue Line Traction Power Substation (TPSS) installation design services.
9. Uninterruptible Power Supply (UPS) On-Site Repair and Support - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2009.0-17, a Sole Source agreement with Schneider Electric, for on-site support and repair of the current inventory of UPS units located throughout the MTS network including Data Centers, Trolley Stations and Bus Facilities.
10. Orange Line Design Services for Various Track Improvements - Work Order Agreement  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WO1947-AE-05 to MTS Doc. No. G1947.0-17 with HDR Engineering, Inc. (HDR) for track improvement design services.
11. Service and Maintenance of the Hegenscheidt Underfloor Wheel Truing Machine - Sole Source Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL242.0-18, a sole source agreement, for a period of three (3) years with Simmons Machine Tool Corporation (SMTTC) for service and maintenance of the Hegenscheidt Underfloor Wheel Truing machine.
12. Light Rail Vehicle (LRV) Pantograph Carbon Strips - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1393.0-17 with Schunk Carbon Technology for the purchase of LRV Pantograph Carbon Strips.
13. Visual Messaging System (VMS) Maintenance (Warranty) and On-Site Parts - Sole Source Contract Award  
Action would authorize the Chief Executive Officer (CEO) to: (1) Execute MTS Doc. No. G2025.0-18 with Daktronics, Inc. for up to a three (3) year period with two (2) one-year options to provide VMS maintenance service and technical support; and (2) Exercise each option year at CEO's discretion.
14. San Diego Metropolitan Transit System (MTS) SAP Tier 3 Production Support Services - Contract Amendments  
Action would: (1) Approve increasing the dollar amount of two (2) SAP support services contracts to cover anticipated fiscal year (FY) 2018 expenses; and (2) Ratify one SAP support services contract amendment.

15. Relocation of SDG&E Facilities for the New Orange Line Courthouse Station - Change Orders  
Action would: (1) Ratify Construction Change Orders 1-3 and 5-7 to MTS Doc. No. PWL204.0-16, Work Order No. MTSJOC7504-26 with ABC Construction Co., Inc. (ABC), for the relocation of SDG&E facilities; and (2) Authorize the Chief Executive Officer (CEO) to execute Construction Change Order 4 to MTS Doc. No. PWL204.0-16, Work Order No. MTSJOC7504-26 with ABC for relocating the utilities below an existing tunnel.
16. Number Not Used
17. Green Line Shelter Upgrades and Shelter Replacement at the Old Town Transit Center - Work Order  
Action would authorize the Chief Executive Officer (CEO) to execute MTSJOC7504-15, PWL204.0-16 with ABC Construction Co. Inc. (ABC) for Green Line shelter upgrades and shelter replacement at the Old Town Transit Center.
18. Orange Line Track Improvements - Change Orders  
Action would: (1) Ratify Construction Change Orders 9-10 to MTS Doc. No. PWL211.0-16 for \$84,176.78, which was previously issued under the Chief Executive Officer's (CEO) authority, for Orange Line Track Improvements; and (2) Authorize the CEO to execute Change Order Amendment 11, with Herzog Contracting Corp. (Herzog), for \$74,087.08.
19. Desert Line Lease and Operating Agreement: Amended and Restated BJRR-SDAE-MTS Desert Line Lease and Operating Agreement  
Action would authorize the Chief Executive Officer (CEO) to execute and Amended and Restated Desert Line Lease and Operating Agreement by and between Baja California Rail Road, Inc. (BJRR), San Diego & Arizona Eastern Railroad (SDAE), and MTS (MTS Doc. No. S200-13-560.4).
20. Purchase of 20 Class B Propane Powered Paratransit Buses - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0675.0-18, with Creative Bus Sales, for the purchase of up to twenty (20) propane powered Class B paratransit buses.
21. Investment Report - June 2017
22. Investment Report - July 2017

#### BOARD MEMBER COMMENTS

Ms. Salas requested to pull agenda item number 20 for further discussion.

Mr. Alvarez requested to pull agenda item numbers 6 and 19 for further discussion.

#### Action on Recommended Consent Items, excluding Items 6, 19 and 20

Ms. Salas moved to approve Consent Agenda Item Nos. 6 – 22, excluding consent items 6, 19 and 20. Ms. Cole seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

DISCUSSION ITEMS:

30. Major Service Changes Recommendations of the Transit Optimization Plan (Denis Desmond)  
(TAKEN OUT OF ORDER)

Sharon Cooney, Chief of Staff, began the presentation and noted that the Board Members were provided the most recent proposals for all of the route changes. She said that staff also provided a copy of the Title VI analysis and public comments received through yesterday. Ms. Cooney noted that today is not a public hearing and that staff is asking for a final decision from the Board.

Denis Desmond, Manager of Planning, continued the presentation. He provided a background on the TOP and the processes over the past year. Mr. Desmond reviewed the route frequency improvements and the proposed frequent service network changes. He reviewed the final proposals for Routes 1, 7, 52 (La Mesa/Mid-City); Routes 701, 703, 704, 707, 709 (Chula Vista); Routes 204, 235, 237 (I-15/University City); Routes 83, 84 (Mission Hills, Pt. Loma); Routes 815, 816 (El Cajon); Routes 962, 963, 967, 968 (National City/Paradise Hills); Routes 27, 44, 50, 105, 120 (Clairemont/Kearny Mesa); Routes 14, 854 (Grantville/La Mesa); Routes 35, 923 (Ocean Beach, Pt. Loma); Routes 905, 950 (Otay Mesa); Routes 856, 936 (Rancho SD Village, College Grove); and other changes with route splits, route reductions and route discontinuations. Mr. Desmond explained that the results of the Title VI Analysis showed no disparate impact to minorities or disproportionate burdens to low-income communities based on the definitions in Policy No. 42 adopted by the Board. He added that a full copy of the Title VI Analysis had been provided to each Board member and called out certain elements of the report, including maps for each route and the results. Lastly, he reviewed the proposed actions for this item and asked for questions and comments.

Mr. Hall inquired about Route 834 changes. Mr. Desmond replied that Route 834 was initially proposed to be discontinued; however the proposal has been changed to run this route hourly as a one-way loop around West Santee down Mast Blvd. and coming back around Mission Gorge Road.

PUBLIC COMMENTS

*Patricia Paylor* – Ms. Paylor commented on Route 83. She stated that she has not spoken to anyone that could use the midday service. She said that it's not a good idea to tether the Route 83 to the 84 and take away the early morning and evening service. Ms. Paylor commented that dozens of people commute early in the morning on these routes to their various jobs, school and appointments.

*Paul Williams* – This speaker was not present.

*Sharon Gehl* – Ms. Gehl commented on Route 83. She said that she is in support of maintaining Route 83. She said that if the hours are limited, then people will not be able to use it for work. Ms. Gehl said that if changes are made to Route 83, then it could make it easier for riders and increase ridership on the route. She stated that the community supports keeping full day service of Route 83.

*Lynn Parrish* – Ms. Parrish commented on Routes 44, 50 and 105 in Clairemont. She asked that there be no changes to Route 50. She made suggestions on how to amend Routes 44 and 105. The suggestions are included in a handout she provided to the Board Members and are also included in the final meeting packet.

*Martina Valencia* – Ms. Valencia already provided her comments.

*Louis Pruitt* – Mr. Pruitt commented on Route 901. He provided recommendations for Route 901 including having the bus run until 3:00am and having the bus come to the 12<sup>th</sup> and Imperial Station at 2:00am. He said that he believes Route 901 would be just as busy as Route 929.

*Pam Algea* – Ms. Algea commented on Routes 31 and 204. She asked that the routes not be discontinued because it will become harder for the people getting to and from the businesses in that area. She provided alternative options for the routes instead of discontinuation.

*Maria Cortez* – Ms. Cortez commented on Routes 1, 7, 13, 52, 235 and 955 in City Heights. She stated that the community is very pleased with changes to the routes and they are in full support of the TOP proposal.

*Randy Van Vleck* – Mr. Van Vleck commented on behalf of the City Heights Community Development Corporation. He stated that they are in support of the TOP. He said the community is especially pleased with Route 235. Mr. Van Vleck stated that they were also pleased with the amount of community engagement during the TOP process.

*Anastasia Brewster* – Ms. Brewster commented that she lives in City Heights. She stated that she lives near Routes 7 and 955. Ms. Brewster applauded MTS's data driven analysis that has produced improvement recommendations that benefit neighborhoods that are financially contributing the most through their bus fares.

## BOARD COMMENTS

Mr. Alvarez inquired for more details related to the Route 905 changes. Mr. Desmond replied and gave a more detailed explanation of the changes that will take place on the route. Mr. Alvarez inquired about Routes 901 and 929 and asked if staff had considered some of the modifications similar to what the public speaker had suggested. Mr. Desmond replied that staff does not have any additional proposals today for those routes, but will continue to look at modifying those routes in the future.

Ms. Zapf commented on Routes 83 and 84. She thanked staff that they were able to preserve the routes on a limited scale instead of a full discontinuation. She also commented on Route 50 and noted that there was miscommunication within the community related to this route and the minimal proposed changes.

Mr. Hall commented on Route 83 and 84 and asked if staff can consider looking into expanding those services in the future.

Ms. Gomez thanked staff for the increase in service for the Mid-City bus routes. She also commented on Route 83 and asked for staff to look at this route closer and see if they can preserve the service at Fort Stockton Drive in Mission Hills. Ms. Cooney commented on Route

83 and noted that staff has been riding that route all week to get a closer look at the dynamics of how people are using the service. She stated that it is unclear whether riders initially wanted the route to go down that street, or if they did not have any other choice when the service was first implemented. She said that staff is hopeful that there will be a lot of people that will now benefit because they will be closer to their jobs. Ms. Cooney also stated that staff will keep a close eye on these changes. Ms. Gomez also commented that there needs to be a strong marketing plan in place to publicize the upcoming changes to the service.

Mr. Goble asked if changes being made today could be changed again in the near future if needed. Mr. Jablonski replied that MTS makes service changes three times per year. Mr. Goble also commented on Route 874/875 and asked if staff knew how many students or adults take those routes. Mr. Desmond replied that it is between 50 and 60 riders that take that segment of service every day. This proposal would shift the route to Jamacha and Main Street, which would take the service right by commercial business causing the estimates in increased ridership.

Mr. Sandke commented on airport service and suggested direct service to the airport from the bayfront hotels. He also asked for reconsideration of service to the landmarks in San Diego. He stated that the Cabrillo Monument service would be worthwhile for tourists and employees.

#### Action Taken

Mr. Alvarez moved to: (1) Receive a report on proposed major service changes as detailed in Attachment A; (2) Approve the recommendations for TransNet-subsidized Rapid services; and (3) Approve the recommendations for MTS-subsidized transit services. Ms. Rios seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

#### REPORT ITEMS

##### 45. MTS Efforts in Response to Hepatitis A Outbreak (Paul Jablonski) (TAKEN OUT OF ORDER)

Ms. Cooney provided a presentation on MTS's efforts in response to the Hepatitis A outbreak. She stated that the main areas for action by MTS is the protection for MTS customers; protection for front line MTS employees; and assisting in efforts by other agencies to contain the outbreak in the general population. Ms. Cooney reviewed the steps MTS has taken including daily cleanings of vehicles and other assets. She also noted that MTS has provided all employees with safety bulletins and various protections for employees such as vaccinations, gloves and cleaning supplies. Ms. Cooney stated that staff has been in communication with the County Health and Human Services Agency (HHSA) for several weeks. MTS has volunteered assistance in siting wash stations and have received specific locations including 8<sup>th</sup> Street, Grossmont and El Cajon. Lastly, Ms. Cooney presented a news clip showing the work MTS has been doing in response to the outbreak.

Mr. Roberts presented a map related to the Hepatitis A outbreak. He stated that the map displays the homeless count throughout the entire county and the known case locations within the county. He noted that the outbreak is not only in the city, but throughout the entire county. Mr. Roberts stated that it was first discovered in March 2017 at a very low level and has since grown. He said that the incubation period is up to and in excess of 28 days. Mr. Roberts mentioned that the County has vaccinated over 22,000 people. He stated that the vaccinations

are free for people at all County locations and encouraged people to inform their respective cities.

Ms. Zapf inquired when MTS started taking these specific precautions. Ms. Cooney replied that MTS started the extra cleaning precautions approximately four weeks ago. She noted that MTS has always done their regular nightly cleanings on the vehicles. Ms. Zapf asked if people are aware that the antibacterial wipes are not effective since this is a virus and not bacteria. Mr. Roberts stated that warm water and soap is more effective.

Ms. Cole asked about the portable restrooms for bus drivers and whether they are cleaned daily. Ms. Landers replied that they are cleaned six days a week. Ms. Cooney also stated that the restrooms are locked and cannot be accessed by the public.

Ms. Salas thanked Mr. Roberts' staff at the County HHSA and the great work they have done with the communities. Ms. Salas stated that the City of Chula Vista will continue their efforts on encouraging their homeless population to get vaccinated.

Ms. Rios commented that National City received a thorough report from the County HHSA and appreciated the outreach. Ms. Rios asked if it would be possible to look into also placing antiseptic cleaning stands at stations for people to use.

Mr. Alvarez asked if the contracted buses were being cleaned the same way as the MTS buses. Ms. Cooney replied that they are taking identical protocols and being cleaned the same way. Mr. Alvarez also suggested looking into getting teams to do vaccinations at the trolley and transit stations.

Ms. Gomez commented that it would be great to see vaccinations offered at public transit centers. She agreed with Ms. Rios' suggestion of looking into putting antiseptic cleaning stands at transit stations in addition to the hand washing stations. Ms. Gomez asked if the restrooms in this building were open 24 hours, and if they weren't, she asked if the restrooms could be opened for 24 hours. Ms. Cooney replied that the restrooms are only open when the building is open due to security restrictions. Ms. Gomez said that she would like to explore putting a portable restroom outside for people to use 24 hours per day. Ms. Cooney stated that the City is currently putting restrooms in strategic locations and MTS is relying on the City to tell us if that is something they would like to do at this location.

## PUBLIC COMMENTS

*Mark Robak* – Mr. Robak commented on the Hepatitis A outbreak. He said that his place of business is next to the La Mesa Trolley Station and has issues with people urinating and defecating outside of his business. He stated that there are no restrooms at the trolley stations and believes that there should be restrooms at all trolley stations.

### Action Taken

No action taken. Informational item only.

## CONSENT AGENDA ITEMS – CONTINUED

Chairman Mathis revisited consent items 6, 19 and 20 for further discussion.

CONSENT ITEM 6: Lease Agreement with Pacific Axe, LLC at 1695 Main Street, San Diego  
Action would authorize the Chief Executive Officer (CEO) to execute a Lease Agreement with Pacific Axe, LLC for a lease at 1695 Main Street, San Diego.

Mr. Alvarez asked for additional information about consent item number 6. Karen Landers, General Counsel, replied and further discussed details of the property location related to the item.

### Action on Recommended Consent Item 6

Mr. Alvarez moved to approve Consent Agenda Item No. 6. Mr. Roberts seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

CONSENT ITEM 19: Desert Line Lease and Operating Agreement: Amended and Restated BJRR-SDAE-MTS Desert Line Lease and Operating Agreement  
Action would authorize the Chief Executive Officer (CEO) to execute and Amended and Restated Desert Line Lease and Operating Agreement by and between Baja California Rail Road, Inc. (BJRR), San Diego & Arizona Eastern Railroad (SDAE), and MTS (MTS Doc. No. S200-13-560.4).

Mr. Alvarez inquired about consent item number 19. He asked for the differences that were made to the lease from the previous version. Ms. Landers responded and explained the differences in the lease. She stated that we kept most of what we agreed to in December 2012. Ms. Landers said the main changes include restarting the 99 year term; it doesn't make any changes to compensation, but deleted a section about collateral revenue, which is to MTS's benefit; and it starts the escalation of the minimum payment after the customs inspection facility approval date.

### Action on Recommended Consent Item 19

Mr. Alvarez moved to approve Consent Agenda Item No. 19. Mr. Sandke seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

CONSENT ITEM 20: Purchase of 20 Class B Propane Powered Paratransit Buses - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0675.0-18, with Creative Bus Sales, for the purchase of up to twenty (20) propane powered Class B paratransit buses.

Ms. Salas inquired about consent item number 20. She asked if there was a plan in place to electrify our bus fleet. Mr. Jablonski replied that we are not planning on electrifying our bus fleet at this time. He stated that staff has been working with the California Air Resources Board (CARB) for the last two and a half years regarding the proposed Zero Emission Bus (ZEB) mandate. Mr. Jablonski stated that CARB agrees that the economic issues specific to southern California make it very difficult to deploy electric buses economically. He stated that the purchase of these buses today is for our regular fleet and there are no guaranteed maximum



amounts that we are committing to. He noted that if we wanted to transition to electric buses, we can do that without violating the contracts today. Mr. Jablonski further discussed the details as to why MTS is not ready to embrace electric buses at this time, including various operational issues and cost. Ms. Salas commented that she would like to have additional ZEB information provided in a report to the Board. Mr. Jablonski stated that he could bring back a more detailed presentation on this topic at either the October or November Board meeting.

Ms. Cole commented that she would also like to see the ZEB discussion as a report in a future Board meeting.

Mr. Roberts commented that Mr. Jablonski has spent a lot of time working with CARB related to the proposed ZEB mandate. He stated that MTS is already almost 50% electrified system wide with the operations of our trolley system. Mr. Roberts stated that we need to possibly start thinking of how to implement a pilot program, because the technology is not ready for a full scale implementation. He noted that we will need to look for grant funding to help subsidize the pilot program too.

Ms. Gomez asked for additional information to be provided to the Board and also asked if CARB staff could attend the meeting and provide their own presentation too.

Mr. Alvarez agreed that he would like to hear additional information about electrifying the bus fleet and looks forward to hearing more at the next meeting. He stated that technology is moving in the direction of electric vehicles and MTS needs to be ready and well informed to move in that direction and not left behind.

#### Action on Recommended Consent Item 20

Ms. Salas moved to approve Consent Agenda Item No. 20. Mr. Hall seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

#### DISCUSSION ITEMS:

31. 40-Foot Low-Floor Compressed Natural Gas (CNG) Transit Buses - Contract Award (Bill Spraul)  
(TAKEN OUT OF ORDER)

Action to waive the staff reports: Mr. McWhirter moved to waive this staff report. Mr. Hall seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

#### PUBLIC COMMENTS – ITEMS 31 & 32

*David Gruhb* – Mr. Gruhb commented on behalf of the Sierra Club. He offered to bring in one of their experts to the October Board meeting and provide a substantive presentation of what the pros and cons are from the perspective of the environmental side.

*Margo Tanguay* – Ms. Tanguay stated that when San Diego had a black out several years ago, there were no working cell phones, televisions, trolleys, etc. She stated that the only things working were the buses and the Sprinter. Ms. Tanguay said that the community needs emergency transportation in case the electricity is out.

*Gretchen Newsom* – Ms. Newsom commented on behalf of the IBEW 569. She stated that she would like to raise red flags related to these agenda items. She said that MTS has previously been a leader in transitioning to CNG and reducing air pollution levels, but is now instead asking the Board to lock themselves into contracts with CNG buses. CNG buses are no longer the best options available. Ms. Newsom stated that implementing a zero emission public transit fleet will reduce greenhouse gases and toxic pollution throughout the communities. She noted that LA Metro just recently announced that they will be transitioning to 100% zero emission buses by 2030.

Action Taken

Mr. Hall moved to authorize the Chief Executive Officer (CEO) to: (1) Execute MTS Doc. No. B0660.0-17 with Gillig, LLC for the purchase of 250 40-foot, low-floor CNG transit buses; and (2) Make additional purchases of up to 100 option buses for a period not to exceed five years from the date of the initial contract with Gillig, LLC. All purchases would be contingent upon the successful completion of the federally required Buy America audit and available funding. Mr. McWhirter seconded the motion, and the vote was 11 to 2 in favor with Mr. Alvarez and Ms. Gomez voting no and Ms. Bragg and Mr. Cunningham absent.

32. 60-Foot Low-Floor Compressed Natural Gas (CNG) Transit Buses - Contract Award (Bill Spraul) (TAKEN OUT OF ORDER)

Action to waive the staff reports: Mr. McWhirter moved to waive this staff report. Mr. Hall seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

Action Taken

Mr. Hall moved to authorize the Chief Executive Officer (CEO) to: (1) Execute MTS Doc. No. B0661.0-17 with New Flyer of America, Inc. (New Flyer) for the purchase of up to 30 60-foot, low-floor articulated CNG buses plus associated contract spare parts, manuals, training, tools and diagnostics, and use tax payments; and (2) Make additional purchase of up to 20 option buses for a period not to exceed five years from the date of the initial contract with New Flyer. All purchases would be contingent upon the successful completion of the federally required Buy America audit and available funding. Mr. McWhirter seconded the motion, and the vote was 11 to 2 in favor with Mr. Alvarez and Ms. Gomez voting no and Ms. Bragg and Mr. Cunningham absent.

REPORT ITEMS

46. Comic-Con 2017 Recap (Rob Schupp and Tom Doogan) (TAKEN OUT OF ORDER)

This report was deferred to next month.

Action Taken

No action taken. Informational item only.

47. Operations Budget Status Report for June 2017 (Mike Thompson) (TAKEN OUT OF ORDER)

This report was waived.

Action Taken

Mr. McWhirter moved to waive and receive the report. Mr. Hall seconded the motion, and the vote was 13 to 0 in favor with Ms. Bragg and Mr. Cunningham absent.

CLOSED SESSION – PUBLIC COMMENTS

*Miguel Aguirre* – Mr. Aguirre commented on closed session item 24b. He stated that this case has had a lot of discovery materials presented supporting their case. He asked for the Board to please look at and consider their settlement offer to MTS.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 11:40 a.m.

- a. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to California Government Code Section 54956.8  
Property: Federal Blvd. (APN 541-611-27-00); 1348 47th St. (APN 541-611-16-00); 47th St. (APN 541-611-09-00); 1344 47th St. (APN 541-611-08-00); 47th St. (APN 541-611-11-00); Federal Blvd. (APN 541-611-10-00); 47th St. (APN 541-611-12-00); 47th St. (APN 541-611-14-00); 47th St. (APN 541-611-13-00); 47th St. (APN 541-611-15-00)  
Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers; General Counsel; and Tim Allison, Manager of Real Estate Assets  
Negotiating Parties: Coca-Cola Bottling Co of Los Angeles & BCI Coca-Cola Bottling Company of Los Angeles  
Under Negotiation: Price and Terms of Payment
- b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) San Diego Metropolitan Transit System v. Grand Central West LLC and related cross-complaints (San Diego Superior Court Case No. 37-2014-00044014-CU-OR-CTL)

The Board reconvened to Open Session at 12:15 p.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from staff and gave instructions.
- b. The Board received a report from counsel and gave instructions.

## BOARD MEMBER COMMENTS

Ms. Salas and Ms. Rios stated that they would like to change their votes on item numbers 31 and 32 to a no vote and inquired if that was possible. Ms. Landers replied that she would research the MTS Board bylaws to confirm if it is possible to adjust their votes after the vote had been registered.

## NOTICED PUBLIC HEARINGS

25. None.

60. Chairman's Report

There was no Chairman's report.

61. Chief Executive Officer's Report

There was no Chief Executive Officer's report.

62. Board Member Communications

There were no Board Member Communications.

63. Additional Public Comments on Items Not on the Agenda

*Elodia Villa* – This speaker was not present.

*Lorraine Leighton* – Ms. Leighton commented that there are a lot of homeless people in El Cajon gathering at the old police station. She said that she wanted to bring it to the Board's attention so people can go out and see if these people have been offered vaccinations or had their vaccinations yet.

*Louis Pruitt* – This speak was not present.

64. Next Meeting Date

The next regularly scheduled Board meeting is October 19, 2017.

65. Adjournment

Chairman Mathis adjourned the meeting at 12:20 p.m.

/s/ Harry Mathis  
Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/s/ Julia Tuer  
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): September 21, 2017

CALL TO ORDER (TIME): 9:03 a.m.

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

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

CLOSED SESSION: 11:40 a.m.

RECONVENE: 12:15 p.m.

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

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

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

ADJOURN: 12:20 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:11 a.m.	12:15 p.m.
ARAMBULA	<input checked="" type="checkbox"/> (Mendoza) <input type="checkbox"/>	9:03 a.m.	12:15 p.m.
BRAGG	<input type="checkbox"/> (Spriggs) <input type="checkbox"/>		
COLE	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	12:15 p.m.
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input type="checkbox"/>		
GOMEZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	12:15 p.m.
HALL	<input checked="" type="checkbox"/> (TBD) <input type="checkbox"/>	9:03 a.m.	12:20 p.m.
MATHIS	<input checked="" type="checkbox"/>	9:03 a.m.	12:20 p.m.
MCCLELLAN	<input type="checkbox"/> (Goble) <input checked="" type="checkbox"/>	9:03 a.m.	12:20 p.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:03 a.m.	12:15 p.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:03 a.m.	12:20 p.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:03 a.m.	12:20 p.m.
SALAS	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:05 a.m.	12:20 p.m.
SANDKE	<input checked="" type="checkbox"/> (Donovan) <input type="checkbox"/>	9:03 a.m.	12:20 p.m.
ZAPF	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	12:15 p.m.

SIGNED BY THE CLERK OF THE BOARD: Julia Turner

CONFIRMED BY THE GENERAL COUNSEL: John Chisholm