

CALL TO ORDER

Chairman Bob Campbell called the meeting to order at 1:05 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Hal Martin (Alternate, City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista);

Jerome Stocks (City of Encinitas) arrived at 1:37 pm.

Absent: Bill Horn (County of San Diego).

CLOSED SESSION

The Board went into Closed Session at 1:06 p.m. to discuss items i, ii, iii, iv and v.

- i. Closed Session Pursuant to Government Code Section 54956.9(b) - Anticipated Litigation – One Potential Case
- ii. Closed Session Pursuant to Government Code Section 54956.9(c) - Anticipated Litigation – One Potential Case
- iii. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is Assessor Parcel Number 220-130-20 in San Marcos. NCTD Negotiator: Ray Patchett and Ed Singer. Negotiating Party: City of San Marcos Redevelopment Agency
- iv. Closed Session Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators – Property is NCTD Owned COASTER Right-of-Way. NCTD Negotiator: Matthew Tucker and Mike Cowett. Negotiating Party: Interested Parties
- v. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators Agency Designated Representative: Matthew Tucker
Employee Organization: Teamsters Local 542 Unrepresented Employees: All

The Board returned from Closed Session at 2:15 pm. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss items i, ii, iii, iv and v and had nothing to report.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Jerome Stocks (City of Encinitas); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Hal Martin (Alternate, City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista). Absent: Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Mark Packard led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PRESENTATION OF COMMENDATIONS

The Board recognized the April 2009 Employees of the Month: Mr. Jerry G. Jones, Mechanic I – Body Repair; Mr. Sean Mack, Coach Operator; Ms. Mindy J. Smith, Contracts Administrator.

The Board also recognized Ms. Ellen Roundtree, Intergovernmental Affairs Officer, for her service to NCTD and SANDAG.

PUBLIC COMMUNICATIONS

Mr. Don Bullock, Encinitas, CA thanked the Board for their support over the years and specifically on the SPRINTER project.

Mr. DeRail McNair, Oceanside, CA, spoke on his concerns regarding his lay-off status.

APPROVAL OF MINUTES

MOTION BY DAVE ROBERTS TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 16, 2009, SECONDED BY JEROME STOCKS. ABSTAIN: HAL MARTIN. MOTION CARRIED.

CONSENT ITEMS

1. Contract for Compass Card Program Support
2. SPRINTER Owner Controlled Insurance Program (OCIP) Administration Contract: Contract Value Increase
3. Crossing and Signal Rehabilitation at Washington Street, San Diego: Extra Work Purchase Order
4. Median Work at South Santa Fe Avenue, San Diego: Contract Value Increase

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEMS 1, 2, 3, AND 4, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

5. FY 10 Proposed Operating and Capital Budget: Update

Richard Hannasch, Director of Administration and Finance, reviewed: Changes since April 16, 2009 Board meeting; FY 10 expense and revenue assumptions; FY 10 budgeted expenses and revenues; FY 10 draft budget; next steps.

MOTION BY ROCKY CHAVEZ TO APPROVE AGENDA ITEM 5, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

6. San Dieguito River Restoration Project – Railroad Bridge Retrofit Design Services, Del Mar: Purchase Order

Mr. Patrick Tennant, Project Manager for the restoration project for Southern California Edison, Rosemead, CA stated that the verbiage in the staff report suggests Edison will bear all of the costs for the retrofit. He stated that Edison is committed to the safety of the public and the integrity of the bridge and they are working closely with NCTD staff to resolve this issue but they still have the design services agreement and other agreements to finalize.

Tom Lichterman, Director of Operations, stated that staff has been meeting with Edison as well as with lagoon restoration officials for over a year and the action today is the design effort for the retrofit process and that once those designs are completed, NCTD would be taking those designs out to bid to obtain a contractor to construct the retrofit.

Carl Hilliard stated that the Del Mar City Council has a number of concerns. He said it's very important to the City to clear the channel and complete the work by Labor Day and that the City is concerned about delays that could occur because of the disagreement between NCTD and Southern California Edison. Mr. Hilliard asked if some interim measures could be put in place that would protect the integrity of the bridge so this project could be completed. He stated that the City would like to go on record requesting the opportunity to participate in the process.

Matthew Tucker, Executive Director, requested that the Board authorize him to execute a purchase order for the design piece. He said he is committed to sitting in on future meetings to get a good understanding of this and that he would send a letter to the Board updating them.

Dave Roberts requested that the City of Solana Beach be involved in the process also.

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEM 6, SECONDED BY ROCKY CHAVEZ. MOTION CARRIED UNANIMOUSLY.

7. Implement Enhanced Parking Pilot Project: Report

Matthew Tucker stated that he wanted the Board to have a discussion with SANDAG to determine if NCTD could add some "concierge" type services.

Alex Estrella, SANDAG Project Manager, stated that they would move forward with a one-year pilot launch at the Encinitas, Carlsbad Village and Carlsbad Poinsettia stations with the focus on enhancing parking for carpool/vanpool COASTER users as well as enhanced services for all COASTER users. He said that there would be 10-15 spaces reserved at each location, with no cost to NCTD because it is part of the study.

MOTION BY JEROME STOCKS TO APPROVE OPTION A, SECONDED BY DAVE ROBERTS.
MOTION CARRIED UNANIMOUSLY.

8. Alcohol Consumption on NCTD Transit Services: Ordinance

Tom Lichterman provided a report.

Ms. Erica Leary, Program Manager for North Coastal Prevention Coalition, Oceanside, CA spoke in support of the proposed ordinance.

Mr. Georgeo Kerpani, Oceanside, CA spoke on his concerns regarding the ordinance.

Dave Roberts requested staff take this item off-line.

MOTION BY JEROME STOCKS TO TABLE THE ITEM AND BRING IT BACK TO THE PLANNING COMMITTEE FOR FURTHER EXPLORATION AND THEN BRING IT BACK TO THE NEXT BOARD MEETING, SECONDED BY SAM ABED.

MOTION BY DAVE ROBERTS TO APPROVE STAFF RECOMMENDATION, SECONDED BY HAL MARTIN.

DAVE ROBERTS CALLED FOR THE MOTION.

MOTION BY JEROME STOCKS: AYES: HILLIARD, STOCKS, CHAVEZ, ABED AND CAMPBELL. NOES: PACKARD, ROBERTS, MARTIN. MOTION PASSES.

BOARD MEMBERS HILLIARD AND MARTIN LEFT AT 3:42 PM.

MEETING ADJOURNED AT 3:42 PM AND RECONVENED AT 3:52 PM.

9. August 2009 Committee and Board Meetings: Consider Cancellation

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEM 9, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

INFORMATION ITEMS

10. Quarterly Capital Project Report: Review

Don Bullock, SANDAG Project Manager, and Kristin Thomas, NCTD Environmental Project Planner, provided reports on the East Division Maintenance Facility Expansion, Santa Margarita River Bridge 2nd Track, Oceanside Passing Track and San Luis Rey Transit Center.

No action required.

11. Legislative Status Update: Report

No action required.

12. Monthly Revenue Service Performance Report

No action required.

13. LOSSAN Quarterly Meeting: Report

No action required.

• **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

Sam Abed stated that the City of Escondido is giving away 50 free SPRINTER and BREEZE tickets to encourage people to take public transit to reach employment centers and downtown.

• **EXECUTIVE DIRECTOR'S REPORT**

Matthew Tucker stated that his report is on the Board Portal, as well as the Compass Card, Legislative Status and Monthly Revenue Service Performance reports.

Julianne Nygaard provided a report on the April 29, 2009 LOSSAN meeting.

• **REMAINING PUBLIC COMMUNICATIONS**

None

• **ADJOURNMENT**

The meeting adjourned at 4:15 pm. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/967-2808. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 800/735-0373 or 800-735-0193 TTY.

8. Alcohol Consumption on NCTD Transit Services: Ordinance	
Bob Campbell	Item 8 is an interesting topic and I asked Jill to copy the blog that accompanied the article that appeared on North County Times that I can see by some of the comments I've already been hung, but oh well that comes with the job. I suspect that we will have an interesting discussion on this.
Tom Lichterman	This item asks for the Board to consider adopting an ordinance to limit the consumption of alcohol on board all NCTD transit services, in particular the Coaster. As most of you know, for years it's been our policy in general on the buses and on the Sprinter, recently implemented on the Sprinter, that alcohol consumption is not allowed. For that matter, nothing is supposed to be consumed on our vehicles. However, from the advent of the Coaster, we have over the years allowed the light and moderate consumption of alcohol on the Coaster and somewhat a kin to what is allowed on the Amtrak trains. Primarily with the idea that folks that had a long day downtown, could have a glass of wine or something on the way home from work. We have found that following the inception of service to all the Padres home games that this has become somewhat problematic as you have all read by now and that is in spite of the fact that we have put quite a bit of security out in the field on the trains. So in response to that, our internal system safety review committee has recommended that the Board consider adopting a regulation regarding alcohol consumption on our vehicles and essentially the ordinance draft that is in your packets would prohibit the unregulated consumption of alcohol on all of our vehicles including the Coaster, as well as at our transit centers. There is an exception in the draft that would allow for exceptions to be made for sanctioned events conducted by the district, or if the district decides to get into a vending arrangement, say like something that is done on the Amtrak trains, with a service on board. That is the recommendation that is before you this afternoon. If the Board decides to adopt the ordinance that's before, then we plan to notify customers through on board notices, press releases and announcements on board leading up to a July 1 st implementation.
Bob Campbell	We have one speaker from the public Erica Leary, but before she comes up Mr. Tucker has a comment.
Matt Tucker	I would like to clarify for the Board on this policy, is that from a national basis, that this was the first transit system I've ever heard of that allowed an organized consumption of alcohol on their facilities. I think that the Coaster is a different niche market for us, so we added the word in this ordinance "limiting". I will tell you that I have already had one meeting with the private sector to have a discussion about moving forward with an initiative that would be organized that would give us a better level of control than what we have today, so that at the end of the day, I think that all of this does is to bring the Coaster into conformance with all of our other modes, but also recognizes that this is a different marketing service for us and that we are going to need to take a look at if there are other ways of doing this in a much more manageable and potentially profitable way for the district.
Bob Campbell	Thanks Mr. Tucker. Ms Leary.
Erica Leary	Good afternoon Board members. My name is Erica Leary. I live in Oceanside and I am the Program Manager for the North Coastal Prevention

	Coalition. We serve the cities of Carlsbad, Oceanside and Vista to reduce the harm of alcohol, tobacco, marijuana and other drugs. I am here before you this afternoon; the news came up unexpectedly to me. We read the letters to the editor in the paper of the person who complained about their return trip on the Coaster from the Padres game and the fights and the mayhem that were on board. I am here to commend your swift action to reduce alcohol problems. Years and years ago I was surprised that alcohol was allowed on the Coaster train, but hadn't heard that it resulted in problems, but if it is, I certainly commend the local leadership for taking action swiftly. It is very difficult to control open consumption of alcohol, one of our coalitions main goals is to prevent and reduce underage drinking and I'm sure it is very difficult to monitor and check ID's to see who has access to alcohol, and I doubt that you want that as a responsibility of your security personnel and staff of North County Transit District. So I am here before you to support your efforts to reduce alcohol problems and commend your actions. Thank you.
Bob Campbell	Thank you Ms. Leary. Mr. Lichterman, what kinds of personnel do we have on the trains that would intervene if there was an incident?
Tom Lichterman	Presently, in addition to the conductor that is always on board a Coaster train, we have been putting two to four security officers on those trains that are the predominate schedule trains that would accommodate Padre fans.
Bob Campbell	OK. We have another speaker, Georgio Kerpony.
Georgio Kerpony	Hi, Georgio Kerpony from here in Oceanside. I take the train a few times a year to go to the Padres games and it's nice to have a couple of beers on the way to the game, so I'm a good witness of someone who takes the train back and forth and viewing any problems that may exist and what I have noticed is that going down is not a problem, but coming back is where the problems is. I would recommend myself perhaps to eliminate the consumption of alcohol on the way back. That is where the problem exists, not on the way down and some of the problems also perhaps exist that some of the people I see consuming alcohol might be under the age of 21, and I don't ever see any Coaster staff asking for ID's. So that might be something else to consider also. Again, I would like you to keep the alcohol consumption in effect as far as going down to the ball game, but again the problem is when people are returning. That is when the fights occur, is on the way back. That is my recommendation.
Bob Campbell	Thanks Mr. Kerpony. Mr. Roberts, you actually had a question that we should probably deal with.
Dave Roberts	Thank you Mr. Chairman. I ask the staff to take it off line because I'm not sure it is something that we want to discuss.
Bob Campbell	Mr. Stocks.
Jerome Stocks	Thanks. You know this solution is a very simple blunt instrument that would punish a lot of people in circumstances or situations where there has been no reported problem. Nobody is complaining about belligerent drunks coming home Monday through Friday during the commute times. I would like to see a more nuanced attempted solution, once government takes away a restrict to liberty, you never get it back and so to go from wide open to banned seems to be less than an optimal approach. We could try having other cars, if you are going to consume alcohol, let it be known that it is in car number five. OK, and if you are consuming alcohol in cars one through four, you are off the train. We could try having our staff security agents

	checking ID's and that sort of thing and again confiscating from people who are the problem. So we simply haven't tried any reasonable enforcement measures in my opinion and I would rather, if we are going to go down this path, I would rather start out with baby steps rather than going to the ultimate solution, which is prohibition.
Bob Campbell	What is your reaction to Mr. Kerpony's suggestion?
Jerome Stocks	I think that is perfectly rational, we have identified the problem. The problem is coming back from the ball games. Why ban it on every other train where there is not a problem. Simply have a policy that says no consumption of alcohol on the way back on the Coaster, or for that matter, no consumption of alcohol on the last train of the day heading north. There it is, done.
Bob Campbell	The intent of the item is really to bring it to discussion.
Jerome Stocks	Absolutely. What I would rather see at this point of time, again, I don't think we have explored potential alternative options and I think the Coaster is different, it is a niche market. The Coaster is more like an Amtrak than it is like a trolley. It is a heavy rail, it's not a light rail and it is dragging Bombardier coaches and it is not a trolley and I think the culture of train travel historically in this country, you've had bar cars and restaurant service. I think our Coaster service harkens more to that than the trolley. So I would hate to see us go overboard with this sort of blunt approach, when we haven't even tried reasonable enforcement measures. I would like this item tabled for now and let staff and Board and maybe the Planning Committee explore alternative enforcement measures that might address the actual problem rather than punishing everybody at large. That would be my recommendation.
Bob Campbell	We may go there, but let's hear...
Jerome Stocks	I'm going to make that be my motion, that we table this item and bring it back to the Planning Committee for further exploration.
Sam Abed	I would second that.
Bob Campbell	You second that?
Sam Abed	I agree with Jerome. Basically, I think Government should have the least regulations on personal lives. There is no question about it. At the same time, I appreciate the staffs concern. It is a legitimate concern and we need to address it, but I think we are putting a blanket regulation like this is too restrictive. We need to address this issue from a security point of view, not putting a blanket regulation. I would like to know, I have been here a year or so, and I haven't heard of any incidents and all of a sudden I read in the paper that we are going this far. This should be the very last option than the first. I would like to know how many incidents we had that have been determined it is alcohol related. Do we have any numbers?
Tom Lichterman	Is Dave here or Lane? We have gotten quite a few complaints over the last couple of baseball seasons. I don't have numbers.
Lane Fernandes	I understand the blunt response Mr. Stocks, but every Monday morning during Padres season, I get e-mails, "I will never ride the Coaster again", "I won't expose my kids to that environment, it's a frat party out there". We typically get three to four complaints a month, but during Padres season that doubles or triples, always about Padres and as Mr. Tucker mentioned we are the only place in the world that does this. When we started out with four trains in the morning and four trains in the evening it was good, but we have done a lot of analysis and we have a lot of fights and we have a lot of issues. I don't know how else to put it.

Bob Campbell	I think Mr. Abed is correct, we haven't had any data brought before us ever before and antidotally we have heard there has been issues. I have been on board several times when there has been issues and talked to staff about it, not that I asked them to write it up, but it was amazing to me on the way back how some of these people were just having a sloshing party. I didn't think it was family friendly or conducive to other issues happening. But that is the only reason we have brought it forward.
Sam Abed	I would just like to finish if I could. I think we have other options as well, talk to the Alcohol and Beverage Control to see if they could come up with some suggestions, making some announcements, because we are not going to tolerate problems on the Coaster like this, but I agree with the motion, I support it, I seconded it, to look at other options before we go with this blanket regulation.
Bob Campbell	At some point, I hope the ABC doesn't get involved with this; you talk about Government taking over. Mr. Roberts, Mr. Packard and Mr. Hilliard.
Dave Roberts	Thank you Mr. Chairman. To me this is a no brainer; I'm really thrilled that the staff brought this forward. This gives flexibility if the staff thinks they need to have flexibility to allow alcohol on this train. To me, we have chosen a form of governance here that we are all elected officials. The number one thing we are supposed to do is to provide for the public safety. If our law enforcement people are telling us that they need new tools to enforce public safety, we've got to give them that tool, but we've also got to listen to the public and make sure there's flexibility if there is a reason to have it. So I would like to make a substitute motion, to approve the staff recommendation. I think there is enough flexibility in that to handle what Mr. Kerpony was talking about or what other people were talking about to figure out if there is a way to do this. We shouldn't be the only one that allows alcohol on a train if we are providing a safe family friendly environment. I would like to make that substitute motion.
Bob Campbell	Is there a second for the substitute motion? A second from Mr. Martin. Let's keep the discussion going here for a moment. Mr. Packard and then Mr. Hilliard, before we take a vote.
Mark Packard	Thank you. I'm not sure who the right person is to answer this question, but, there has been several comments and discussion about activities that are happening and that we have security personnel on the trains, but I haven't heard of actual interventions that our staff is doing. Can someone tell me what our actual policy is about intervening or taking enforcement actions on disruptive behavior?
Matt Tucker	I think, like most transit systems, our primary business focus is public transportation. If you look at the make up of our security force you can see about four sheriffs' deputies that are attached to that, and those four folks are pretty much the only ones who have arrest authority in our security program. Whether it's this issue or whether it's an issue where our customer refuses to pay the fare, refuses to treat the operator in a certain manner, or does something inappropriate, it's a major challenge for transit systems, because typically, our issues are sort of the low priority issues for the local police departments and the sheriffs departments. From an operations point of view, what we have here is a policy that gives them maximum amount of flexibility. I understand what Board member Stocks is saying, and I understand what Board member Roberts is saying regarding this issue and I will tell you that as the Executive Director, I should have

	<p>done a better job in making sure that this thing got rolled out, because this just dropped out of nowhere because of the sense of urgency, my guys were doing their jobs, because they are deeply concerned about what is happening. But there is a community process that we need to go through to evolve it. I think this policy, if you approve it, you can delay the implementation of it by 120 days and allow us to come back on how we would deal specifically with the Coaster. One of the pieces that we really haven't discussed is that right now we don't have a policy that covers our entire system. So if we walk away from this today, we are saying it is OK to drink on the Coaster, Sprinter the Breeze and the LIFT paratransit service. So what I would ask is for the Board to consider a delay in implementation of this with the requirement that staff come back next month through the Planning Committee process to talk about how we would implement this on the Coaster specifically.</p>
Mark Packard	<p>My follow up questions is, and this is probably for Mr. Cowett, has there been any discussion regarding the liability for the transit district on allowing the consumption of alcohol and then people getting off the trains and then getting into cars to drive?</p>
Mike Cowett	<p>We haven't done any research on that.</p>
Carl Hilliard	<p>I agree that our responsibility is to provide security for our passengers and the prospect of families being harassed by a bunch of drunks is something of great concern. But I suspect that a number of these passengers are getting on drunk. They got loaded up at Petco Park and then one more beer on the train isn't going to make a lot of difference. If that train is a problem, I would support the suggestion that perhaps we don't serve alcohol on that particular train, but I see no reason to penalize the other ridership who would enjoy a glass of wine or a can of beer while riding the train. I've had a glass of wine on the train and other people have and I don't see any reason why that privilege should be suspended. I suggest that we come back with a more narrowly focused, tailored solution that will deal with the drunks that are getting on the train at Petco Park. I also suggest that we talk with the officials at Petco Park about their responsibility on the level of security that is needed to coral these characters.</p>
Hal Martin	<p>I really think this Board must be kidding. Alcohol problems are known across the country, we're going to be the only organization that allows drinking on trains? Amtrak is different, and Jerome, begging your way of traveling, going across the country sipping on a glass of wine, this is a half hour commuter trip done by the multitudes, they are not having their cars valet parked and their personal shoppers go to Nordstrom's and pick out their clothes for them while they have their cars parked. This is for the regular guy that is out there everyday trying to find a way back and forth to work and we as a Board at NCTD presented ourselves to Petco Parkers that we would get the riders there and we'll get them back home for you. We don't care if they're drunk or not, and that is how it was started unfortunately. Is drinking allowed on the Sprinter?</p>
Matt Tucker	<p>It is not a formal adopted policy, but it is the policy of every transit system that I have ever seen to prohibit drinking, and beyond alcohol, its soda, Kool-Aid. We say you can't drink on our vehicles because spills occur.</p>
Hal Martin	<p>NCTD used to say that years ago, and is that what you are telling me, and then it changed?</p>
Tom Lichterman	<p>It's a passenger rule of the road, is the term we used. It's in our Riders</p>

	Guide; it's never been a formal adopted ordinance.
Hal Martin	So no one has ever gotten a ticket for drinking on the train because
Tom Lichterman	Because we have never had an ordinance.
Hal Martin	Or the Sprinter, or a bus. How about a transit center? How about you're sitting in your car at a transit center, can you have your six pack in your car and be drinking? As long as you're not driving.
Tom Lichterman	Our security people would probably escort them off the premises.
Hal Martin	Do we have a policy?
Tom Lichterman	I think they can be arrested under 640PC.
Hal Martin	You think, or you know?
Tom Lichterman	Is Dave Papworth here?
Dave Papworth	If we found someone in the parking lot that has alcohol in their vehicles we normally ask them, depends on their behavior, if they are drinking on the platform, that has been our policy to ask them not to drink it there, and certainly on the bus platforms we tell them not to drink it there. If they have alcohol in their cars in the parking lot, it has generally not been an issue.
Hal Martin	Just assume for this Board's entertainment, I'm drinking at Palomar College at the transit center, which I believe is owned by NCTD. You come up to me and say, "sir, we prefer you don't drink here", and I say, "well I prefer to".
Dave Papworth	If you are on the platform, we ask you not to drink.
Hal Martin	Do you have any tools in your toolbox to stop me from drinking? Legally?
Dave Papworth	No.
Hal Martin	None. Because this Board has provided you none.
Dave Papworth	If it's not illegal there is nothing we can do about it. If there is a city ordinance that deals with it, then absolutely. So if our officers are aware of a particular city ordinance where consuming alcohol in public is illegal, then our officers can do something about it. They can ask them to stop, or they can call law enforcement in.
Hal Martin	So right now, this Board has not given direction to staff on what to do about alcohol at all. It's wide open territory as of this moment.
Matt Tucker	I would just answer that it has been an informal policy that we don't allow drinking, and again that includes Kool- Aid. But as Dave Papworth, our Chief of Security has just acknowledged, we don't have an ability to move someone from a platform at the transit center, or any other location that is drinking alcohol, we determine that it's not something that we want to occur, we don't have that tool.
Bob Campbell	Let me interject. Our Executive Director has been on board, he has just finished his first 100 days with us, and he has started out with a basket full of things in it and he has been sorting through the basket and getting down to issues that may need to be addressed, and I know that our attorney has been looking at the policy as well and this is one of those that just floated up and why haven't we dealt with this. So our toolbox is a little empty and this discussion is leading us towards some improvements.
Hal Martin	I appreciate the fact that your new staff person in less than 100 days is bringing forth a tool that he feels he needs to do his operations. It's up to this Board to give this staff all the tools that they possibly need to make better ridership and better transportation decisions and especially when it comes to alcohol. Smoking was a no brainer ban. You don't have any smoking on your trains do you?
Matt Tucker	No. It's an ordinance passed by the Board
Hal Martin	We don't have smoking because everybody gets to inhale the smoke, but

	<p>drinkers, well you know there is so few of them that get drunk and cause trouble. You know, the person they push off the train, that happens only occasionally. It's ridiculous not for the Board to take action and do exactly what the people they have hired to run the operation are asking them to do.</p>
Rocky Chavez	<p>I would like to add to the discussion that our Mission is that we deliver safe, convenient, reliable and user friendly public transportation services. I want to highlight the mission while we continue this discussion. I think our staff has identified an issue clearly, we are here to talk about it. I appreciate it, but I also think it is also important that we look at our customers and figure out how we can provide this service to meet the needs of our customers. I think this needs more work, I think I have full confidence in our Director to go back and look at this after hearing the discussion of the Board, and come back to us with a policy that will work to ensure that young kids going to the Padres game with their parents are not accosted by a bunch of fools who are drinking too much. But on the same token, I think that an adult is adult and if they are able to conduct themselves in an appropriate manner, with a beer or not a beer, they still have to conduct themselves in an appropriate manner. I will be supporting the original motion, that the staff needs to look at this a little bit more before they come forward and I would just like to end it this way, that our Chair, Mr. Campbell, said it exactly right, we have a lot of things in front of us on the table right here, our Director is obviously looking at the budget and a lot of big issues. We have had two items here that have crept up on us on the agenda and has caused quite a bit of dialog, and I'm sure our Executive Director can go back and put it all together and come to us with a plan as he has done before. I have full confidence that he will be able to meet the needs of our community and meet the needs of our mission to deliver safe, reliable, and user friendly public transportation.</p>
Bob Campbell	<p>Now that he has an additional arm to work with, Ms. Austin, I think that is a very good point. Mr. Stocks, you wanted to make a comment and then Mr. Roberts.</p>
Jerome Stocks	<p>Again, I appreciate the sensibilities that have been expressed here today. I really think that we all are saying yes, this is an issue that must be addressed and dealt with. The difference is, I believe it needs to be dealt with in a more nuanced way and with better vetting. I do not think this ordinance, as proposed, is ready for prime time and again that is why I moved to send it back to the Planning Committee for further staff and Committee review to bring back a more mature and more thoughtful ordinance. I will not be supporting the substitute motion.</p>
Dave Roberts	<p>I just wanted to confirm since our Director of Public Safety is standing in front of us, do you support the staff recommendation?</p>
Dave Papworth	<p>Yes sir I do.</p>
Dave Roberts	<p>And Mr. Executive Director, do you believe that this motion, the substitute motion, to proceed ahead, still gives you flexibility to carve out what you are hearing from the original motion mover, do you believe it gives you enough flexibility, but it states that our basic overall policy is no consumption, but if there are special circumstances then we could create that, but you believe that right now you're telling this Board, that you believe you need this tool right now?</p>
Matt Tucker	<p>I think we can achieve both goals, with what I have heard today from Board member Stocks and others are saying, but I think we can do both of them. If</p>

	you go back and remember, this was sort of dropped out awkwardly, the first time you saw it, it had the word “banned” rather than the word “limiting”. I changed the word from banned to limiting, because what we said was, we are going to limit. I think what’s important here is that we do need to have a formal policy covering all of our modes. We have to have a sort of rhyme or reason as to how we do business with this as we move forward, because there needs to be a certain level of consistency. But I think certainly, given the discussion, and the fact that the Coaster is different and that we should be able to provide for specialized services, and that the item as written can be implemented in such a way that gives both sides of this discussion the balance that is needed to address the issues and to move forward with our implementation.
Dave Roberts	So hearing our Executive Director say he needs this tool and hearing our uniformed personnel, the Director of Public Safety, say he needs this tool, I would like to call for the question on the substitute motion to give you the tools need to provide safe transit on our facilities.
Mike Cowett	I believe that is correct, typically if it’s an amending motion, then the amendment goes first, but my understanding...
Dave Roberts	That is not correct
Mike Cowett	My understanding is if it’s an amendment, it goes first, so I believe in this case the first motion should go first.
Bob Campbell	That is contrary to our practice in our city, a substitute motion goes first. He’s the lawyer and I respect that. According to Mr. Cowett, we are back at the original motion.
Jerome Stocks	The original motion was to table this today and refer it back to the very next Planning Committee meeting for further study and bring back a more nuanced ordinance.
Bob Campbell	Would you amend that to include bringing it back to the next Board meeting?
Jerome Stocks	Absolutely, bring it back to the very next Board meeting.
Bob Campbell	Does that give you enough time to clean this up?
Matt Tucker	Absolutely.
Bob Campbell	I really appreciate the open and respectful dialog we have had here. So we have a motion and a second. Those in favor, those not in favor. So three not in favor.
Dave Roberts	You didn’t vote.
Bob Campbell	I’m in favor of getting this right and I would rather see us get it right the first time than muddle around with something that we would have to modify.
Jerome Stocks	So the motion passes.
Mike Cowett	I didn’t see how many votes were there for the motion?
Bob Campbell	Five to three, so we would like to see this come back to us in thirty days.