

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

MINUTES

February 21, 2013

MTS - 1255 Imperial Avenue, Suite 1000, San Diego

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. Cunningham moved to approve the minutes of the January 17, 2013, MTS Board of Directors meeting. Mr. Ovrom seconded the motion, and the vote was 14 to 0 in favor (with Ms. Salas abstaining).

3. Public Comments

John L. Wood – Mr. Wood asked when and if MTS would extend the platform at the Lemon Grove Depot. Mr. Wood spoke with a City Engineer and the City Planning Department and they are not aware of the City being responsible for any of the construction relating to the platform. Mr. Wood would like to know why Euclid station gets concrete on both sides and the middle of the track while Lemon Grove and all stations each get asphalt with Spring Street only getting ballast. Mr. Wood advised MTS does not provide sufficient station announcements. He indicated the gates go down at Broadway and Lemon Grove Ave. as soon as the trolley stops on the inbound side and on the outbound side they come down at Central Ave., two maybe three blocks away and he would like to know why that is occurring.

Mr. Mathis advised Wayne Terry, Chief Operating Officer of Rail would be able to answer Mr. Wood's questions.

David Tasem – Mr. Tasem advised there is concern about taxi robberies and he provided a brochure regarding a device hopefully to be used in the future by the City and County to help taxi drivers notify the police by silent alarm. Mr. Tasem realizes it's a bit premature to introduce the device, but wanted the industry that regulates Taxicab Administration to be aware and begin conversations regarding implementing such a device to keep drivers safe. Mr. Tasem explained the device has been test marketed in Dallas and is very low cost.

CONSENT ITEMS

6. 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 15, 2013

Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Pacific Imperial Railroad, Inc. (PIR) quarterly reports for information; and (2) ratify actions taken by the SD&AE Board at its quarterly meeting on January 15, 2013.

7. Investment Report - November 2012

Action would receive a report for information.

8. Pay Phone Services - Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. L1086.0-12 with Western Communication Systems, Inc. (WESCOMM) as a revenue contract for pay phone services for a five-year base period with 2 one-year option terms; and (2) exercise each option year at the CEO's discretion.

9. 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) and excess workers' compensation insurance (at statutory limits less a \$1 million self-insured retention) The new policies would be in effect from March 1, 2013, through March 1, 2014.

10. Fiber-Optics Link Project - Funds Transfer

Action would approve the transfer of funds from the Fiber-Optics Link Project (CIP 11340) to the Orange/Green Lines Fiber-Optics Cable Project (CIP 1144400) to complete the fiber loop from Old Town to Santa Fe Depot.

11. Investment Report - December 2012

Action would receive a report for information.

12. Kearny Mesa Division Garage Floor Epoxy Coating - Job Order Contract Work Order

Action would authorize the CEO to execute Job Order Contract (JOC) MTSJOC1431-04 with ABC Construction for the Kearny Mesa Division (KMD) Garage Floor Epoxy Coating Project.

13. Onboard CCTV System Installation - Contract Amendment

Action would authorize the CEO to execute MTS Doc. No. L0955.2-10 with UTC Fire and Security for the provision of onboard video surveillance systems on 8 additional S70 light rail vehicles (LRVs).

14. Proposed Revisions to MTS Policy No. 50 (Engineering and Construction Expense Cost Recovery for Plan Review, Real Estate Actions, and Right of Entry Permits)

Action would approve revisions to MTS Policy No. 50 (Engineering and Construction Expense Cost Recovery for Plan Review, Real Estate Actions, and Right of Entry Permits) to increase the current right of entry permit fee as recommended by the San Diego and Arizona Eastern Railway Company (SD&AE) Board of Directors at its quarterly meeting on January 15, 2013.

15. California Department of Transportation (Caltrans) Program of Projects for Federal Transit Administration (FTA) Section 5311 Funding - Fiscal Year 2013

Action would approve Resolution No. 13-3 authorizing the application for and use of FTA Section 5311 funding for operating assistance and miscellaneous improvements in nonurbanized areas.

BOARD MEMBER QUESTIONS:

Mr. Alvarez questioned the similarities between Consent Item 7 and Consent Item 11. Mr. Alvarez asked why there were decreases in investment income for some capital acquisition and other costs and if this happens every year at the same time of year.

Tom Lynch, Controller stated that there is restricted and unrestricted investment income. Mr. Lynch advised the restricted income is restricted for capital items or other bond payments, etc. and this will stay fairly stable. He explained the unrestricted investment income is what MTS uses for day to day operations such as payment of bills, payroll, etc. and these are normal fluctuations. He stated the normal trend is that MTS gets most of its money on the front end of the fiscal year and it works its way down at the end of the year depending on when MTS receives its Federal money for preventative maintenance which typically occurs later in the year.

Mr. Alvarez inquired about the contract process with WESCOMM.

Ms. Claudine Aquino, Procurement Specialist discussed the other proposals in addition to WESCOMM proposal. Ms. Aquino provided information on how MTS awarded the contract to WESCOMM.

Mr. McClellan questioned with regard to Item 12 and asked if there would be a material included in the epoxy to prevent a slippery surface.

Mr. Jablonski advised it is a repair of the floor to fill in the pitting and the sealant is in the epoxy.

Ms. Spielberg advised there is no grit within the epoxy, but the surface is not slick and it is a porous surface. She advised that MTS has few injuries and there are strict procedures in place with regard to tending to spills.

Action on Consent Items 6-15

Mr. Minto moved to approve Consent Items 6-15. Mr. McClellan seconded the motion, and the vote was 15 to 0 in favor.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:13 a.m.

- a. CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION/CONFERENCE WITH LABOR NEGOTIATORS CHIEF EXECUTIVE OFFICER Pursuant to California Government Code Sections 54957 and 54957.6; Agency-Designated Representative: Harry Mathis; Employee: Paul C. Jablonski
- b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6
Agency-Designated Representative: Jeff Stumbo
Employee Organization: Amalgamated Transit Union, Local 1309
- c. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8
Property: 6645 Imperial Avenue, San Diego, California (Assessor Parcel No. 549-181-05)
Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; Tim Allison, Manager of Real Estate Assets; and Bruce W. Beach, Best Best & Krieger LLP
Negotiating Parties: Thomas and Tiffany Mannion
Under Negotiation: Price and Terms of Payment

The Board reconvened to Open Session at 10:33 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board provided instructions to its designated representative Harry Mathis.
- b. The Board received a report and provided instructions to negotiators.
- c. The Board received a report and provided instructions to negotiators.

NOTICED PUBLIC HEARINGS:

- 25. None.

DISCUSSION ITEMS

30. 2013 State and Federal Legislative Programs (Sharon Cooney and Peter Peyser and Beth Boehlert of Peyser Associates, LLC)

Sharon Cooney, Chief of Staff provided a presentation on the Legislative Program. She discussed highlights, Federal legislative priorities, 2012 State highlights and 2013 State legislative priorities.

Ms. Cooney introduced Peter Peyser and Beth Boehlert with Peyser Associates, MTS's Federal Representatives. Ms. Boehlert discussed the Fiscal Cliff bill, Sequestration, MTS's funding and how this funding is affected by new Federal legislation, the 2014 Federal budget, and the debt limit. Mr. Peyser discussed Federal programs for the funding of public transportation, future projects, transportation development, Title VI, and the Buy America program and how it affects transit regulations.

Ms. Emerald questioned Taxi Bill 1534 and audio recording as drivers are concerned their private conversations are being recorded. Ms. Emerald advised her office was working on getting sponsors from the Assembly and State Senate to move a new version of 1534 that would not have audio and would amend the vehicle code to allow cities to require cameras in taxis.

Ms. Emerald questioned what specific actions Peyser Associates is taking to keep the Mid-Coast project on the forefront and galvanize more support so individual legislators understand how important this project is to the region.

Mr. Peyser advised his firm has been in regular contact with the Federal Transit Administration headquarters team and is working closely with Region 9 in San Francisco. Mr. Peyser advised they convey the strength of the political support and substantive work being done on the project. He advised SANDAG visited and spoke to legislators and advised of regional support. He stated it is Peyser Associates' role to make sure in Washington, D.C. both the Administration and Capitol Hill are briefed on the progress on a regular basis to make sure all levels of the Federal establishment stay apprised of project status.

Ms. Emerald requested regular updates from Peyser Associates on what they are doing to move MTS's agenda forward and asked with regard to Title VI what their action plan is on behalf of disadvantaged areas in the region and how Peyser Associates are communicating this in Washington, D.C. Ms. Cooney advised of the extensive and strict guidelines with regard to Title VI. Mr. Peyser advised there is a legislative piece to Title VI and how it is interpreted and the issues that arise.

Mr. Alvarez asked if Ms. Cooney was performing the State lobbying efforts. Ms. Cooney advised MTS has a State representative in addition to MTS's Federal representative however she coordinates the efforts.

Mr. Alvarez asked if MTS has sponsored any legislation at the State level. Ms. Cooney advised MTS has not sponsored State legislation in the last couple years and usually MTS works behind the scenes to actively seek a consensus to help move legislative items through the process. Ms. Cooney explained that in addition MTS works with the

leadership and their staff to help craft legislation, and Paul Jablonski is the Chair of the California Transit Association ("CTA") which has allowed MTS to focus efforts statewide so when MTS goes to Sacramento MTS is more powerful than its delegation might allow.

Mr. Alvarez asked with regard to our Federal efforts what specific things are being done to become successful with regard to the Mid-Coast project. Mr. Peyser responded that the process that will be gone through is similar to that of Sacramento, LA, and Mission Valley East in the last decade. Mr. Peyser discussed the environmental approvals, the grant agreement and additional funding requirements to accelerate construction. Mr. Peyser advised it is Peyser Associate's role to help the region with its strategy and communicate the region's priorities to the Federal Government.

Mr. Alvarez questioned with regard to Virginia Ave. Ms. Cooney advised MTS is working with all available partners in the area and SANDAG has taken the lead. MTS shares the Peyser contract with SANDAG and NCTD and are working in conjunction with them as well and keeping abreast of the funding scheme for the entire construction project in hopes that MTS can carve out a portion of that for the Virginia Avenue Intermodal Center and have worked actively with Mr. Peyser who is working with the legislators.

Mr. Alvarez asked if all 5 members of our congressional delegation have expressed written support of the Mid-Coast project. Mr. Peyser advised due to the new members they will request written approval again. Congressman Issa previously did not sign the letter, but hopefully the next time approval is requested he will sign the letter of support.

Action Taken

Ms. Emerald moved staff recommendation: (1) to receive a report on state and federal issues and advocacy; and (2) to approve staff recommendations for 2013 state and federal legislative programs. Mr. Minto seconded the motion, and the vote was 14 to 0 in favor (with Mr. Gloria absent).

31. Taxicab Administration Contract Renewal

Ms. Cooney introduced Bill Kellerman as the new Taxicab Administration Manager who was formerly Deputy Director of Security for MTS. Ms. Cooney provided background on the Taxicab Administration and discussed Taxicab Administration activities. She provided a recommendation that was vetted by the Board's Executive Committee on February 14th and a draft negotiating position.

Mr. Mathis added that MTS had received a representation from the Mayor's office and the City of San Diego advising that the Mayor has taken a position where he does not wish to renew the contract, however at this time MTS has not received anything in writing and in the absence of receiving anything in writing the Board concluded it was best to establish a negotiating position at present time. Mr. Mathis advised concerns were raised by the Board with respect to the voting by Board members who represent the City of San Diego. He explained MTS has no legal basis to deny the Board Members who represent the City of San Diego the vote, but these Board Members represent both sides of the table allowing them to negotiate on behalf of MTS and the City of San Diego, therefore MTS has suggested it is appropriate for the City of San

Diego representatives to abstain on this issue.

Ms. Salas questioned that in the contract it states that MTS does not become involved in disputes between the permit holder and sub-contractor, however MTS issues the permits and asked if there is some degree of oversight MTS would have to have with regard to these relationships.

Mr. Mathis advised MTS is a pass through and MTS does not establish the number of permits or the policies associated with their issuance. He explained MTS is only responsible for the administrative work. Mr. Jablonski further explained that MTS issues the medallion (permit) to the owner of the vehicle, but the owner can choose what to do with this medallion (they can operate it themselves, they can hire someone to operate it, they can contract with someone as an independent to operate it which is the majority).

Ms. Salas responded that if there are a limited number of permits issued to make it a profitable business shouldn't the permits come with a competitive value, perhaps some type of a report card to show that the permit owner is operating in a way that serves the public well.

Mr. Jablonski answered that the City of San Diego designates the number of permits issued. He explained that there have been several studies conducted resulting in the fact that there are too many permits at present time and therefore no more are being issued. As the City has requested additional permits, MTS has employed a variety of methodologies to do this. The first is a simple lottery and the second is an RFP basis where permit holders competed and received points for such things as an alternative fuel vehicle, etc. He further explained MTS has regulations to hold drivers to specific standards such as safety of the vehicles and MTS provides enforcement in the field to make sure the regulations that are in MTS's ordinance are being complied with by the operators.

Public Comments

Ronald Hawkins – Mr. Hawkins stated he was a permit holder for seven years and has been a driver in the City of San Diego. He stated there are issues that have arisen between the haves and have nots. He stated he operates a clean and safe cab with a driver he believes to be happy. He stated that if there are issues between owners and leaseholders there are always other owners a leaseholder can drive under or they can get into a different industry. Mr. Hawkins indicated he is in favor of MTS renewing the contract. He believes there are improvements to be made but MTS has the system in place to take care of the drivers.

Donald Segal – Mr. Segal stated he is a native San Diegan and he is a single cab permit holder and he is the driver. He discussed his varied career and familial background. He voiced concerns about Taxicab Administration not staying with MTS. He stated he is worried that whomever takes over the contract would be a group not familiar with the background. Mr. Segal stated he supports the MTS contract renewal.

Alfredo Hueso – Mr. Hueso expressed that he is in favor of MTS renewing the contract as the City of San Diego does not do a good job of enforcement or administration and MTS has been doing a much better job as they have great expertise and are better at

regulating the industry such as providing comprehensive inspections. He indicated MTS has garnered cleaner vehicles and has better trained code enforcement officers.

Anthony Hueso – Mr. Hueso stated he is President of USA Cab. He expressed that he believes government is being irresponsible in their actions and there is a lot of back and forth bickering at the expense of the general public. Mr. Hueso stated that MTS has a professional staff, many of which are at risk of losing their jobs and they have dedicated their lives to the taxi industry. He asked the City of San Diego to look at the overall industry and to review in a more comprehensive way.

Moses Woldemariam – Mr. Woldemariam stated that he has been in the taxi business the last 22 years and he is in favor of MTS renewing the contract. He expressed that he is not sure if the City is going to do a better job and he wants the City to explain how they will do better than MTS. He stated that all of the problems started the last couple years with the group Marti Emerald is representing. He indicated he has not heard any complaints from the consumers.

Stephanos Tekleharmanot – Mr. Tekleharmanot stated he operates and owns T&T cab. He stated he has been in the taxi industry for more than 16 years. He explained that MTS may have imperfections like other agencies, but it is one of the top taxicab administrations in the nation and MTS is on the right track with the new amendment of Ordinance 11 to stop unfair business competition.

Ben Seifu – Mr. Seifu voiced that he is against MTS renewing the contract as there has been a lack of understanding and lack of oversight. He concluded there has been a creation of an underground economy and it is not a moral or ethical thing to do.

Joseph Gottom – Mr. Gottom stated he has been a taxi driver since 1989 and he has never found any mistake with MTS. Mr. Gottom concluded that he supports the contract renewal.

Margo Tanquay – Ms. Tanquay advised transportation belongs with transportation. She stated if the City of San Diego takes over Taxicab Administration the other smaller cities in the region will have to create their own infrastructure, certain accounts will not be able to be picked up, and it will be very costly. She stated that Mr. Kellerman is the right man for the job as he thinks regionally and this is why taxicab administration needs to stay with MTS. Ms. Tanquay implored the City to contemplate these issues and supports the MTS contract renewal.

Michel Anderson – Mr. Anderson has been with West Coast Cab since 1997 and he went through the RFP process several years ago and they were selected because they earned it and were awarded 20 permits. Mr. Anderson encouraged the Board to keep Taxicab Administration with MTS. Mr. Anderson expressed that he likes being part of the regional transportation committee and appreciates the Workshop on Regulatory Matters. Mr. Anderson addressed those who oppose the contract renewal and asked them to review the options and advised there would be severe consequences and many groups of people would be negatively affected should the contract not be renewed.

Anthony Palmeri – Mr. Palmeri is president of Yellow Radio Service and owns one Yellow Cab in the City of San Diego. Mr. Palmeri advised that most of the owners are

concerned because they don't know what is happening with the contract and they don't know if the bed they are in is better than the bed they are going to. He stated that prior to 1988 inspections were much less comprehensive and he is very worried about cities that will no longer have taxi coverage.

Paulos Hailemichael – Mr. Hailemichael stated that he has been involved in the taxi industry for 23 years. He stated the he is speaking on behalf of many permit holders with most of them being single permit holders. He stated there is no labor/owner suppression or oppression and renewing the MTS contract is the just thing to do.

Mikhail Hussein – Mr. Hussein advised for the last 25 years MTS has been in charge of Taxicab Administration and MTS has failed to regulate the right way as they have only done their job halfway. He expressed that he is against contract renewal.

Sarah Saez – Ms. Saez from United Taxi Workers advised Evan McLaughlin was a representative from the San Diego and Imperial County's Labor Council and was at the meeting in support of the Mayor's initiative as well as Lorena Gonzales. Ms. Saez advised she does not support contract renewal as MTS is not doing its job. Ms. Saez discussed inspection failure rates and pointed to an MTS document. Ms. Saez stated permit holders have been running the industry and the public is not safe. She advised the drivers do not make a living wage and are missing other protections and the current Taxicab Administration is not working.

Ms. Zapf, Chair of MTS's Taxicab Committee, advised she understands there has been some discussion between MTS and the Mayor's office and the Mayor's intention to not renew the contract. She stated in order to make all options available to the City, Ms. Zapf recommends approving the contract negotiation today so the City has every option on the table. Ms. Zapf advised she sent a memo to the Mayor and all of her Council colleagues addressing her concerns and the issues to consider if the City chooses to take over Taxicab Administration such as understanding the plan, logistics, budget implications, enforcement, etc. Ms. Zapf explained at present time the Mayor has not shared his vision for Taxicab Administration with Ms. Zapf. Ms. Zapf requested the Board to approve the draft Amendment to the Agreement, allow the City to make the decision with all options on the table and to realize this action is only to authorize negotiations between MTS and the City.

Mr. Roberts advised he was on the Council in 1988 that showed infinite wisdom in making the transfer of Taxicab Administration from the City to MTS. Mr. Roberts stated there were rampant problems when Taxicab Administration was with the City of San Diego.

Ms. Emerald stated that she supports the motion if a minor change is made to the language with regard to the abstention of the members of the City Council to vote on contract amendments. Ms. Emerald stated that the City Attorney provided language to MTS and opined that it is not legal to force members of the MTS Board who represent the City of San Diego to abstain from the vote as there is no conflict of interest unless any of the members have a direct conflict of interest such as economic interest, etc.

Ms. Landers advised that changing the language is a policy decision that would be made by the Board. She stated that MTS never took the position that the City of San Diego

Council members were legally barred from voting and it was a contractual term as it is a rare contract where parties are directly adverse to each other and it was a proposal for the City of San Diego Council members to contractually agree not to vote, but it was purely a policy proposal and not a legal opinion by MTS saying they could not vote. Ms. Landers explained that in order to amend the language, it must be approved by the MTS Board.

Mr. Ewin commented that he wants to make sure the MTS Board Members are not faced with a nuclear option, the weighted vote and he asked Ms. Emerald if the voting would be 1 to 1 and if that was her representation. Mr. Ewin asked that the City of San Diego get all of the initial work done and advance planning in the future to prevent unnecessary work by the MTS Board Members.

Ms. Emerald responded it was not her intention to introduce the nuclear option. She advised she does not wish to tie her hands moving forward and does not feel it is a good policy choice with regard to vote abstention by the City of San Diego Council Members who sit on the MTS Board of Directors.

Mr. Alvarez questioned the next steps and what happens if the City of San Diego and MTS can not reach an agreement.

Ms. Landers advised the action today is acknowledging the contract expiration and asking for direction to authorize a draft document and to enter into negotiations for a counter-proposal to come back to MTS. Staff would make a recommendation on the counter-proposal, and at some point a final contract amendment (if it is decided to go forward to continue Taxicab Administration) would be put on the docket for the City and MTS to approve. If there is a proposal that comes back to MTS that cannot be agreed upon at the staff level, MTS would tell the Board and recommend how to proceed. She explained if the contract expires before a decision is made, MTS needs instructions on what to do in the interim such as implementation of an extension of the current contract.

Mr. Gastil advised it would be extremely difficult for the other cities to implement Taxicab Administration by themselves without help from the City of San Diego. Mr. Gastil stated he sees many advantages if Taxicab Administration stays with MTS.

Mr. Mathis advised the issue is to decide what the role of MTS is with regard to Taxicab Administration.

Action Taken

Ms. Zapf moved to approve the draft "Eighth Amendment to Agreement for Administration of Taxicab and Other For-Hire Vehicle Regulations between San Diego Metropolitan Transit System and City of San Diego" and authorize the Chief Executive Officer to negotiate the final contract with the following amendment: *"Any ~~attempt by the CITY or any of its officers to change to these restrictions on MTS's responsibilities shall be considered an amendment to this agreement that would require the acquiescence agreement of the MTS Board with all of the CITY members abstaining from the vote and CITY.~~"* Mr. Roberts seconded the motion, and the vote was 13 to 0 in favor (with Mr. Gastil abstaining and Mr. Gloria absent).

32. Gas Service Provider Agreement Extension (Mike Thompson)

Mr. Mathis moved to waive the report and move the item.

Action Taken

Mr. Cunningham moved to authorize the CEO to: (1) extend the gas service provider agreement with BP Energy Company (BP) for a five-year base term with 2 one-year option terms; (2) exercise each option year at the CEO's discretion; and (3) execute any documents necessary for MTS to participate in the BP direct market, federal Renewable Identification Number (RIN), and state low-carbon fuel standard (LCFS) programs. Mr. Ovrom seconded the motion and the vote was 12-0 in favor (with Ms. Zapf, Emerald and Mr. Gloria absent).

REPORT ITEMS

45. Los Angeles-San Diego-San Luis Obispo Rail Corridor (LOSSAN) Joint Powers Authority

Mr. Ewin advised he had attended the recent LOSSAN meeting and three amendments were voted on and adopted. He stated the LOSSAN JPA amendment needs to be adopted unanimously by all LOSSAN participants and 30 days was given to those who have not yet taken a position such as SANDAG and NCTD.

Mr. Jablonski clarified that last month it was voted to pass the JPA with three amendments; however it was with the understanding that MTS had concurrence from NCTD and SANDAG. SANDAG is still conveying support; however, NCTD has decided they are no longer in agreement as they did not approve of the voting structure and did not want SANDAG to have the option to vote. Therefore the current situation is not unanimous. He explained that if after the 30 days given by the LOSSAN Board of Directors, NCTD reconsiders and votes "yes" then the JPA would move forward. If NCTD opposes, the legislation becomes moot and additional legislation will have to be sought to create a new JPA without a unanimous vote which is likely to happen.

Action Taken

No action was taken.

46. Bus Rapid Transit (BRT) Project Updates

The item was deferred until the next meeting.

47. Bus Rapid Transit (BRT) Branding (Rob Schupp)

The item was deferred until the next meeting.

48. Service Performance Monitoring Report for July 2012 through December 2012

Action Taken

An oral report was waived and Ms. Emerald moved to receive a report for information. Mr. Minto seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Gloria, Ewin and Ms. Zapf absent).

49. Operations Budget Status Report for December 2012

Action Taken

An oral report was waived and Ms. Emerald moved to receive the MTS operations budget status report for December 2012. Mr. Minto seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Gloria, Ewin and Ms. Zapf absent).

60. Chairman's Report

Mr. Mathis advised he recently travelled to Barona for the SANDAG retreat.

61. Audit Oversight Committee (AOC) Chairman's Report

There was no AOC Chairman's report.

62. Chief Executive Officer's Report

Mr. Jablonski advised he recently travelled to Barona for the SANDAG retreat and also Palm Springs to attend the APTA CEO's Conference.

63. Board Member Communications

Mr. Minto referenced a news article regarding MTS's trolley safety and security force and recent claims that have been made. He explained that although MTS's security force is a private company it is important to make sure our riders are safe and asked for information for a future discussion on the claims that have been made to either dispel or confirm the information.

Mr. Mathis advised MTS is very involved in the level of training the security force receives and Bill Burke, Chief of Police / Director of Security would address the Board directly.

Mr. Jablonski advised that the majority of people who were involved in the article do not work for MTS and a large number of the issues in the article do not affect MTS.

Mr. Alvarez requested information regarding the contracts with the security force and the level of interaction MTS has with our private security personnel.

64. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is March 21, 2013 (Finance Workshop starts at 9:00 a.m.).

66. Adjournment

Chairman Mathis adjourned the meeting at 12:29 p.m.



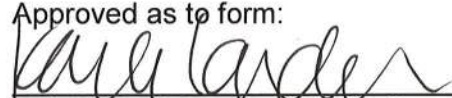
Chairperson
San Diego Metropolitan Transit System

Filed by:



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

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit System

Attachments: 1. Roll Call Sheet
2. eTrak GPS Brochure
3. Letter from Alfredo Hueso, VP, USA CAB LTD

METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): February 21, 2013

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

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:13 a.m.

RECONVENE: 10:33 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 12:29 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:05 a.m.	12:29 p.m.
BRAGG	<input checked="" type="checkbox"/> (Bilbray) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:00 a.m.	12:25 p.m.
EMERALD	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:02 a.m.	12:29 p.m.
EWIN	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	12:20 p.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
GLORIA	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:00 a.m.	11:12 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	12:29 p.m.
MCCLELLAN	<input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
RIOS	<input checked="" type="checkbox"/> (VACANT) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
SALAS	<input checked="" type="checkbox"/> (Ramirez) <input type="checkbox"/>	9:00 a.m.	12:29 p.m.
ZAPF	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:00 a.m.	12:13 p.m.

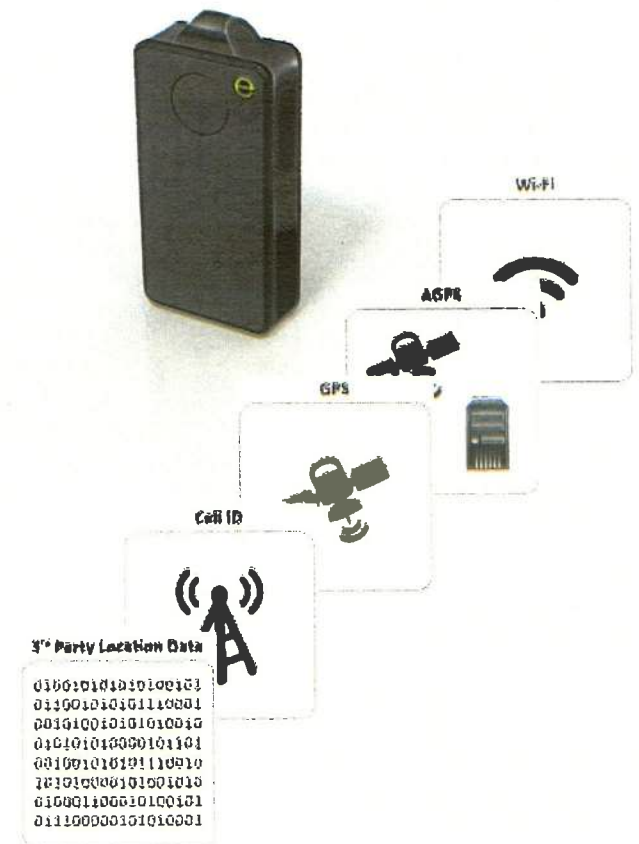
SIGNED BY THE CLERK OF THE BOARD: _____

CONFIRMED BY THE GENERAL COUNSEL: _____

Patented Technology

The eTrak patented GPS+ provides the **world's first and only** location management platform that functions on all computer and major smartphone operating systems, utilizing Hybrid Tracking technology.

- The patented Hybrid Tracking combines WI-Fi GPS, & CID for improved power management and tracking.
- Ability to track via Wi-Fi only
- eTrak utilizes motion detection to minimize battery drain.
- eTrak GPS+ is more accurate indoors or outdoors



1. eTrak: PERS (Personal Emergency Response System) Device

- Small device used to track the location of a person or object. Can be worn on the wrist, ankle, around the neck, - or attached to a keyring, belt, backpack, shoelace - or kept in a pocket, glovebox, suitcase
- Contains "Panic Button" used to notify others of emergency response, and sends location to predetermined recipients.
- Used by caregivers and concerned persons for tracking humans or assets.
- Wi-Fi/Cellular/GPS enabled for pinpoint accuracy utilizing Google Maps from any smartphone or computer.

2. PetTrak: Small device used to track the location of a pet.

3. AssetTrak: Commercial Asset Tracking System, designed for commercial applications.

- Small device supporting multiple functions and power sources
- Ruggedized for protection from environment.
- Detailed geo fencing capability
- Multiple alerting functionality (speed, mileage, temp, etc..)
- Wi-Fi/Cellular/GPS enabled for pinpoint accuracy utilizing Google Maps from any smartphone or compute

eTrak

PERS/Consumer Product



Features:

- Weighs less than an ounce
- Small, wearable
- Alert button – sends an email and text message to pre-determined addresses and mobile numbers
- Long battery life: up to 7 days
- No installation required: Console is web based, iPhone and Android supported
- Water resistant
- Low cost total solution



Enterprise Solution

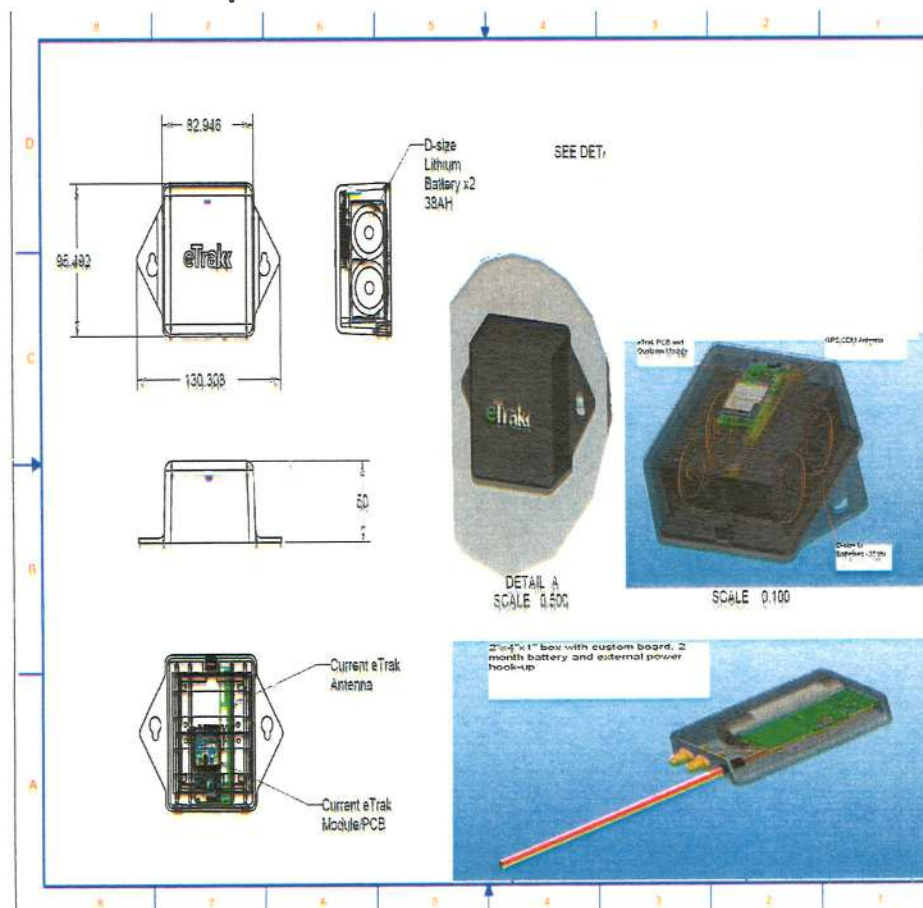
Features:

eTrak D

- Ruggedized
- Environmentally Protected
- Secure Mounting
- Compact Solution (3.75"x 3.25")
- D Cell Battery (1 to 2 year before replacement)

eTrak PS

- Ruggedized
- Environmentally Protected
- Compact Solution (2"x4"x1")
- Long lasting internal battery (2 month between charging)
- External Power supply
- External I/O Ports





Product Features

ASSET TRACKING

- AC power source hardwiring/ DC power source hardwiring
- Tracking device with extended, internal battery life
- Power control to remotely turn equipment on/off
- track-on-demand
- Automatic location tracking/reporting with configurable tracking interval
- Geofencing and alert
- Speed monitoring and alert
- Mileage monitoring and alert
- Movement monitoring: shake, tilt, accelerate, decelerate, crash

LOCATION-TRACKING:

- Small device used to track the location of a person or object. Can be worn on the wrist, ankle, around the neck, - or attached to a key ring, belt, backpack, shoelace - or kept in a pocket, glove box, suitcase or other.
- Used by caregivers and concerned persons for tracking humans or assets.
- Wi-Fi/Cellular/GPS enabled for pinpoint accuracy within twenty meters utilizing Google Maps from any smartphone or computer.

EMERGENCY MESSAGING:

- Sends an emergency text and email to pre-programmed cellphone numbers and email addresses, and forwards it's location, including a map with turn by turn directions to get to it.
- Used by senior citizens, health-impaired persons, employees and others concerned for safety to send a request for emergency aid.
- Competitive products operate on landline telephones and only function within 100 ft. eTrak is cellular, so it functions anywhere.

The eTrak "Safety Circle" is a feature that allows the user to draw a boundary circle around a house, yard, school, neighborhood, city, which acts as the protective perimeter.

- If the device travels beyond the *Safety Circle*, it will send emails and text messages to pre-programmed contacts alerting them of the device location
- A Google Map and turn-by-turn directions to the location of the device are included in the





Grandma



Details



History



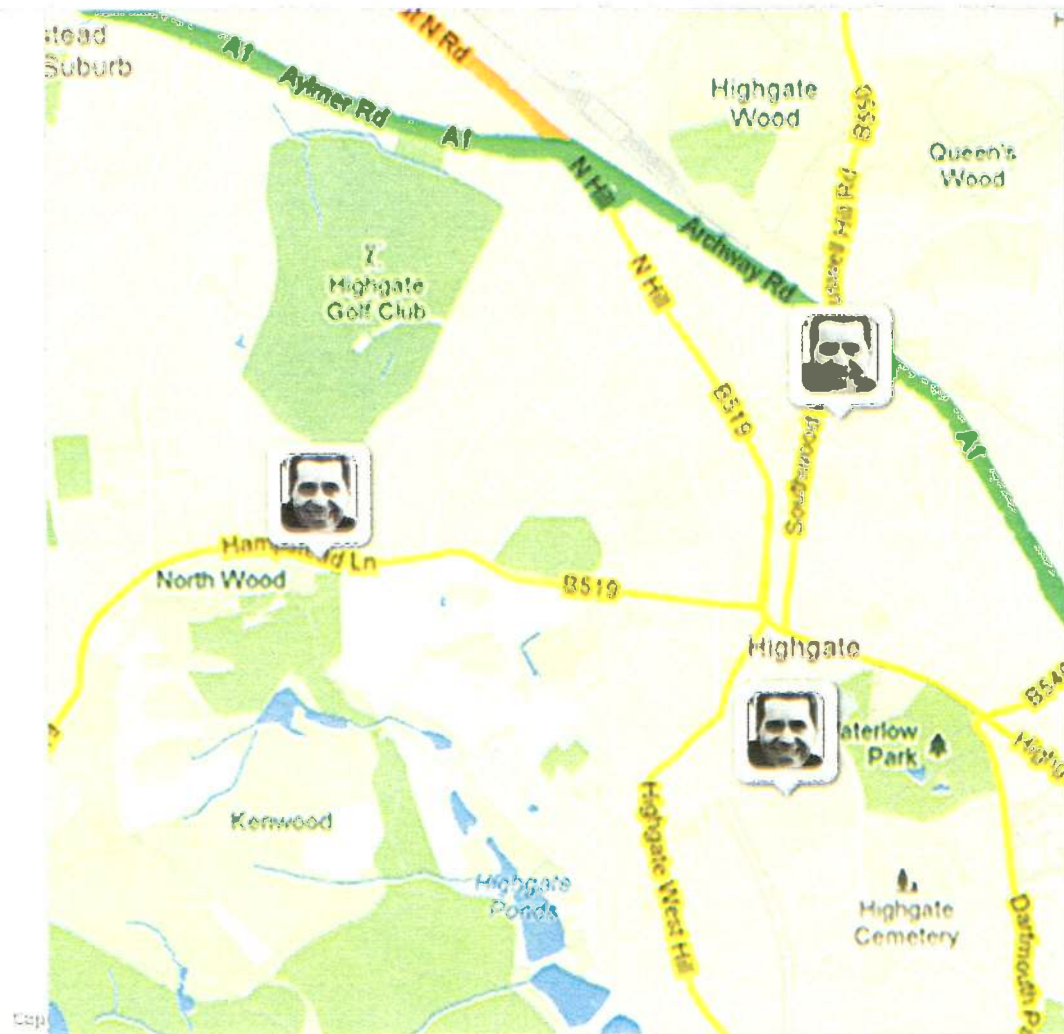
Zones



Settings

Status: Emergency

Last Update: March 21, 2012 10:10 AM CST

Closest Location5916 Monticello Av.
Dallas, TX 75206Lat: 32° 51' 45.682 N
Lon: 96° 43' 23.435 W
Alt: 450'[Get Directions](#)**Battery Level** 75%



USA Cab LTD • 2660 Imperial Ave. • San Diego, CA 92102 • T. 619.231.1144 • F. 619.231.7066

February 2013

MTS
1255 Imperial Ave
San Diego, Ca 92101

Re: Renewal of Agreement between MTS and City of San Diego

Dear Honorable Board Members:

We are here today to support the renewal of agreement between MTS and the City of San Diego. Before we list are reasons for renewing contract we will provide you some history. Prior to 1988 taxicab administration and enforcement was done by the City of San Diego, and they did not do a very good job. After years of issuing over 600 permits in five years, our industry was in shambles. For example, many Taxicab companies began charging multiple rates, and many vehicles that were unsafe to be driven. The City of San Diego then decided to contract the administration and enforcement to MTS, and state laws were passed in order for them to do it. The same reasons the City of San Diego decided to contract with MTS are still relevant today:


1. They have greater expertise in management, administration and enforcement,
2. MTS would be regulating on a regional basis, so that taxicab companies can serve a larger jurisdiction without having to deal with multiple bureaucracies.
3. More comprehensive inspections have resulted in safer vehicles for the public and the taxi drivers. Also, more vehicles that are clean and cosmetically sound
4. MTS code enforcement field inspectors are better trained, and have greater knowledge of taxicab rules and regulations.
5. When some staff changes occur MTS has trained new individuals that are knowledgeable.
6. Also, MTS administration has been more accessible to deal with issues that come up.

More important is that we have 25 years of fine tuning rules and regulations, and the fine employees at MTS that rely on a paycheck. Can the City of San Diego do a better Job? Well, that is an open question that we can't really answer, but if we look at the past, then we would conclude that they can't.

MTS and the City of San Diego have forged a partnership that has served them both well. Initially the taxi industry was opposed to MTS doing the regulation and enforcement in 1988, but now many of us support them because of what has been built in the last 25 years. If the City of San Diego returns to regulation and enforcement of taxicabs, then they will have to create the infrastructure for doing this task. It would take a great deal of money, time and effort. As we all know police officers are already

stretched very thin, and today, unlike 25 years ago, we can not get any officer to come investigate a taxi driver robbery or to fill out a report of an accident. According to a recent article that says the San Diego City Council does not have proper oversight of its own committee's? The City of San Diego does not need to take on any new tasks. We highly recommend that you vote to renew the contract. To use a very old saying that says, "IF IT ISN'T BROKE, THEN DON'T FIX IT." Thank you for your time.

Respectfully,



Alfredo Hueso
Vice-President
USA CAB LTD