

MINUTES  
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS

June 15, 2023

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

**1. Roll Call**

Chair Whitburn called the Board meeting to order at 9:06 a.m. A roll call sheet listing Board member attendance is attached.

**Employee Acknowledgment**

Chair Whitburn recognized Juan Hidalgo for his 50 years of service. Mr. Hidalgo expressed pride in serving the people of San Diego.

**2. Public Comment**

Shane Harris – Provided a verbal statement to the Board during the meeting. Harris acknowledged the important work of the drivers and urged the Board to address split shifts and clean bathrooms.

Blair Beekman – Provided a verbal statement to the Board during the meeting. Beekman was concerned about morale and wished the agency luck with the resolution of the strike to serve the drivers.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra expressed disappointment with the Board and urged regional steps to provide more public restroom access.

**CONSENT ITEMS:**

**3. Approval of Minutes**

Action would approve the May 18, 2023 Board of Director meeting minutes.

**4. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments**

**5. Operations Budget Status Report for April 2023**

**6. Rio Vista/Morena Wall Buttress Project Design – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA353-AE-09 under MTS Doc. No. PWL353.0-22 with Dokken Engineering (Dokken), in the amount of \$570,845.89 for design services for the Rio Vista/Morena Wall Buttress.

**7. America Plaza Pedestrian Enhancements Project – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA354-AE-23 to MTS Doc. No. PWL354.0-22 with Mott MacDonald, LLC (Mott) in the amount of \$555,542.74 for final design services, bid support, and Design Support During Construction (DSDC) for the America Plaza Pedestrian Enhancements Project.

- 8. Regional Transit Management System (RTMS) Hardware/Software Support Agreement – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0754.0-23, with Conduent Transport Solutions, Inc., (Conduent), for the provision of RTMS software and vehicle hardware support services for a five-year base period, and two (2) one-year options, in the amount of \$6,393,823.
- 9. Janitorial Services – Contract Amendment**  
Action would 1) Ratify Amendment 1 to MTS Doc. No. G2613.0-22 with NMS Management Inc. (NMS), a Disadvantaged Business Enterprise (DBE), in the amount of \$84,761.88; 2) Ratify Amendment 2 to MTS Doc. No. G2613.0-22 with NMS, in the amount of \$63,238.90; and 3) Authorize the Chief Executive Officer (CEO) to execute Amendment 3 to MTS Doc. No. G2613.0-22 with NMS, in the amount of \$2,636,508.60, for a total of \$2,784,509.38.
- 10. Imperial Avenue Division (IAD) and Kearny Mesa Division (KMD) Restroom Rehabilitation – Work Order Agreement**  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-28 under Job Order Contract (JOC) MTS Doc. No. PWG324.0-21 with ABC General Contracting, Inc. (ABCGC), in the amount of \$331,654.98, for rehabilitation of restrooms located at both the IAD and KMD.
- 11. Trolley Track Improvements – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute the Base, Add Alternate 1 and Add Alternate 2 to MTS Doc. No. PWL366.0-23, with Balfour Beatty Infrastructure Inc. for Trolley Track Improvements in the amount of \$8,884,454.00; 2) Authorize the CEO to execute amendments or change orders up to a 20% contingency for this construction contract, bringing total expenditure authority to \$10,661,344.80.
- 12. Copley Park Division (CPD) Planning and Utilities Study - Work Order Agreement**  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA355-AE-16 under MTS Doc. No. PWL355.0-22 with Psomas in the amount of \$204,221.31 to perform a site planning study and a utilities study at the CPD.
- 13. Fiscal Year 2024 Transportation Development Act Claim**  
Action would adopt Resolution Nos. 23-06, 23-07, and 23-08 approving Fiscal Year (FY) 2024 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.
- 14. Armored Transport and Cash Handling Services – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. G2711.0-23, with Sectran Security, Inc. (Sectran), for Armored Transport and Cash Handling Services for a five (5) base year period in the amount of \$693,288, and three (3) 1-year options; and 2) Exercise the option years at the CEO's discretion.
- 15. 2023 Transit and Intercity Rail Capital Program (TIRCP): Zero Emission Transit Enhancement 2.0 Project – Grant Award**  
Action would adopt Resolution No. 23-05 authorizing the following: 1) Acceptance of the 2023 TIRCP Grant Award for the Zero Emission Transit Enhancement 2.0 Project, which includes the Orange Line Track Improvement Project and the Electrification of the Kearny Mesa Division (KMD) Project; 2) Determination that both projects are exempt from environmental

review under the California Environmental Quality Act ("CEQA"); and 3) Approval of the Orange Line Track Improvement Project and the Electrification of the KMD Project.

**16. Microsoft Volume Licensing Agreement (VLA) – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2740.0-23 with Softchoice Corporation (Softchoice), in the amount of \$1,190,453.58 for the provision of Microsoft software subscription licensing, estimated Azure overages and as-needed licensing for three (3) years.

**17. Salary Survey Services – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2730.0-23, with The Segal Company (Western States), Inc. (Segal), for Salary Survey Services for a six (6) base year period in the amount of \$518,028.45.

**18. Master Concessionaire Services – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS No. G2653.0-23, with BriceHouse Station LLC (BriceHouse), for Master Concessionaire Services for a six (6) year base period and two (2) 3-year options for a total of twelve (12) years; and 2) Exercise the option years at the CEO's discretion

**19. Fixed-Route Bus Services – Contract Amendment**

Action would authorize the Chief Executive Officer (CEO) to negotiate and execute an amendment to MTS's contract with Transdev Services, Inc., (Transdev) for fixed-route bus services (MTS Doc. No. B0708.0-20 as amended), in an amount up to \$1,000,000, contingent upon fixed-route bus services being restored no later than June 23, 2023.

**20. San Diego Foundation Collaboration Agreement**

Action would 1) Authorize the Chief Executive Officer to execute a Collaboration Agreement with the San Diego Foundation outlining the developer selection process for a potential joint development project at 1313 National Avenue and 1344 National Avenue (IMT Joint Development Project); and 2) Determine that such action is not subject to environmental review under the California Environmental Quality Act (CEQA).

**Action on Consent Items, Excluding Consent Item 19**

Board Member Hall moved to approve Consent Agenda Item Nos. 3 to 20 with the exception of item 19. Board Member McCann seconded the motion, and the vote was 14 to 0 in favor with Board Member Vargas absent.

**Public Comment for Consent Item 19**

Dwayne Garret – Representing Teamsters 542 made a verbal statement to the Board during the meeting. Garret hoped that Transdev listened to its member concerns but did not believe Transdev did so. Garret urged the Board to hold Transdev accountable.

Christopher Moreno – A Transdev operator, made a verbal statement to the Board during the meeting. Moreno expressed the lack of appreciation he felt as a Transdev employee. Moreno listed his negative experience with Transdev as an employer.

Gabby Vasquez – A paratransit driver, made a verbal statement to the Board during the meeting. Vasquez spoke about her experience as an employee over various management changes.

Steven Flores – A paratransit operator made a verbal statement to the Board during the meeting. Flores read a letter by a paratransit customer who asked the Board to address the issues that the drivers have raised.

Jose Puga – Made a verbal statement to the Board during the meeting. Puga did not believe that the proposed \$1 million would solve all the problems that ignited the strike.

Nicholas Labmrix – A driver for Transdev made a verbal statement to the Board during the meeting. Lambrix advocated for addressing split shifts, clean bathrooms and meal break areas, in addition to the \$1 million.

Charles Flint – Made a verbal statement to the Board during the meeting. Flint expressed dissatisfaction with the health pay rates

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with Transdev as an MTS contractor.

Derrick Breun – Representing Transdev, made a verbal statement to the Board during the meeting. Breun acknowledged the hardship for the workers and MTS, along with the tentative agreement to approve item 19.

#### **Committee Comment on Consent Items 19**

Board Member Elo-Rivera expressed appreciation for workers who showed up today and shared their stories during public comment. He acknowledged the impacts on the workers and riders the strike has caused. Derrick Breun, representing Transdev discussed a letter with a list of options of how the allocated money could be allocated to Teamsters 683. Union representatives ultimately decided for premium splits over 2.5 hours. Board Member Elo-Rivera asked what Transdev's international revenue and profit was last year. Mr. Breun replied that he would need to gather the information to respond. Board Member Elo-Rivera added that part of the employee requests is to be treated with dignity and respect. He asked what additional strides the company would take to make employees feel appreciated. Mr. Breun replied the various existing mechanism such as a management open-door policy along with a grievance process in the collective bargaining agreement. He noted there is a committee to strategize bathroom placement. He noted that split shifts were a reality of the industry and assured the Board that split shifts were reduced by 5% in addition to the premium the proposed funding would provide. Sharon Cooney, Chief Executive Officer, added that MTS Contract Services staff monitors amenities, such as bathroom accessibility. Board Member Elo-Rivera was concerned that a response to dignity and respect was answered with grievance protocols. He posed the question again to Mr. Breun. Mr. Breun proposed a structure with more direct lines of communication with supervisors. Board Member Elo-Rivera stressed the importance of culture, feeling valued and respected. He hoped that Transdev can improve those conditions.

Board Member Montgomery Steppe stated that she would not be supporting the motion because the agency will need to reevaluate what to do with Transdev. She asked that a comprehensive study to assess what it would cost the agency to bring workers in house and asked staff for that commitment. Ms. Cooney replied that the analysis could be conducted with CEO authority. Board Member Montgomery Steppe asked if the assessment could be brought to the Board for discussion. Chair Whitburn agreed.

Board Member Aguirre agreed with Board Member Montgomery Steppe's assessment request. Board Member Aguirre agreed that workers should not be subjected to conditions with insufficient bathroom access, split shifts, and shading. Board Member Aguirre stated that she will not be supporting the motion. She asked why Local 542 was not being considered in today's motion. Ms. Cooney replied that they were still at the bargaining table, if additional items related to Local 542, the Board would do that.

Board Member Dillard asked to confirm the change made to split shifts. Mr. Breun replied that split shifts would not be greater than four hours, with a premium paid on anything more than 2.5 hours. She also asked for Transdev staff to clarify that in addition to employees working a split shift, staff would be required to work a 6<sup>th</sup> day (inverse day). Mr. Breun explained that this is true because the agency continues to have a driver shortage. Board Member Dillard expressed her dissatisfaction with ongoing split shifts. Mr. Breun replied that when he was a driver, he did work split shifts and was not inversed on the 6<sup>th</sup> day but drivers who work six days would be paid double time. Board Member Dillard asked staff to consider reducing hours to the 6<sup>th</sup> day, to minimize staff turnover. Mr. Breun acknowledged that the \$2 increase in December has vastly improved the retention and hiring. Board Member Dillard asked how many more operators were needed to rid the required 6<sup>th</sup> day shift. Mr. Breun replied that the agency would need 465 operators to be at full capacity and, prior to the strike, the agency was 43 operators short of active, full driver capacity. Board Member Dillard asked Mr. Breun to list the losses of the strike that the agency is experiencing. Mr. Breun explained that the majority of people are lost in the training period itself due to drug-test failure, background checks, or physicals, and that terminations themselves were a lot lower. Board Member Dillard asked if Mr. Breun found the turnover rate a marker on the company culture. He continued to state that this industry has various obstacles, and he hopes that the modifications that have been negotiated would help drivers.

Board Member Hall asked how Transdev would address restroom availability. Mr. Breun replied that Union and Transdev management would create a committee to discuss bathroom issues. Board Member Hall asked what types of bathrooms the company would be procuring. Mr. Breun replied that they would be acquiring porta potties or relationships with storefronts. He acknowledged that storefront partnerships are not ideal because they would not be able to support drivers too early or late in the day. Partnerships would involve some compensation for the use of restrooms. Board Member Hall was concerned that Transdev would not follow through once the Amendment was approved. He suggested that a Board Member participate in the committee meetings for accountability purposes and expressed his compassion for drivers using his anecdotal experience as a previous driver.

Board Member Moreno stated that she is underwhelmed by the agency's response to the strike. She did not agree with the agency's claim that contracting out bus driver service was an industry best practice. She was disappointed that the South Bay received a predominant transportation impact while wealthier neighborhoods did not receive such disruptions and questioned validity for a Title XI complaint. She asked what recourse MTS has to enforce contractual obligations and restore bus service. She asked if MTS could hire additional drivers to restore services. She did not agree that split shifts should be an ongoing industry option and nor contracting out driver services. She added that the agency's pension program does not extend to its bus drivers. She supported an item being brought to the Board that would consider bringing in drivers in house. She was concerned about an in-house driver strike. She opposed the motion when it was brought to closed session and stated she was unsure how she would vote for the motion and the negative impacts on riders and workers. She thanked the workers who attended today's meeting.

Board Member Bush thanked the workers who attended today's meeting. He wished that the Board and the Union had the conversation sooner. He encouraged more dialogue between workers and the Board for future issues that arise. He expressed disappointment in the length of the strike and its impacts to everyone affected by it. He stated how he was unsure he would vote. He was not against terminating the contract but did not believe that government subsidies and bail outs was a realistic ongoing solution. Mr. Breun stated that change to the financial and operational assumptions in the contract, such as additional reduced splits, would require funding. He also acknowledged that the industry would need to find creative ways to retain workers. Board Member Bush asked if board member involvement was an obstacle for Transdev in the negotiation process. Mr. Breun explained that ongoing Transdev negotiations with the Executive Committee does not allow outside influences during ongoing negotiations. In some parts of the negotiation, the contractor can go back to the client and note the points of negotiable and non-negotiable requests. Generalized conversations should be taken well in advanced of negotiations where the Board could participate. Board Member Bush interpreted Mr. Breun's comments to confirm that Board involvement with workers could have ended the strike sooner. Mr. Breun replied that Board relationships varied. He asked if he believed that the Board was overly involved now. Mr. Breun replied that the additional contract funding was appreciated and the Board's interest in driver's conditions. Board Member Bush stated that he would like to address restrooms at the next Board meeting and urged staff to address restrooms on the system.

Board Member McCann listed priorities to get riders back to work, back on healthcare and riders served. He was also focused on the improvement of split shifts and accessible bathrooms.

Board Member Gastil acknowledged the tentative agreement and believed that the Amendment should be passed to provide an option for the Union Executive Committee rather than not providing them an offer in the attempt to end the strike. He believed that there were no winners in the strike, workers were struggling financially and riders were not being served. He did not believe it was a solution but it was a step towards resolution.

Chair Whitburn stated that he was not a supporter of government agencies contracting government services and pointed to this conversation as the reason why he holds this belief, along with the agency's limited ability to intervene in that contract. He acknowledged that many Board Members look after the well-being of their respective City employees. He stated that the contract pre-dates many Board Members and that bringing the services in house could be more than a year-long process. The action presented today is a tangible step forward towards a resolution

### **Action on Consent Items 19**

Chair Whitburn moved to approve authorizing the Chief Executive Officer (CEO) to negotiate and execute an amendment to MTS 's contract with Transdev Services, Inc., (Transdev) for fixed-route bus services (MTS Doc. No. B0708.0-20 as amended), in an amount up to \$1,000,000, contingent upon fixed-route bus services being restored no later than June 23, 2023. Board Member Goble seconded the motion and the vote passed with 8 in favor (Board Member: Chavez, McCann, Donovan, Goble, Gastil, Frank, Whitburn, Hall), 6 opposed (Board Member: Aguirre, Dillard, Bush, Montgomery Steppe, Elo-Rivera, Moreno) and Board Member Vargas absent.

DISCUSSION ITEMS AND REPORT ITEMS (ITEMS TAKEN OUT OF ORDER):

**21. SANDAG Request for Innovative Concepts: Trolley Extension to Tijuana (Brent Boyd)**

Brent Boyd, MTS Manager of Service Quality and Special Operations for Rail, presented on the SANDAG Request for Innovative Concepts for Trolley Extension to Tijuana. He outlined: the project background, Cross Border trolley extension concept, major components of proposal, MTS engagement, near-term planning studies, funding opportunities and next steps.

**Public Comment**

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with a private-public partnership and the cost being spent on a feasibility study. Truth questioned the legality of the project.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra did not support the project.

**Committee Comment**

Board Member Chavez supported any project that benefited the cross-border work population. She noted Tijuana as a high transit binational region with housing solution economies as one example of binational collaboration. She supported the project as a regional pollution and affordable solution that promotes public transportation. She was curious about land acquisition and binational negotiations and additional issues.

Board Member Moreno supported the proposed project. She believed that the project could maximize benefits and believes that the project should be kept separate from MTS's short-term San Ysidro Transit Center Improvement Projects and Intermodal Transit Center Project. She encouraged creative thinking for the San Ysidro and cross-border region.

Board Member Aguirre agreed that creative and a forward-thinking mentality was needed for this project. She commended projects like the Cross Border Express (CBX) and its success. She supported the promotion of public transit for an effort to mitigate pollution through the transit system and agreed with the previous member claims about regional economic benefits.

Board Member Dillard supported the project as an urgent pollution solution for the region and California. She supported ongoing cross-border negotiations and conversations. Mr. Boyd replied that there have been ongoing conversations with agencies in Mexico about the project; however, significant outreach and discussions are still needed. Jacqueline Reynoso, a representative of Cordoba Corporation, stated that City, state of Baja California and Secretary of Foreign Affairs, the Secretaria de Infraestructura, Comunicaciones y Transportes (SICT) (the equivalent to the federal U.S. department of Transportation Department) were current stakeholders with active lines of communication. The city and state have appointed project liaisons for project development, the first phase will include an integrated governance structure with stakeholders from both regions.

Board Member Gastil expressed excitement for economic and cultural connectivity between the regions. He was excited about the ridership transportation culture outcomes.

Board Member Bush expressed excitement for the project. He was concerned about the environmental air pollution impacts of the project. He noted the economic interconnectedness of the region and health benefits for both regions. He was concerned about separating the San Ysidro track improvement short-term needs from the long-term extension project. He was

hesitant to approve the projects separately as this may lead to inconsistent or costlier in the long term. Mr. Boyd deferred to the logistics of the San Ysidro Transit Center Improvements Project Update agenda item slated in the meeting. He assured the Board that there is overlap in the project, and the same SANDAG project managers are working on both projects and can address both concerns. Board Member Bush asked if there was dedicated staff as a project manager. Ms. Cooney replied that SANDAG staff is the main point of contact for these projects and that MTS staff functions as support. The level of staff involvement will depend on the phase of the project.

Chair Whitburn asked Board Member Bush to reiterate his question to staff about project separation.

Board Member Bush asked if separating projects will result in project inconsistency issues. Mr. Boyd stated that they are currently two separate projects with significant overlap, and he did not believe that the respective projects would preclude each other. SANDAG staff confirmed Mr. Boyd's statement.

#### **Action Taken**

Informational item only. No action taken.

#### **22. Revisions to MTS Board Policy No. 21, "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise" (Mark Olson)**

The Board waived the staff report for this item.

#### **Public Comment**

Consuelo – Provided a verbal statement to the Board during the meeting. Consuelo asked for clarification on how public comment worked. Chair Whitburn explained Public Comment protocols and intention. Consuelo encouraged the Board to advertise the Board meeting more for public engagement and asked where the meetings were advertised.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA did not support the item because they believed it was a public engagement.

Truth – Provided a verbal statement to the Board during the meeting. Truth did not believe that minors should ride the trolley unaccompanied. Truth was concerned about the light pollution from the signs. Truth did not wish to see advertainments that violated the policy language.

Blair Beekman – Provided a verbal statement to the Board during the meeting. Beekman was concerned that the advertisement would incentivize poor health choices.

#### **Committee Comment**

Board Member Montgomery Steppe pointed out the juxtaposition of ticketing unhoused community members for the possession of open containers and passing the proposed updated advertisement policy allowing alcohol ads. She asked if the agency would advertise a disclaimer to not drink onboard. Mark Olson, MTS Director of Marketing & Communications replied that many advertisements do have responsible drinking messages. Board Member Montgomery Steppe hoped to see disclaimers on the platforms.

Board Member Dillard spoke about her experience as a sales executive. She stated that they had successful advertisement returns without the advertisement of alcohol, cigarettes and



gambling. She was concerned about the public message that alcohol advertisement would promote.

Board Member Gastil stated that the intent was not for the consumption of alcohol. He suggested that alcohol be clearly related to establishments being promoted. He believed that promoting transit rather than driving was a responsible public service announcement (PSA).

Board Member Hall clarified that various cities could benefit from event advertisement beyond the downtown area.

Board Member Elo-Rivera offered an amendment to the original motion that alcohol advertisements shall solely promote events and San Diego regional establishments with the proposed restrictions. Mr. Olson introduced Lane Larson from Clear Channel Outdoor, the shelter and advertising partner for MTS. He explained that the proposed amendment would drastically reduce revenue if it is revised to solely events. Board Member Elo-Rivera asked if he believed that large liquor brands would be the ones bidding on advertisements with responsible drinking messages.

Board Member Bush prioritized revenue and public safety as topics of concern. He suggested a separate amendment allowing brand advertisement with a responsible drinking message requirement disclosure. He supported the transit as an alternative to drunk driving public service announcements. Mr. Olson asked Board Member Bush to clarify his suggestion. Board Member Bush clarified that he would like to include a responsible drinking message or another PSA message on alcohol brand ads. Mr. Olson did not believe that this requirement would diminish the anticipated ad revenue.

Board Member Hall suggested the change be piloted for a two-year period.

Board Member Bush asked staff what pilot timeline staff would suggest to render clear data. He asked how long it would take for advertisement acquisition and execution. Mr. Olson believed that advertisements could begin immediately and a data report could be generated in 6-8 months.

Board Member Elo-Rivera withdrew his original Amendment and supported the Amendment proposed by Board Member Bush.

Board Member Dillard asked that data be gathered for disadvantaged areas.

Board Member Bush further amended the motion to include data tracking of the location of the advertisements to assure there are no disparities in disadvantaged communities and those that suffer overconsumption of alcohol.

Board Member Aguirre supported regional events. She stated that she would not support the modified motion because her community would not support the display of alcohol advertisement.

Board Member Gastil believed the agency should be promoting healthy and fun regional activities and would not be supporting the modified motion presented. He believed that the promotion of alcohol promoted social problems.

Vice Chair Goble asked how long advertisement contracts lasted. Mr. Olson replied that the average length was about three months. Stefanie Blitvich with Clear Channel Outdoor replied that each campaign varied and ranged between 3-5 months in length.

### **Action Taken**

Board Member Bush moved to 1) Approve the proposed revisions to MTS Board Policy No. 21, "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise" to remove the alcohol advertising prohibition on transit vehicles, trolley stations, and transit centers; 2) Direct staff to work with City of San Diego on amendments to applicable policies to allow alcohol advertising on bus shelters and benches within the City of San Diego; 3) Pilot the policy changes for a two-year period, including responsible drinking messages on all alcohol advertisements along with reporting results in six months and 4) Include data tracking of the location of the advertisements to ensure there are no disparities in disadvantaged communities and those that suffer overconsumption of alcohol. Board Member Elo-Rivera seconded the motion, and the vote was 8 in favor (Member: Chavez, Donovan, Goble, Bush, Frank, Elo-Rivera, Whitburn, Hall), 3 opposed (Members: McCann, Aguirre and Gastil) and Board Member Vargas, Board Member Dillard, Board Member Montgomery Steppe and Board Member Moreno absent.

#### **23. San Ysidro Transit Center Improvements Project Update (Denis Desmond, Beverly Neff)**

The Board deferred the staff report for this item to the next meeting.

#### **OTHER ITEMS:**

#### **24. Chair Report**

Chair Whitburn acknowledged Comic-Con as a high operations event for the agency.

#### **25. Chief Executive Officer's Report**

There was no Chief Executive Officer's Report.

#### **26. Board Member Communications**

There were no Board Member communications.

#### **27. Remainder of Public Comments Not on the Agenda**

There were no additional public comments.

#### **CLOSED SESSION:**

The Board convened to Closed Session at 12:15 p.m.

#### **28. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1) Tyesha Harrison v. San Diego Metropolitan Transit System WCAB Case No.: ADJ11699333**

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session: The Board receive a report and gave instructions to legal counsel.

#### **29. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1) Treasure Andrews vs. San Diego Metropolitan Transit System, et al (San Diego Superior Court Case No. 37-2018-00033322-CU-PA-CTL)**

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session: The Board receive a report and gave instructions to legal counsel.

**30. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)  
Terri Morris vs. San Diego Transit Corp, et al. (WCAB No. ADJ3103754)**

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session: The Board receive a report and gave instructions to legal counsel.

The Board reconvened to Open Session at 12:23 p.m.

**ADJOURNMENT**

**31. Next Meeting Date**

The next regularly scheduled Board meeting is July 27, 2023 at 9 a.m.

**32. Adjournment**

The meeting was adjourned at 12:24 p.m.

/S/ Stephen Whitburn

Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/S/ Dalia Gonzalez

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): June 15, 2023 CALL TO ORDER (TIME): 9:06 a.m.  
 RECESS: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 CLOSED SESSION: 12:15 p.m. RECONVENE: 12:23 p.m.  
 PUBLIC HEARING: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 ORDINANCES ADOPTED: \_\_\_\_\_ ADJOURN: 12:24 p.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Chavez	<input checked="" type="checkbox"/>	Cardenas	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of Chula Vista	McCann	<input checked="" type="checkbox"/>	Cardenas	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of Coronado	Donovan	<input checked="" type="checkbox"/>	Duncan	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
County of San Diego	Vacant	<input type="checkbox"/>	Vargas	<input type="checkbox"/>	ABSENT	ABESENT
City of El Cajon	Goble (Vice-Chair)	<input checked="" type="checkbox"/>	Ortiz	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of Imperial Beach	Leyba-Gonzalez	<input type="checkbox"/>	Aguirre	<input checked="" type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	9:06 a.m.	12:14 a.m.
City of Lemon Grove	Gastil	<input checked="" type="checkbox"/>	Mendoza	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of Poway	Frank	<input checked="" type="checkbox"/>	Pepin	<input type="checkbox"/>	9:06 a.m.	12:24 p.m.
City of San Diego	Montgomery Steppe	<input checked="" type="checkbox"/>	Von Wilpert	<input type="checkbox"/>	9:10 a.m.	12:05 p.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	LaCava	<input type="checkbox"/>	9:10 a.m.	12:14 p.m.
City of San Diego	Gloria	<input type="checkbox"/>	Moreno	<input checked="" type="checkbox"/>	9:06 a.m.	11:20 a.m.
					11:46 a.m.	12:05 a.m.
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Campillo	<input type="checkbox"/>	9:06 a.m.	12:14 p.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval	<input type="checkbox"/>	9:06 a.m.	12:14 p.m.
			Minto	<input type="checkbox"/>		

SIGNED BY THE CLERK OF THE BOARD: \_\_\_\_\_