

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

MINUTES

February 14, 2019

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

1. Roll Call

Chair Gomez 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

Ms. Moreno moved to approve the minutes of the January 17, 2019, MTS Board of Directors meeting. Ms. Salas seconded the motion, and the vote was 12 to 0 in favor with Mr. Arambula, Mr. Arapostathis, and Mr. Fletcher absent.

REVISED BOARD AGENDA DISCUSSION – FEBRUARY 14, 2019

Chair Gomez brought to the attention of the Board of Directors the revised Board agenda. Karen Landers, General Counsel, briefly discussed the additional closed session item, number 24d, conference with legal counsel regarding existing litigation pursuant to government code section 54956.9(d)(1) with Grand Central West, LLC. She noted that subsequent to the agenda being posted, it became necessary for the Board to receive a briefing on the case. Ms. Landers stated that a two-thirds favorable vote of the Board Members present is required to add the closed session item to the agenda.

Action Taken

Mr. Hall moved to affirm Ms. Landers' findings and add closed session item number 24d to the February 14, 2019 Board of Directors meeting agenda. Ms. Moreno seconded the motion, and the vote was 13 to 0 in favor with Mr. Arapostathis and Mr. Fletcher absent.

3. Public Comments

*John Brady* – Mr. Brady commented on issues regarding MTS security. He stated that he took pictures of a group of at least ten security officers at Park and Market. Mr. Brady discussed the number of citations and arrests that occurred last year throughout the MTS system. He commented that the reduction in security services costs could be utilized as fares for the public who are not able to buy a full fare. Mr. Brady said that this method should be considered in order to help provide passes to low income or homeless riders.

*Joy Freeman* – Ms. Freeman commented that she has met and worked with homeless people through Voices of Our City Choir. She stated that many of those people do not have enough money to purchase a bus pass to get to jobs. Ms. Freeman asked for MTS to consider providing free bus fares or reduced bus fares for low income and homeless riders.

*Charles Fraley* – Mr. Fraley commented on behalf of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART). He stated that he is the new union representative for the trolley employees. Mr. Fraley asked for the Board's support as they transfer into this new role. Mr. Fraley also commented that he appreciates the work the MTS security officers do for the system and the riding public.

*Richard McNamee* – Mr. McNamee recommended that MTS provide youth and certified homeless people with free rides throughout the system. He stated that this will help provide homeless people with transit to jobs and will ensure that younger riders learn to take public transit at an early age.

*Michael McConnell* – Mr. McConnell stated that the MTS security officers criminalize homeless people. Mr. McConnell said that he is hopeful the new Board Members will help to tackle some of these issues.

*Rick Bramball* – Mr. Bramball stated that he is opposed to the proposed sales tax initiative. He stated that this proposed sales tax would hurt low income residents. He recommended that the Board think of other options rather than taxing the general public, which would include low income residents.

*Marchelle Minafee* – Ms. Minafee commented that San Diego State University conducts research about the homeless population and then provides those participants transit passes. She asked what MTS is doing to provide similar services to the homeless population. Ms. Minafee commented that the San Diego Central Library is also another great resource for homeless people.

*Laina Gossman* – Ms. Gossman asked MTS to consider extending the trolley up to the Sorrento Valley area. She stated that there would likely be a lot of extra ridership from people going to their jobs in that area.

## CONSENT ITEMS

6. Investment Report – Quarter Ending December 31, 2018
7. Proposed Revisions to San Diego Metropolitan Transit System (MTS) Policy No. 41 – Signature Authority  
Action would approve the proposed revisions to MTS Policy No. 41 – Signature Authority.
8. Excess Insurance Renewals for Liability and Workers' Compensation Program  
Action would approve the purchase of excess liability insurance (at limits of \$75 million less a \$2 million self-insured retention [SIR]) and excess workers' compensation insurance (at statutory limits less a \$1 million self-insured retention [SIR]). The new policies would be in effect from March 1, 2019 through March 1, 2020.
9. Revisions to San Diego Metropolitan Transit System (MTS) Ordinance No. 11  
Action would: (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 and County 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 (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.

10. San Diego Metropolitan Transit System (MTS) Task Order Contract Approval for Design Services to Double Track the Bayside Terminal

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-31 for MTS Doc. No. G1949.0-17 with Jacobs Engineering Group, Inc. (Jacobs) in the amount of \$706,805.56 to perform design services for the Bayside Terminal double track project.

11. Train Number Signs, Brackets and Support for SD9 Trolley Vehicles for Mid-Coast – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1483.0-19, a Sole Source agreement, with Woojin IS America, Inc. (Woojin), to provide train number signs, brackets and support for the new Mid-Coast SD9 Light Rail Vehicles (LRV).

12. Mobile Router and Cellular Communications Pilot – Conduent Software and Hardware Changes – Sole Source Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1914.1-16 with Conduent Transportation Solutions, Inc. (Conduent) for the provision of software changes required to implement the mobile router and cellular communications project.

13. San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on January 29, 2019

Action would receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line quarterly reports, and ratify all actions taken.

PUBLIC COMMENT – CONSENT ITEM NUMBER 10

*Clive Richard* – Mr. Richard commented on consent item number 10 and stated that he is excited that MTS is moving forward with this project.

BOARD COMMENT – CONSENT ITEM NUMBER 13

Ms. Rios inquired about consent item number 13. She asked if they have been working with the City of National City in relation to removing abandoned tracks. Ms. Landers replied that staff has been working with the City of National City, City of Chula Vista and City of San Diego to remove the old rail track.

Action on Recommended Consent Items

Ms. Rios moved to approve Consent Agenda Item Nos. 6 – 13. Ms. Frank seconded the motion, and the vote was 14 to 0 in favor with Mr. Arapostathis absent.

NOTICED PUBLIC HEARINGS

25. None.

## DISCUSSION ITEMS

30. Implementation Procedures for Board Policy No. 18 (Sharon Cooney, Tim Allison and Debbie Ruane of Norwood Strategies) (TAKEN BEFORE CLOSED SESSION)

Tim Allison, Manager of Real Estate Assets, introduced this item and provided a brief background and history of Board Policy No. 18 and the development of the procedural manual. Debbie Ruane of Norwood Strategies continued the presentation and discussed the details of the proposed procedural manual. She discussed the identification of best practices, the Request for Qualifications/Proposals (RFQ/P) criteria, design criteria, and opportunities for innovation. Lastly, she reviewed the next steps including updating the inventory and website, and continuing pursuing development opportunities.

## PUBLIC COMMENTS

*John Seymour* – Mr. Seymour commented on behalf of National CORE. He stated that they were one of the developers that helped on the creation of this document. Mr. Seymour recommended adding in more flexibility for affordable housing ground leases and sales.

*Kelvin Barrios* – Mr. Barrios commented on behalf of LiUNA Local 89. He stated that they stand in support of the procedural manual. Mr. Barrios commented that they would like to have a broader conversation of who will build these future projects. Mr. Barrios said they would like to see a skilled and trained workforce for these projects.

*Maya Rosas* – Ms. Rosas commented on behalf of Circulate San Diego. She commented that they have three main recommendations for the manual including issuing regular RFPs for priority sites, including a percentage of affordable onsite housing, and not replacing underutilized parking for these sites. Ms. Rosas stated that they would like to see stronger language in the manual regarding parking requirements. A full copy of Ms. Rosas' statement is included in the final meeting packet.

## BOARD COMMENTS

Ms. Moreno commented that she would like to add one additional sentence to the document under the parking section that would state MTS will not require developers to provide more replacement parking than it is justified by current demand.

Mr. Ward asked if MTS is assessing parking utilization as part of prioritization. Ms. Cooney replied that parking utilization studies occur at the sites when a developer is interested in that particular site. Mr. Ward asked if parking utilization was a factor in determining the priority list. Ms. Cooney replied that it is not included in the priority list factoring, but is mainly focused on ensuring that MTS does not make it difficult for people to access transit who are currently using it by driving to that particular site. Mr. Ward asked if MTS is considering prioritizing areas as part of these tiers within jurisdictions that may have lowered their parking requirements. Ms. Cooney replied that there are many factors that are considered to list specific sites as priority sites. She stated that lower parking requirements will help make the sites more attractive to developers. Mr. Ward inquired about the property inventory and stated that he did not see anything listed in the new Blue Line segment up to University City. Ms. Cooney replied that MTS will not have ownership of those areas until Mid-Coast is open and operating. Mr. Ward asked about a vacant lot located at Riverwalk. Ms. Cooney replied that staff is looking at that specific site as a priority.

Mr. Allison noted that the website will be re-tooled to display the available sites in real time. Mr. Ward commented that he would like to see, when possible, local, skilled and trained workforce members hired for these future projects.

Mr. McClellan commented that he does not want to see all of the parking eliminated at these sites. He said that we will need to account for the people that drive to transit stations, park and ride the system.

Mr. Fletcher stated that he believes we need to rethink about how we viewed parking in the past. He said that he supports Ms. Moreno's additional parking language in the manual. Mr. Fletcher stated that he agrees with Mr. Ward's comments about prevailing wage and believes this Board should look at updating Board Policy No. 52.

Chair Gomez stated that she is supportive of the document and the proposed changes brought by Ms. Moreno. She stated that this has been a priority and is happy to see it finalized. Chair Gomez commented that she is mindful of the housing crisis the area is facing and believes that MTS can provide to the solution. Chair Gomez also commented that she is mindful of utilizing and addressing labor conditions during future projects and stated that changes will be forthcoming to Board Policy No. 52.

#### Action Taken

Ms. Moreno moved to approve the proposed implementation procedures for Board Policy 18, "Joint Development Program", including the addition of new language related to parking requirements. Mr. Ward seconded the motion, and the vote was 14 to 0 in favor with Mr. Arapostathis absent.

#### 31. 2019 State and Federal Legislative Programs (Sharon Cooney) (TAKEN BEFORE CLOSED SESSION)

Sharon Cooney, Chief of Staff, provided a presentation on the 2019 State and Federal Legislative Program. Ms. Cooney reviewed the details of the federal legislative priorities and the state legislative priorities.

#### PUBLIC COMMENT

*Joe Gabaldon* – Mr. Gabaldon commented on behalf of San Diego Gas & Electric (SDG&E). He stated that they support the approval of this item. Mr. Gabaldon said they are committed to providing the most clean, safe and reliable energy infrastructure. He stated that MTS and SDG&E are working together in relation to the Zero Emission Bus deployment. Mr. Gabaldon noted that SDG&E is working on the development of a new EV rate to support commercial fleets, including transportation systems. He stated that they look forward to their continued partnership with MTS.

#### BOARD COMMENTS

Ms. Moreno recommended the following additional language to be included in the federal legislative program: work with Customs and Border Protection (CBP) to seek approval for a new Customs Inspection Facility to serve cross border rail freight. Mr. Jablonski stated that we have no issues including that point in the program. He noted that MTS has been working closely with

CBP over the past three years regarding this facility. He stated that Baja Railroad has to complete their environmental impact report before CBP is able to finalize a cross border facility.

Ms. Montgomery stated that she is concerned about some of the language related to public safety. She asked for an example of the point in the program that states “oppose attempts to create duplicative state rail safety regulatory agencies.” Ms. Cooney replied that the state of California has one of the most rigorous rail safety programs in the country, even more so than the federal level. She stated that the goal of this point is to not take away from the current process in California. Ms. Montgomery inquired about the point in the program that states “seek stiffer federal criminal penalties for vandalism or theft of transit property” and asked if that would conflict with Proposition 47 or other criminal justice reforms. Ms. Cooney replied that this point is to ensure that we minimize public safety risks. She noted that there are instances of copper wire thefts that can impact the operation of the trolleys and risk the safety of the public. Lastly, Ms. Montgomery commented on the point that states “oppose legislation or regulations that would have an adverse impact on transit agencies’ ability to provide safe transportation to their customers.” She stated that she wants to be sure that we do not create systems where people are trapped in the criminal justice system and are never able to get out, which then lead to other societal issues and problems. Ms. Montgomery commented that she would like to see a balanced approach.

#### Action Taken

Ms. Moreno moved to approve staff recommendations for 2019 federal and state legislative programs, including the addition of new language to the federal legislative program. Ms. Montgomery seconded the motion, and the vote was 14 to 0 in favor with Mr. Arapostathis absent.

#### REPORT ITEMS

45. First Transit/Taxicab Pilot Update – Access Services (Bill Spraul) (TAKEN BEFORE CLOSED SESSION)

Bill Spraul, Chief Operating Officer – Transit Services, provided a presentation on the MTS Access Taxi Pilot Program. He provided a brief history of the taxi pilot program. He reviewed the pilot program components; pilot performance results; customer feedback; and random post-trip taxi surveys. Lastly, he reviewed the next steps going forward including continuing the pilot through June 2020, and expanding the program utilization to optimize effectiveness and cost savings.

Ms. Galvez asked where the service is being provided and where it will expand. Mr. Spraul replied that the service is throughout the MTS jurisdiction and is for paratransit trips. Ms. Galvez asked what the actual cost per trip is. Jay Washburn, Manager of Minibus and Paratransit, replied the actual cost per trip is approximately \$25 per trip in a taxi and approximately \$57 per trip for a single ride on the paratransit buses. Ms. Galvez asked about the location of the service areas. Mr. Washburn replied that the trips are provided anywhere within a ¾ mile radius of the MTS fixed route system.

Ms. Rios asked what minimal driver assistance meant. Mr. Washburn replied that there are two levels of service, either door-to-door service or curb-to-curb service. He stated that the taxi drivers are adjusting to accommodating these types of services. Ms. Rios inquired about the

outreach process related to these services. Mr. Washburn replied that they have had strong, positive feedback, but it has been a learning curve for both the drivers and passengers. Ms. Rios stated that she hopes to see additional training throughout the pilot program.

Action Taken

No action taken. Informational item only.

46. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments (Samantha Leslie) (TAKEN BEFORE CLOSED SESSION)

Samantha Leslie, Staff Attorney and DBE Liaison Officer, provided a DBE report. She reviewed the DBE regulations; certified DBE eligibility requirements; federally funded contracts; and outreach measures. She reviewed the results of the semiannual report for April 1, 2018 to September 30, 2018; the summary of DBE achievement for FFY 2016 to 2018; and DBE overall triennial goal for FFY 2019 to 2021. Lastly, Ms. Leslie reviewed the small business achievements for April 1, 2018 to September 30, 2018.

Ms. Montgomery inquired how staff determines the availability of DBEs. Ms. Leslie replied that they hired a consultant to help develop a methodology document for the DBE availability and percentage determination process. Ms. Montgomery asked if that includes only San Diego or statewide companies. Ms. Leslie replied that it is within San Diego County. Ms. Montgomery asked for a list of the outreach events that MTS attended. Ms. Leslie replied that she would provide that list after the meeting.

Action Taken

No action taken. Informational item only.

47. Operations Budget Status Report for December 2018 (Mike Thompson) (TAKEN BEFORE CLOSED SESSION)

Mike Thompson, Director of Financial Planning and Analysis, provided an update on the operations budget status for December 2018. He reviewed the total operating revenues; total operating expenses; and total operating variance. Mr. Thompson reviewed details of on-going concerns including regional sales tax receipts; STA formula funds; passenger levels; and energy prices.

Action Taken

No action taken. Informational item only.

59. Ad Hoc Ballot Measure Committee Report (TAKEN BEFORE CLOSED SESSION)

Chair Gomez stated that the initial polling is currently underway to gather input on what the support is from the voting public. She stated that the results will be brought to the Ad Hoc Ballot Measure Committee in early March and then to the full Board of Directors.

## PUBLIC COMMENTS

*Tom Lemmon* – This speaker did not provide comment.

*Murtaza Baxamusa* – This speaker did not provide comment.

*Michael McConnell* – Mr. McConnell commented that he wants to be sure the proposed measure will bring better access to people who are low income or homeless. He stated that any measure that moves forward should address these types of community issues.

60. Chair Report (TAKEN BEFORE CLOSED SESSION)

There was no Chair report.

61. Chief Executive Officer's Report (TAKEN BEFORE CLOSED SESSION)

There was no Chief Executive Officer report.

62. Board Member Communications (TAKEN BEFORE CLOSED SESSION)

Ms. Rios commented that she attend the Mid-Coast trolley tour and encouraged other Board Members to attend the tour. She thanked SANDAG staff for providing the tour.

63. Additional Public Comments on Items Not on the Agenda (TAKEN BEFORE CLOSED SESSION)

*Thomas Brill* – This speaker was not present.

## CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 10:45 a.m.

- a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) *Anda Topalusic v. San Diego Transit Corporation, Metropolitan Transit System et al.* San Diego Superior Court Case No. 37-2018-0001-9000-CU-PO-CTL
- b. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8  
Property: APNs 667-020-52, 54, 71, 86, and 88 San Diego, CA  
Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets  
Negotiating Parties: United States of America  
Under Negotiation: Price and Terms of Payment
- c. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9(d)(4) (One potential case: Riverstone Capital, LLC)



- d. 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 11:30 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from counsel and gave instructions.
- b. The Board received a report and gave instructions to negotiators.
- c. The Board received a report and gave instructions to staff.
- d. The Board received a report and gave instructions to counsel.

63. Additional Public Comments on Items Not on the Agenda (Continued)

*David Rodger* – Mr. Rodger commented about the lack of security in the system, particularly at the Fifth Avenue Trolley Station. He asked that the Board consider adding more security, especially in the late service hours.

64. Next Meeting Date

The next regularly scheduled Board meeting is March 21, 2019.

65. Adjournment

Chair Gomez adjourned the meeting at 11:33 a.m.

/s/ Georgette Gómez  
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): February 14, 2019

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

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

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

CLOSED SESSION: 10:45 a.m.

RECONVENE: 11:30 a.m.

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

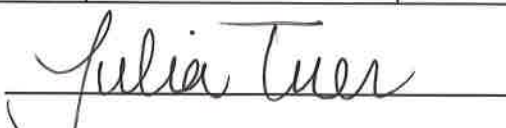
RECONVENE: \_\_\_\_\_

ORDINANCES ADOPTED: 1

ADJOURN: 11:33 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE	<input checked="" type="checkbox"/> (Spriggs) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
ARAMBULA	<input checked="" type="checkbox"/> (Mendoza) <input type="checkbox"/>	9:03 a.m.	10:45 a.m.
ARAPOSTATHIS	<input type="checkbox"/> (TBD) <input type="checkbox"/>		
FAULCONER	<input type="checkbox"/> (Moreno) <input checked="" type="checkbox"/>	9:00 a.m.	11:33 a.m.
FLETCHER	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:08 a.m.	11:33 a.m.
FRANK	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
GALVEZ	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
GOMEZ	<input checked="" type="checkbox"/> (Campbell) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
HALL	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
MCCLELLAN	<input checked="" type="checkbox"/> (Goble) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
MONTGOMERY	<input checked="" type="checkbox"/> (Bry) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
SALAS	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.
SANDKE	<input type="checkbox"/> (Donovan) <input checked="" type="checkbox"/>	9:00 a.m.	11:33 a.m.
WARD	<input checked="" type="checkbox"/> (Kersey) <input type="checkbox"/>	9:00 a.m.	11:33 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:

