

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE  
METROPOLITAN TRANSIT SYSTEM (MTS),  
SAN DIEGO TRANSIT CORPORATION (SDTC), AND  
SAN DIEGO TROLLEY, INC. (SDTI)

October 19, 2006

MTS  
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

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

2. Approval of Minutes

Mr. Young moved to approve the minutes of the September 28, 2006, Board of Directors meeting with one correction on page two, sentence two. The word "Orchid" was corrected to read "Orcutt". Mr. Emery seconded the motion, and the vote was 8 to 0 in favor.

3. Public Comment

*Don Stillwell:* Mr. Stillwell made suggestions for improving the schedule for Route No. 14.

*Kit Gardner:* Mr. Gardner presented the Board with a report prepared by the Rolling Hills Neighborhood Coalition regarding Route Nos. 707 and 709A on MacKenzie Creek Road. The report included a picture of a bus traveling down MacKenzie. He stated that the Coalition requests that these routes travel down Proctor Valley Road where there are six lanes and bus curb cuts. He stated that Lane Avenue could be used when buses are traveling in the opposite direction. He stated that Chula Vista Mayor Stephen C. Padilla sent a letter to MTS requesting that MTS expedite its planned analysis of the efficiency and effectiveness of the changes that were made to these routes. Mr. Gardner requested that concerned individuals be given an opportunity to make comments and be properly notified of that opportunity. He referred to his phone number as listed on the Request to Speak Form and provided his e-mail address to the Board.

Mr. Paul Jablonski, MTS Chief Executive Officer (CEO), advised the Board that MTS has responded to Mayor Padilla's letter regarding this matter. He added that a committee, headed by Andy Trujillo of Chula Vista Transit, has been formed to work with the community and to review this matter. He stated that MTS Planning Department personnel will also be serving on this committee, and it is anticipated that the committee will complete its work 90 days after it begins.

Mr. Monroe questioned why MTS is providing service where it is not wanted when there are other people in need of service. Vice Chair Rindone stated that there are competing groups with varying opinions regarding this matter as evidenced by a recent three-hour community

meeting during which this issue was discussed. He added that Mr. Jablonski was present at this meeting and pledged to expedite the analysis of Route Nos. 707 and 709A. He added that MTS will be considering ridership demands as well as other alternatives as part of its analysis. He added that anyone who is interested in this issue is encouraged to participate in the study the newly formed committee will be doing.

*Donna Erickson:* Ms. Erickson provided the Board with a handout showing Route No. 25 schedule times and illustrating Linda Vista's objections to not having direct access to Sharp. The handout included a request that a change be made to improve the connections between the Route No. 25 shuttle and Route No. 120 to Sharp. Ms. Erickson advised the Board that she was recently selected as the Transportation Chair of the Linda Vista Community Planning Committee and that her remarks were being made in that context. She stated that the community would also like to have its direct access to downtown restored. She stated that there would probably be lower ridership as a result of the changes to Route No. 25. She added that she used to ride this route three to four times per week and is now only riding two or three times per month. She also referred to the schedule and stated that the varying frequencies of service are confusing to riders.

4. Successful First Year of the Green Line – Senator Christine Kehoe

This item was trailed to the Board's November 9, 2006, meeting.

5. MTS: Appointment of Ad Hoc Nominating Committee for Recommending Appointments to MTS Committees for 2007 (LEG 410, PC 50101)

Chairman Mathis reported that Mr. Clabby, Mr. Emery, and Mr. Ewin had volunteered to serve on the Ad Hoc Nominating Committee. He asked for other volunteers and there were none.

Action Taken

Mr. Rindone moved to appoint Board members Tom Clabby, Bob Emery, and Ernie Ewin to an Ad Hoc Nominating Committee (pursuant to MTS Board Policy No. 22) to make recommendations to the Board with respect to the appointment of members of the Board to serve on MTS and non-MTS committees for 2007. Ms. Atkins seconded the motion, and the vote was 9 to 0 in favor with Mr. Clabby, Mr. Emery, and Mr Ewin abstaining.

CONSENT ITEMS

6. MTS: Adoption of 2007 MTS Executive Committee and Board of Directors Meeting Schedule (ADM 110.1, PC 50101)

Recommend that the Board of Directors adopt the 2007 Executive Committee and Board of Directors Meeting Schedule as outlined in Attachment A of the agenda item.

7. MTS: Liability Claims Analysis (LEG 491, PC 50633)

Recommend that the Board of Directors receive the Liability Claims Analysis Report (Attachment A of the agenda item) for MTS, SDTC, and SDTI.

8. MTS: Investment Report (FIN 300, PC 50601)

Recommend that the Board of Directors receive this report for information.

9. MTS: Increased Authorization for Legal Services (LEG 491, PC 50633)

Recommend that the Board of Directors authorize the CEO to enter into a contract amendment (MTS Doc. No. G0960.3-05) with Robert Howard of the law firm Latham & Watkins, LLP for legal services (in substantially the same form as Attachment A of the agenda item) and ratify prior amendments entered into under the CEO's and/or previous General Manager's authority(ies).

10. MTS: SDTI Revenue Process Audit Report (LEG 492, PC 50121)

Recommend that the Board of Directors receive this report for information.

11. MTS: FY 2007 Capital Improvement Program Amendment (FIN 310, PC 50601)

Recommend that the Board of Directors approve a shift in the available projects that funded the FY 2007 Capital Improvement Program (CIP) totaling \$201,374 (as detailed within Attachment A of the agenda item).

Recommended Consent Items

Mr. Emery moved to approve Consent Agenda Items No. 6, 7, 8, 9, 10, and 11. Ms. Atkins seconded the motion, and the vote was 12 to 0 in favor.

CLOSED SESSION:

24. Closed Session Items (ADM 122)

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

- a. MTS: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b) (One Potential Case)

The Board reconvened to Open Session at 9:31 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following:

- a. The Board received a report from staff and gave direction to staff and General Counsel.

NOTICED PUBLIC HEARINGS

- 25. There were no Noticed Public Hearings.

## DISCUSSION ITEMS

### 30. MTS: Federal Railroad Administration Horn Rule – Quiet Zones (AG 210.3, PC 50111)

Ms. Lorenzen reminded the Board that a report had already been given on this item at a previous Board meeting and that the item had been continued at that time. Chairman Mathis stated that the request that the boundaries originally identified for this project be extended to Old Town would have to be handled as a separate issue in the future. Ms. Lorenzen clarified for the record that the motion being proposed in the agenda item involves approving the scope of the Quiet Zone Project and authorizes the CEO and General Counsel to negotiate an agreement with the Centre City Development Corporation (CCDC). She stated that subsections a, b, c, d, and e of the second part of the recommended action are guiding principles only. She stated that the attorneys will reach an agreement and bring it back to the Board for final approval.

Mr. Faulconer stated that this is a very important and complex issue. He stated that he was impressed that the individuals involved have been able to keep this project on schedule given its complexity. Ms. Lorenzen stated that, since the City of San Diego has not yet heard this item, City representatives on the MTS Board should not take action on this item.

#### Action Taken

Mr. Emery moved to direct the Chief Executive Officer (CEO) to: (1) continue to work with the City of San Diego, Centre City Development Corporation (CCDC), and other public agencies impacted to support the "Quiet Zone" concept at public grade crossings between Park and Laurel and other locations that may be considered; and (2) negotiate a Maintenance and Operations Agreement for Quiet Zones with CCDC, the City of San Diego, or North County Transit District (NCTD) as appropriate. This agreement shall include, as a minimum: (a) essential indemnification and/or standard insurance language to cover MTS operations, its Board, and appropriate other entities; (b) provide that MTS shall not incur any costs associated with studies or risk analysis documentation, construction, equipment procurement or contractor expenses; (c) provide that MTS light rail transit (LRT) operations not be adversely impacted by the construction, including maintaining the status quo of operations as it pertains to gate bell activation and nearside gate hold-off features; (d) require that specialized track detection loops be maintained by the City of San Diego or its contractor; and (e) require the City of San Diego to authorize spare-parts inventory for special equipment necessary for the Quiet Zone. Mr. Cox seconded the motion, and the vote was 9 to 0 in favor, with Ms. Atkins, Mr. Faulconer, Mr. Maienschein, and Mr. Young abstaining.

## REPORT ITEMS

### 45. SDTI: FY 06 Year-End Rail Operations Report (OPS 960.2)

Mr. Wayne Terry, Vice President of Operations for SDTI, provided the Board with an overview of San Diego Trolley operations for the year ending FY 2006. He reviewed statistics on ridership, accidents, schedule adherence, wheelchair boardings, special events, car miles between service failures, the light rail vehicle body restoration and painting program, and activities performed by the Wayside Maintenance Department. He also reported on activities of the Security/Code Compliance Department, the K-9 Unit, and provided some details on the new

Operations Control Center, which was activated March 14, 2006. He also provided details on ridership, number of train trips, and semester passes sold at SDSU for the Green Line.

Mr. Monroe requested that future reports identify car miles between service failures for each type of trolley car as well as how ridership on the Green Line compares with ridership projections made during the development of the project. Mr. Jablonski stated that SANDAG made the projections, which were based on the number of passengers per station, and he believed they projected 12,000 riders by 2015 for the four stations on the Green Line. He stated that ridership is close to that level already. He added that he would confirm that figure with SANDAG. Mr. Monroe stated that this would make a good news story. Mr. Ewin agreed that benchmarks are valuable and stated that he would like to see ridership comparisons with previous years.

In response to a question from Mr. Clabby, Mr. Terry explained that the accident statistics presented in his report are those accidents classified as reportable to the California Public Utilities Commission (CPUC) and include collision and pedestrian accidents only. Mr. Ewin stated that the number of nonpreventable accidents should be indicated in future reports. Mr. Terry reported that 2 of the 24 accidents were nonpreventable. Mr. Terry explained the process used by SDTI to determine if accidents are preventable and nonpreventable.

Mr. Monroe stated that even though the restrooms at SDSU are the University's responsibility to maintain, there is probably a perception that the responsibility lies with MTS. Mr. Terry reported that security officers who are housed at the station have recently been instructed to monitor the condition of the restrooms and call for service when needed.

#### Action Taken

Mr. Monroe moved to receive this report for information. Ms. Atkins seconded the motion, and the vote was 13 to 0 in favor.

#### 46. MTS: Year-To-Date Operations Budget Status Report Through August 2006 (FIN 310, PC 50601)

Mr. Larry Marinesi, MTS Budget Manager, provided an overview of the operations budget through August 2006. He reported a total net operating subsidy variance of \$721,000 and a total cost variance of \$652,000.

#### Action Taken

Mr. Ewin moved to receive this report for information. Mr. Young seconded the motion, and the vote was 13 to 0 in favor.

#### 60. Chairman's Report

Chairman Mathis reported the following:

*Executive Committee:* The November, 2, 2006 Executive Committee meeting has been cancelled.

*Opening of Morena Linda Vista Project:* An invitation to the opening for this project was placed at each Board member's place.

*2007 Meeting Schedule:* The 2007 Executive Committee and Board Meeting Schedule was approved as part of the Consent Agenda. There are several months with only one Board meeting based on the amount of business MTS has to discuss during those particular months.

*San Diego Symphony Pops:* Ms. Lorenzen reported that the tickets provided to Board members for the Symphony Pops are valued at \$40 each (each ticket is for two people).

61. Chief Executive Officer's Report

*APTA Annual Meeting in San Jose:* Mr. Jablonski reported that he, staff, and several Board members recently attended this meeting. He reported that he is on the Bus & Paratransit CEO's Committee, Rail CEO's Committee, LRT Subcommittee, and Awards Committee. He reported that there were a lot of discussions about zero-emission hydrogen buses. He added that he attended several meetings with other transit agencies from Southern California to discuss the impending zero-emission bus regulations. He added that he participated in some discussions regarding street furniture for bus shelters and advised the Board that this will be important when MTS's contract for bus shelters is due for renewal.

Mr. Jablonski reported that the highlight of the trip was having lunch with James Simpson, the newly installed Administrator of the Federal Transit Administration (FTA). He stated that David B. Horner, Chief Counsel for the FTA, was also present.

*Grossmont Trolley Station Joint Development Project:* Mr. Jablonski reported that escrow for this project has closed, and construction should begin this week. MTS will coordinate a ground-breaking ceremony during November with Fairfield Residential, LLC.

62. Board Member Communications

*George Stevens:* Mr. Young reported that the memorial service for former San Diego City Council Member and former MTS Board member will be held at 1:00 p.m. on Tuesday, October 24, 2006, at the Bayview Baptist Church at 6126 Benson Avenue. He added that a viewing will be held on Monday, October 23, 2006 from 9:00 a.m. to 4:00 p.m. at the Mount Erie Baptist Church. Chairman Mathis made remarks about his association with Mr. Stevens and stated that he did many good things for his district. He added that he was single-minded about improving things for his constituents. Mr. Rindone stated that he enjoyed serving with Mr. Stevens on the MTS Board. He stated that he served passionately and made a difference. He requested that the meeting be adjourned in Mr. Stevens' honor.

*Full Access and Coordinated Transportation:* Mr. Monroe reported that he has been appointed by SANDAG to serve on this committee. He stated that this committee will identify all specialized transportation services within the San Diego region and provide information on those services at one location. He stated that this committee intends to seek new funding, but there is a potential that MTS and North County Transit could be in competition for funding. He stated that MTS should have a member on this committee or, at a minimum, staff should closely monitor its activities.

*Transit Security Participation in Community:* Mr. Young thanked Mr. Bill Burke, SDTI Transit Security Administrator, for participating in the National Day of Peace that was held recently on 47<sup>th</sup> Street. He stated that Mr. Burke spoke to the public at this event.

*San Diego Symphony Pops:* Mr. Young stated that he would like to know about these types of promotions while they are being considered. Ms. Lorenzen pointed out that, when a program has a nominal value, it is not typically brought to the Board. Mr. Schupp briefly discussed the particulars of the program and its cost and benefits to MTS. He reported that Coca-Cola is also a partner in this program. Mr. Schupp added that the Symphony plans to hold small ensemble performances throughout the community for many different types of audiences. Mr. Young stated that he would like to have a discussion of how to increase ridership through these types of activities in the community. He congratulated staff on the Symphony Pops partnership.

*Security Cameras in Chula Vista:* Mr. Rindone requested that an agenda item on the security camera project in Chula Vista be brought back to the Board under its Consent Agenda.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, November 9, 2006, at 9:00 a.m. in the same location.

65. Adjournment

Chairman Mathis adjourned the meeting at 10:18 a.m. in George Stevens' honor.

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Chairperson  
San Diego Metropolitan Transit System  
Filed by:

Approved as to form:

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Office of the Clerk of the Board  
San Diego Metropolitan Transit System

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Office of the General Counsel  
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

gail.williams/minutes