

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

MINUTES

December 14, 2017

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

NOTE: Due to technical problems with the recording equipment, the first 20 minutes of the December 14, 2017 Board of Directors meeting was not recorded (items 1 – 24). If any important items have been omitted and should be included in the minutes, please contact the Clerk of the Board at 619.557.4515.

1. Roll Call

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

2. Approval of Minutes

Mr. McWhirter moved to approve the minutes of the November 9, 2017, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 12 to 0 in favor with Mr. Alvarez, Ms. Gomez and Ms. Zapf absent.

3. Public Comments

Martha Welch – Ms. Welch commented about the lack of public restrooms at MTS stations. She also commented that MTS does not treat its customers well and does not spend its funding properly.

CONSENT ITEMS

6. Fiscal Year 2017-18 California Senate Bill (SB) 1 State of Good Repair (SGR) Funding

Action would approve Resolution No. 17-14, in order to: (1) agree to comply with all conditions and requirements set forth in the State Transit Assistance SGR Program Recipient Certifications and Assurances; (2) authorize the Chief Executive Officer (CEO), or designated representative, to execute all required documents of the State of Good Repair Program; and (3) authorize the use of, and application for, \$4,551,892 in fiscal year 2017-18 State of Good Repair funding to be used for the projects identified in Attachment D.

7. Chula Vista Billboard Reserve Funds for Transit-Related Projects

Action would approve the use of \$1.4 million in Chula Vista Billboard Reserve funds for a transit-related project for the City of Chula Vista.

8. MTS Cyber Security Assessment

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2082.0-18 with AT&T for a total of 1,220 hours of Cyber Security Assessment Services.

9. Installation of Fiber Connection from Caltrans Transportation Management Center (TMC) Building to MTS Kearny Mesa Division (KMD) Building - Job Order Contract (JOC)
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC7500-08, MTS Doc. No. PWL203.0-16 with HMS Construction for the installation of a fiber connection from the Caltrans TMC Building to the KMD Building.
10. Imperial Avenue Division Chassis Wash Lift Replacement - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB239.0-18 with Autolift Services for the purchase and install of a chassis wash replacement lift.
11. Purchase of New Blade Server to Refresh Operations Control Center (OCC) Data Server
Action would authorize the Chief Executive Officer (CEO) to execute the Purchase Order (PO) for Nth Generation for the provision of eight HPE BL460c Gen10 blade servers.
12. Investment Report - October 2017
13. Unallocated Transportation Development Act (TDA) Funds for Transit-Related Projects
Action would approve the use of \$237,401 in unallocated TDA funds currently held by the County of San Diego for transit-related capital projects for the City of Lemon Grove.
14. Engine and Transmission Overhaul - Contract Award
Action would: (1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0671.0-17 with Dartco Transmission (Group I), Harbor Diesel & Equipment (Group II), and Cummins Pacific, LLC (Group III) for Engine and Transmission Overhaul Services for three (3) base years (for Group I) with two (2) 1-year options (for Groups II & III); and (2) Authorize the CEO to exercise option years, at his discretion.
15. Agreement with Community Housing Works for an Affordable Housing and Sustainable Communities Grant Program Application
Action would authorize the Chief Executive Officer (CEO) to sign a transit agreement with Community Housing Works (CHW) for the transfer of funds to MTS for a bus purchase to support additional transit service.

BOARD COMMENTS

Chairman Mathis stated that he received a public speaker slip regarding consent agenda item number 8. He stated that he would pull agenda item number 8 and vote on the remaining consent agenda items first.

Action on Recommended Consent Item Nos. 6 – 15, excluding No. 8

Mr. Sandke moved to approve Consent Agenda Item Nos. 6 – 15, excluding No. 8. Ms. Cole seconded the motion, and the vote was 14 to 0 in favor with Ms. Zapf absent.

PUBLIC COMMENT – CONSENT ITEM NO. 8

David Rodger – Mr. Rodger commented on the MTS cybersecurity assessment. He inquired if MTS discusses security matters and standards with other transit agencies.

Action on Recommended Consent Item No. 8

Mr. Alvarez moved to approve Consent Agenda Item No. 8. Mr. Hall seconded the motion, and the vote was 14 to 0 in favor with Ms. Zapf absent.

CLOSED SESSION – PUBLIC COMMENTS

Mike Aguirre – Mr. Aguirre commented on Closed Session Item No. 24a on behalf of the PTEA. Mr. Aguirre made comments on the negotiations between the PTEA and San Diego Trolley, Inc. and asked that the Board consider PTEA's proposed agreement for approval.

Maria Severson – Ms. Severson commented on Closed Session Item No. 24a on behalf of the PTEA. Ms. Severson provided an overview of PTEA members and where they live and work within the County. She discussed the PTEA goals, leadership, founding, past negotiations and representation. Ms. Severson discussed how the trolley plays a major role in San Diego. She reviewed the recent negotiations between PTEA and San Diego Trolley, Inc. and the objectives and considerations of PTEA. Lastly, she discussed the PTEA ratification process and proposal. [Clerks note: the full PowerPoint presentation is included in the final Board meeting packet.]

John Moot – Mr. Moot commented on Closed Session Item No. 24c. He asked for the Board to consider waiting to hear and discuss this item at a future Board meeting once a revised offer has been provided.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:17 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6
Agency: San Diego Trolley, Inc. (SDTI)
Employee Organization: Public Transit Employees Association (PTEA) (Representing SDTI Train Operators, Electromechanics, Servicepersons and Clerical Staff)
Agency-Designated Representative: Jeff Stumbo
- b. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9(d)(2) or (4) (Multiple potential cases: San Diego Sports Entertainment Center, LLC; Vault PK; Virtual Play Zine, LLC; Razalan Wellness, LLC (dba Stay Classy Crossfit); Infinite Investments, LLC (dba Alliance Training Center); Pacific Axe, LLC; The Will To Train; and/or other unknown parties)
- c. 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 10:45 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 instructions to negotiating staff.
- b. The Board received a report from legal counsel.
- c. The Board received a report and gave instructions to staff.

SPECIAL BOARD PRESENTATION

Ms. Salas gave a presentation honoring Harry Mathis and his retirement as MTS Chairman. She recognized Chair Mathis' accomplishments as a public servant and as Chairman for MTS. Ms. Salas provided Chair Mathis with a plaque for his service as well as lifetime MTS transit passes. Chairman Mathis voiced his appreciation for the opportunity to serve the community and MTS. He thanked the Board and staff for the many years while he was serving on the Board and said it was an honor and a privilege.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

31. Revisions to San Diego Metropolitan Transit System (MTS) Ordinance No. 11, Providing for the Licensing and Regulation of Transportation Services Within the City by the Adoption of a Uniform Paratransit Ordinance (Kenneth Nelson & Samantha Leslie) (TAKEN OUT OF ORDER)

Ken Nelson, Taxicab Administration Manager, provided a presentation on the proposed revisions to Ordinance No. 11. He reviewed the major proposed Ordinance No. 11 revisions which include the following changes:

- Sections 1.4(f), 1.8(h)(3), 1.8(y) – no longer requiring “distinct” color schemes for taxis – permit holders may change colors at their discretion;
- Sections 1.8(i)(4) and (5) – removing 18” distance restriction on items near medallion number and company information, in order to allow potential advertising space;
- Section 1.8(m) – allowing for the potential display of external advertising, in accordance with existing MTS Board Policy No. 21;
- Section 1.8(o) – requiring “max rate of fare” to be posted inside the vehicle;
- Section 1.12(e) – requiring all MTS permitted for hire vehicles to attend bi-annual MTS safety training classes;
- Section 2.2(c)(3) – removing the requirement to post rates of fare on exterior of taxi;
- Section 2.2(c)(4) – removing prohibition regarding postings on rear door, to allow possibility of advertising;
- Section 2.2(e)(1) – allowing for use of any meter that is certified and approved by Weights and Measures;
- Section 2.3(b) – allowing for removal of top sign by removing requirement that persons outside the cab must know if vehicle is in service or not;
- Section 2.3(c) – allowing for taxis to follow current marking policy or new minimalist scheme that would only require company name, medallion number and MTS logo on rear quarter panel;

- Section 2.3(h) – no longer requiring electronic payment method to be tied to the meter, as long as all receipt requirements are met and passengers can operate payment machine;
- Section 2.4(t) – section addition to ensure passengers are notified of the applicable rate prior to passenger accepting the ride via walk-up or street hails; and
- Section 1.1(v) – redefining Non-Emergency Vehicles (NEM) by removing requirement that the person being transported must be either physically or mentally disabled – continues to focus on the nature of the trip.

PUBLIC COMMENTS

Anthony Palmeri – Mr. Palmeri was not present at the time he was called to speak, but wanted to voice his support for the Ordinance No. 11 revisions.

Tony Hueso – Mr. Hueso commented that he was in support of the Ordinance No. 11 revisions.

Peter Zschiesche – Mr. Zschiesche commented on behalf of the Employee Rights Center. He stated that they are in full support of the Ordinance No. 11 revisions. He also stated that he would like to see further changes in the future to help the industry.

Adrian Kwiatkowski – Mr. Kwiatkowski commented on behalf of the Transportation Alliance Group. He stated that these changes are a good starting point, but more needs to be done in the future to cut down on unnecessary regulations.

Margot Tanguay – Ms. Tanguay commented that she has been a taxicab driver since high school. She stated that business is down and work continues to be slow. Ms. Tanguay stated that she is a taxi driver lease representative on the Taxicab Advisory Committee and she is in support of the Ordinance No. 11 revisions.

BOARD COMMENTS

Ms. Zapf commented that she will continue to Chair the Taxicab Advisory Committee next year and stated that there is more work to do in the future to help continue to revise the current regulations.

Ms. Bragg commented that she supports the revisions, especially Sections 1.8 and 1.12(e). She stated that she wanted to recommend under Section 1.8(i) that drivers consider having a fire extinguisher, emergency reflectors and a first aid kit in the cars.

Ms. Gomez asked about Section 1.8(m) and whether there are prohibitions on advertising in relation to cannabis advertisements. Samantha Leslie, Staff Attorney, stated that MTS's advertising policy prohibits all drugs and alcohol advertising. Updates are planned to address cannabis specifically.

Action Taken

Ms. Zapf moved to: (1) Adopt the proposed amendments to MTS Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the adoption of a Uniform Paratransit Ordinance; (2) Direct publication of a summary of the amendments to MTS Ordinance No. 11; and (3) Upon adoption of the proposed amendments, authorize the Chief Executive Officer the discretion to enforce MTS Ordinance

No. 11 in its amended form. Ms. Cole seconded the motion, and the vote was 14 to 0 in favor with Mr. Hall absent.

REPORT ITEM

45. Assembly Bill No. 1069 (Samantha Leslie) (TAKEN OUT OF ORDER)

Samantha Leslie, Staff Attorney, provided a presentation on Assembly Bill No. 1069 (AB 1069) – Regulation of Taxicab Transportation Services. Ms. Leslie stated that AB 1069 was adopted by the California Governor in October 2017 and predominantly goes into effect on January 1, 2019. She reviewed the pertinent details of AB 1069 in relation to fares, permit holder requirements, and regulatory requirements. Ms. Leslie also reviewed the next steps going forward and stated that MTS will work with its cities and the county to understand how they intend to comply with AB 1069. MTS staff will also bring future Ordinance No. 11 revisions to the Board to comply with AB 1069. Ms. Cooney noted that there will be some challenges with regulating the unincorporated area since MTS only has jurisdiction in a portion of the unincorporated area of the county. Staff will continue to work on resolving and ensuring compliance with the new regulations.

Ms. Salas inquired if Chula Vista taxicabs would have to obtain an MTS taxicab permit as well as a Chula Vista permit. Ms. Leslie replied that Chula Vista has the option to work with MTS or to enter into a Joint Powers Authority with a different public entity to comply with AB 1069. She noted that if Chula Vista decided to work with MTS, then the Chula Vista taxicabs would only have to acquire permits from MTS and not also in Chula Vista. She also stated that if Chula Vista decided to enter into a JPA with another a public entity, that they would only be required to obtain that one permit.

Mr. Sandke stated that only Coronado taxicab companies are allowed to pick up passengers in the City of Coronado. He noted that other taxicab companies may drop off passengers in the City of Coronado, but not pick up passengers. Mr. Sandke asked if AB 1069 addresses that requirement in the bill. Ms. Leslie stated that the City of Coronado could regulate limits and may also specify which taxicab companies are allowed to sit at the taxicab stands or do pick up hail rides. Ms. Cooney noted that AB 1069 prohibits cities from restricting taxicabs to pick up passengers with pre-scheduled trips.

PUBLIC COMMENTS

Anthony Palmeri – Mr. Palmeri was not present.

Tony Hueso – Mr. Hueso commented that AB 1069 does not do much for San Diego taxicab drivers besides making taxicab permits more regional.

Action Taken

No action taken. Informational item only.

DISCUSSION ITEM

30. 2018 Transit and Intercity Rail Capital Program (TIRCP) Grant Applications (Sharon Cooney)

Sharon Cooney, Chief of Staff, provided a presentation on the 2018 TIRCP grant applications. She stated that the TIRCP is a discretionary grant program that started in 2014. The TIRCP was recently supplemented with SB 1 funding and now contains \$2.4 billion in combined funding projected to be available for five years. Ms. Cooney stated that project submittals for fiscal year 2019 – 2023 are due in January and it will only fund the capital portion of proposed projects. She reviewed the TIRCP goals and program risks. Ms. Cooney discussed the approach to selecting MTS projects for the TIRCP grant applications. She reviewed the proposed grant application projects including the Zero Emission Bus Pilot Project and Fleet Replacement as well as the Blue Line Rail Corridor Transit Improvement Project. Ms. Cooney discussed the next steps which would be to continue refining the project budgets, coordinating with the 2019 CIP for Board consideration, and completing and submitting the applications.

Mr. Sandke inquired if these projects are being submitted as two separate TIRCP grant applications. Ms. Cooney replied yes.

Ms. Cole inquired about the timeline for the zero emission bus pilot purchase. Mr. Jablonski replied that MTS is getting ready to bid out the consultant work to help with the pilot. Staff is also currently researching options for the type of procurement process needed for the buses. He stated that there is a possibility that we may be able to piggyback onto another procurement which would expedite the process, rather than conducting an entirely new procurement for buses. Mr. Jablonski commented that the timeline for the pilot would likely begin in 2019.

Ms. Rios inquired about the proposed projects being split up into different segments for the application. Gordon Meyer, Financial Analyst, replied that the California Transportation Commission (CTC) has the discretion to award portions of proposed projects. He noted that the CTC asks applicants to state how they would like to portion out projects in case they had to reduce the potential funding. Mr. Meyer stated that is the reason why they split up the projects into different segments on the application.

Action Taken

Mr. Sandke moved to authorize the Chief Executive Officer (CEO) to submit applications for TIRCP grants for the Blue Line Rail Corridor Transit Improvement Project and the Zero Emission Bus Pilot Project and Fleet Replacement. Ms. Salas seconded the motion, and the vote was 12 to 0 in favor with Mr. Alvarez, Mr. Hall and Mr. McWhirter absent.

REPORT ITEMS

46. Report from Ad Hoc Nominating Committee (Honorable Mary Salas)

Ms. Salas provided a report on the Ad Hoc Nominating Committee meeting. She stated that the Committee met on Friday, December 8, 2017 to discuss the Chairperson nomination process. She noted that each Board Member was provided a handout which describes the Board Chair position and responsibilities. The Committee discussed the nomination process for Chairperson and determined that any Board Member who wishes to be nominated as Chair should submit a letter of interest, statement of qualifications, and FPPC Form 806 to the Clerk of the Board prior to December 31, 2017. Ms. Salas stated that the Committee also discussed the nomination

process for the 2018 Slate of MTS Committees and Outside Agency Appointments. She said that Board Members who wish to be nominated to any committees listed in Attachment C should contact the Clerk of the Board prior to December 31, 2017. She also noted that Board Members may also write their name next to the committee(s) they're interested in and give to the Clerk of the Board today. Ms. Salas stated that the Committee will convene another meeting before the January 18, 2018 Board meeting to review the Board Member submissions for Chairperson as well as the various 2018 committees. An item to elect a Chairperson and to approve the appointed list of 2018 committees will be brought to the Board on January 18, 2018.

Action Taken

No action taken. Informational item only.

47. Semi-Annual Security Report (January 1, 2017 through June 30, 2017) (Manny Guaderrama)

Manny Guaderrama, MTS Chief of Police, provided a presentation on the Semi-Annual Security Report for January 1, 2017 through June 30, 2017. Mr. Guaderrama reviewed the transit enforcement components and service sector/beat structure transition, implementation and map. He reviewed results for the Part I reported crimes on trolley; Part I crimes onboard and arrests; Part I crimes by sector; MTS response to Part II crimes on trolley; calls for service on bus; MTS response to Part I and II crimes on bus; and assaults. Mr. Guaderrama provided details related to the Joint Agency Task Force (JATF); fare inspections and citations; special enforcement details; SDM inspection rates; and quality of life transient encampment details.

Action Taken

No action taken. Informational item only

48. Operations Budget Status Report for October 2017 (Mike Thompson)

This report was waived.

Action Taken

No action taken. Informational item only

63. Additional Public Comments on Items Not on the Agenda (TAKEN OUT OF ORDER)

Kamran Hamidi – Mr. Hamidi commented on the Free Ride Everywhere Downtown (FRED) service in downtown San Diego. He stated that there was a complaint submitted to MTS from the San Diego Airport Taxi Association to investigate the FRED vehicles for not complying with MTS regulations.

Al Davis – Mr. Davis commented about the Retired Senior Volunteer Program (RSVP) workers at the police department and recommended MTS to provide a similar volunteer system at trolley stations to oversee issues that may occur at the stations. Mr. Sandke stated that he would bring that suggestion up to the Public Security Committee.

60. Chairman's Report

Chairman Mathis thanked the Board and staff again for everything and wished everyone happy holidays.

61. Chief Executive Officer's Report

There was no Chief Executive Officer's report.

62. Board Member Communications

There were no Board Member communications.

64. Next Meeting Date

The next regularly scheduled Board meeting is January 18, 2018.

65. Adjournment

Chairman Mathis adjourned the meeting at 12:07 p.m.

/s/ Ron Roberts
Vice 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): December 14, 2017

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

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:17 a.m.

RECONVENE: 10:45 a.m.

PUBLIC HEARING: _____

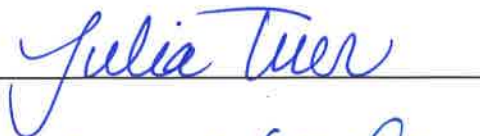
RECONVENE: _____

ORDINANCES ADOPTED: 1

ADJOURN: 12:07 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:05 a.m.	11:44 a.m.
ARAMBULA	<input checked="" type="checkbox"/> (Mendoza) <input type="checkbox"/>	9:00 a.m.	11:28 a.m.
BRAGG	<input checked="" type="checkbox"/> (Spriggs) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
COLE	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input checked="" type="checkbox"/>	9:00 a.m.	12:07 p.m.
GOMEZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:02 a.m.	12:07 p.m.
HALL	<input checked="" type="checkbox"/> (TBD) <input type="checkbox"/>	9:00 a.m.	10:45 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	12:07 p.m.
MCCLELLAN	<input checked="" type="checkbox"/> (Goble) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	11:28 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
ROBERTS	<input type="checkbox"/> (Cox) <input checked="" type="checkbox"/>	9:00 a.m.	12:07 p.m.
SALAS	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
SANDKE	<input checked="" type="checkbox"/> (Donovan) <input type="checkbox"/>	9:00 a.m.	12:07 p.m.
ZAPF	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:10 a.m.	11:46 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:

