

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

May 16, 2024

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

1. Roll Call

Chair Whitburn called the Board meeting to order at 9:04 a.m. A roll call sheet listing Board member attendance is attached.

2. Public Comment

Kesav Gupta - Provided a written statement to the Board prior to the meeting. Kesav expressed dissatisfaction with the PRONTO system. The written comment is provided in the May 16, 2024 Final Meeting Packet.

Alex Wong – Representing Ride SD, made a verbal statement to the Board during the meeting. Alex expressed support for the people mover to the airport concept.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with the migrant population.

Gail Jennings – Provided a verbal statement to the Board during the meeting. Gail asked the Board to supply defibrillators on every vehicle.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with the new Copper Line.

Guadalupe Rojas – Representing Mid City CAN made a verbal statement to the Board during the meeting. Guadalupe expressed concern about the verification PRONTO process and asked the Board for an extension.

Board Member Elo-Rivera requested that the Board receive additional information on defibrillators onboard vehicles.

CONSENT ITEMS:

3. Approval of Minutes

Action would approve the April 25, 2024 Board of Director meeting minutes.

4. Chief Executive Officer's Report

5. Light Rail Vehicle (LRV) Friction Brakes - Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1659.0-24, with Siemens Mobility, Inc. (Siemens), for the purchase of LRV Friction Brakes for a five (5) year base period in the amount of \$7,141,664.46 (inclusive of 7.75% CA Sales Tax).

6. Title VI Triennial Program Update Submittal

Action would adopt Resolution No. 24-05 approving the Title VI Program, including the plans, notices, records, maps, and data that demonstrate MTS's compliance with requirements of Title VI of the Civil Rights Act of 1964 (Title VI), for submittal to the Federal Transit Administration (FTA).

- 7. Portable Toilet Services for MTS Employees/Contractors – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc No. G2805.0-24, with Diamond Environmental Services LP (Diamond) for portable toilet services, for two (2) base years with one 3-year option, for a total of five (5) years, at a cost of \$887,597.60; and 2) Exercise the option at the CEO’s discretion.
- 8. On-Call Plumbing Repair Services – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG384.0-24 with Drain Medic, Inc. (Drain Medic), a Woman-Owned Business Enterprise (WBE), for On-Call Plumbing Repair Services for three (3) years for a total contract value of \$376,069.85.
- 9. On-Call Electrical Repair Services – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG383.0-24, with Advanced Railway Innovations, Inc. (Advanced Railway), a Disadvantaged Business Enterprise (DBE), for On-Call Electrical Repair Services for a period of three (3) years for a total contract value of \$342,294.91.
- 10. Automobile Lease Services – Contract Amendment**
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc No. G1872.0-16, with Enterprise Fleet Management, to add \$627,206.00 for automobile lease services and extend agreement for six (6) months to December 31, 2024.
- 11. Quarter Ending March 31, 2024 – Investment Report**
- 12. PRONTO Extend Pilot Program – Pilot Extension**
Action would approve an extension of the PRONTO Extend Pilot Program until June 30, 2026.
- 13. Impedance Bond and Plug-In Relay Socket – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. L1676.0-24, with Modern Railway Systems, for the purchase of Impedance Bond (Group 1) in the amount of \$875,966.73 (inclusive of 7.75% CA sales tax); and 2) Execute MTS Doc. No. L1677.0-24, with Siemens Mobility, Inc. (Siemens), for the purchase of Plug-In Relay Socket Assembly (Group 2) in the amount of \$61,782.66 (inclusive of 7.75% CA sales tax).
- 14. City of San Diego Bus Shelter and Bus Bench Advertising; Revisions to MTS Board Policy 21**
Action would authorize the Chief Executive Officer (CEO) to: 1) Enter into a Memorandum of Understanding (MOU) with City of San Diego, MTS Doc. No. G2906.0-24, regarding bus shelter and bus bench advertising; and 2) Revise MTS Board Policy 21 “MTS Revenue-Generating Display Advertising, Concessions, and Merchandise” to delete the separate City of San Diego advertising policy document.
- 15. Broadway Wye Special Trackwork Design – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA352-AE-35 under MTS Doc. No. PWL352.0-22, with HDR Engineering, Inc. (HDR), in the amount of \$575,349.49 for the Broadway Wye Special Trackwork Design.

16. Mobile Trailer Power Connection and Fencing at El Cajon Transit Center – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to: 1) Ratify Work Order MTSJOC324-44 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21 with ABC General Contractor, Inc. (ABCGC), in the amount of \$139,977.72 for the Security Trailer Power Connection and Fencing at El Cajon Transit Center; and 2) Execute Change Order MTSJOC324-44.01 under MTS Doc. No. PWG324.0-21, with ABCGC, in the amount of \$24,947.96 for the installation of additional fencing needed for Security Trailer Power Connection and Fencing at El Cajon Transit Center.

17. Orange Line Improvement Project Phase 1 & 2 Construction Management (CM) Services – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to 1) Execute Work Order No. WOA2498-CM15 under MTS Doc. No. G2498.0-21, with Kleinfelder Construction Services, Inc. (KCS), for CM services for the Orange Line Improvements Projects – Phase 1 for a cost of \$4,473,793.39; and 2) Exercise an amendment to Work Order No. WOA2498-CM15 with KCS for CM services for the Orange Line Improvements Projects – Phase 2 for a cost of \$6,818,806.94, at their discretion.

18. Downtown Parallel Feeder Cable Design – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTS Doc. No. WOA354-AE-45, under MTS Doc No. PWL354.0-22, with Mott MacDonald, LLC (MM), in the amount of \$280,758.68 to provide utility investigation and mapping for the Downtown Parallel Feeder Cable Design Project.

19. Revisions To MTS Board Policy No. 41 – Signature Authority

Action would approve revisions to MTS Board Policy No. 41, “Signature Authority”.

20. Construction Management (CM) On-Call Services – Capacity Increase

Action would approve a capacity increase in the amount of \$20,000,000 for MTS CM On-Call Work Orders based on the following five (5) Master Agreements: G2496.0-21, G2497.0-21, G2498.0-21, G2499.0-21, and G2501.0-21, for the provision of On-Call CM Services through the remaining duration of the current five-year contract period, expiring September 30, 2026.

Public Comment for consent items:

Truth – Provided a verbal statement to the Board during the meeting. Truth commented on items: 4, 6, 11, 12 and 18.

The Original DRA – Provided a made a verbal statement to the Board during the meeting. The Original DRA commented on items: 3, 7 and 12.

Board Comment

Board Member Bush requested staff to provide the Board an overview of item 7 (Portable Toilet Services for MTS Employees/Contractors – Contract Award). Mike Wygant, MTS Chief Operating Officer – Transit Services, explained that the restrooms are for service operators and security employees. These portable bathrooms serve to alleviate restroom access in remote layover areas and areas where brick and mortar public restroom use is not available. Sharon Cooney, MTS Chief Executive Officer, added that the agency enters into agreements with local businesses or other governmental agencies for the use of restrooms. She noted the

development partnership that will eventually allow MTS to have a downtown layover site, which will limit the amount of portable restroom needs. Ms. Cooney added that various Trolley locations will soon have permanent restroom facilities for employees. Board Member Bush asked if restrooms would be available for use after service hours. Mr. Wygant assured the Board that restrooms have 24-hour accessibility to employees. Board Member Bush asked if the bargaining units were aware of the contract and if they were supportive of the proposed award. Mr. Wygant confirmed. Board Member Bush encouraged respective jurisdictions to share restroom maintenance costs with MTS.

Board Member Moreno expressed support for items 7 and 12.

Board Member Elo-Rivera expressed support for item 12 and noted the positive impact it would have on the community.

Action on Recommended Consent Items 3-20

Board Member Hall moved to approve Consent Agenda Item Nos. 3 to 20. Board Member Bush seconded the motion, and the vote was 13 to 0 in favor with Board Member Montgomery Steppe and Board Member Gloria absent.

DISCUSSION ITEMS AND REPORT ITEMS:

21. Fiscal Year (FY) 2025 Operating Budget Discussion (Gordon Meyer)

Gordon Meyer, MTS Manager of Financial Planning, presented on the FY 2025 Operating Budget. He presented on: the budget overview, agenda, revenue summary, expenses summary, consolidated revenues less expenses, 5-year projection, SB 125 original funding plan, 5-year projection without SB125 funding, structural deficit, next steps, and staff's recommendation.

Public Comment

Carolina Martinez – Representing Environmental Health Coalition made a verbal statement to the Board during the meeting. Carolina expressed concern with the prioritization of budget allocations.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the removal of SB 125 funding.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed frustration with MTS initiatives.

Board Comment

Board Member Moreno summarized comments made at the May 8, 2024, Budget Development Committee. She restated her support for the postponement of increased trolley frequencies and the delayed launch of Route 910. She hoped that SB 125 funding would continue to be allocated to transit agencies in the upcoming budget and encouraged MTS to be at the forefront of transit advocacy efforts. She also noted that the re-allocation of funds away from the Capital Improvement Program (CIP) portfolio was an option. She supported the exploration of a revenue measure and expressed her support for staff's recommendation.

Board Member Elo-Rivera expressed disappointment with the potential of the state's SB 125 funding reallocation away from transit agencies. He mentioned the Board's prerogative to limit service reductions and a desire for the expansion of services to benefit existing and new riders. He asked Board Member Moreno if the recommendation could be modified to include a report to

the Board of additional revenue opportunities/projects, to be presented at an upcoming Board of Directors meeting. Board Member Moreno supported the revision. Ms. Cooney noted the recent digital billboard advertisement project at Gaslamp station.

Vice Chair Goble noted the 5-year timeline and advocated for federal or state funding sources. He noted the public's potential weariness to fund various local half cent sales tax. He cautioned the Board about balancing the budget using CIP funds because he was concerned about state of good repair priorities. He suggested that the Board consider phasing into the fiscal cliff by slowing/restricting the growth of new services and programs, rather than implementing them, only to be taken away.

Board Member Moreno clarified that the CIP funding reallocation was a staff suggestion and understood that MTS's CIP portfolio was robust and healthy enough for flexible funding to be reallocated. Ms. Cooney added that the CIP budget is currently an unusually robust budget and noted that if services are cut, new buses will not need to be procured. She noted that there were additional competitive grants that MTS has recently been awarded.

Board Member Hall advocated to change the Fare Diversion Program to increase fare revenue. He supported formalized programs that could support riders in financial hardship to ride for free and enforce fare recovery of those that are not validating their fare.

Action Taken

Board Member Moreno moved to approve the staff recommendation to: 1) Postpone the Trolley 15-minute add-ons until the future of Senate Bill (SB) 125 funding is known; and 2) Postpone the public hearing and implementation date for Route 910 (overnight border express) and 3) Direct staff to report back to the June 20, 2024 Board of Directors Meeting of additional revenue opportunities for discussion by the Board in July. Board Member Elo-Rivera seconded the motion, and the vote was 13 to 0 in favor with Board Member Montgomery Steppe and Board Member Gloria absent.

22. Boardroom Audio Visual (A/V) Upgrade and Maintenance – Contract Award (Julia Tuer and Justin Plaetzler)

Julia Tuer, MTS Manager of Government Affairs, and Justin Plaetzler, Procurement Specialist, presented on the Boardroom A/V upgrade and maintenance. They outlined: the background, scope of work, solicitation process, contract term, AVI-SPL LLC contractor portfolio, Executive conference room, Boardroom proposal equipment and software, and staff's recommendation.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the current Boardroom live feed limitations.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed frustration with the current Boardroom audio feed and suggested camera viewpoints.

Board Comment

Board Member Hall asked how close the individual camera shots will be for Board Members. Ms. Tuer replied that it would mimic a laptop camera angle. Board Member Hall asked if there would be an operator management fee. Ms. Tuer clarified that MTS staff would monitor the system. Board Member Hall asked if there will be a visual timer to reference during Public Comment. Ms. Tuer confirmed that staff is looking to acquire this feature. Board Member Hall

asked if the new features would support meeting materials on the tabletop station. Ms. Tuer assured that live stream, meeting materials and other features will all be available on each tabletop station. He asked if there would be a touchscreen feature available. Mr. Plaetzler replied that that feature would be available. Board Member Hall asked if the voting platform would be integrated onto the tabletop station or if it would be a separate voting mechanism. Ms. Tuer confirmed that all features would be integrated on each individual tabletop device.

Action Taken

Board Member Hall moved to authorize the Chief Executive Officer (CEO) to 1) Execute MTS Doc. No. G2780.0-24 with AVI-SPL LLC (AVI) to provide Boardroom A/V Equipment Installation and Ongoing Maintenance in the amount of \$420,591.94 exclusive of tax for a contract period of a three (3) month installation with a three (3) base years and two (2) 1-year options maintenance agreement; and 2) Exercise the option years of the agreement at the CEO's discretion. Board Member McCann seconded the motion, and the vote was 13 to 0 in favor with Board Member Montgomery Steppe and Board Member Gloria absent.

23. Grants Administration Report (Kena Teon and Julia Tuer)

Ms. Tuer and Kena Teon, MTS Grant Administrator, presented on the Grants Administration report. They presented on: the grant administration department, formula grants, competitive grants for federal and state, housing partnerships, reporting, audits, regional support, and collaboration.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the grant process.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed opposition to the general grant process.

Action Taken

No action taken. Informational item only.

24. Alvarado Trolley Station Naming Rights (Mark Olson)

Mark Olson, MTS Director of Marketing and Communications, along with Matthew Corte, with Superlative, presented on Alvarado Trolley Station naming rights. They provided details on: the project background, sales strategy, Alvarado Station, UCSD Health naming rights interest, partnership benefits, station valuation benefits, MTS benefits, and staff recommendations.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed dissatisfaction with UCSD and the proposed partnership.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with UCSD and the proposed partnership.

Board Comment

Board Member Elo-Rivera acknowledged the revenue opportunities and asked if the cost born by MTS would be net or gross. Mr. Olson confirmed that these were gross amounts with an additional commission to Superlative. He added that UCSD Health would pay for the signage update costs, any additional changes throughout the system would be done progressively as

part of the Marketing teams' sign update plan. Board Member Elo-Rivera cited section 3b within the contract terms and noted that MTS would cover their placement costs. Karen Landers, MTS General Counsel, noted that the section cited was part of MTS's normal maintenance practices and programs. The name plate implementation change costs would be paid by UCSD. Board Member Elo-Rivera asked about additional opportunities to build on naming rights. He asked if billboard or signage rights limited the agency in any way. Mr. Olson believed that it would impact that station, however, the team did not perceive the station to be a prime location for additional revenue opportunities. Board Member Elo-Rivera asked if proximity to the freeway posed a favorable opportunity for additional signage advertisement. Ms. Landers clarified the limitations of federal highway funds that do not allow new billboards for off-site advertisements to face highway corridors.

Vice Chair Goble asked staff to shorten the name of the station. He asked if the current contract valuation aligned with other valuations. Mr. Olson confirmed that it did, based on a comprehensive assessment, in partnership with Superlative.

Action Taken

Board Member Elo-Rivera moved to authorize the Chief Executive Officer to execute a Naming and Sponsorship Agreement (MTS Doc. No. G2917.024) with UC San Diego Health for the exclusive naming rights of the Green Line's Alvarado Trolley Station for a period of 21 base years, and 10 option years. Vice Chair Goble seconded the motion, and the vote was 13 to 0 in favor with Board Member Montgomery Steppe and Board Member Gloria absent.

OTHER ITEMS:

25. Chair, Board Member and Chief Executive Officer's (CEO's) Communications

There were no Chair, Board Member, or CEO communications.

26. Remainder of Public Comments Not on The Agenda

There were no additional public comments.

CLOSED SESSION:

The Board convened to Closed Session at 11:06 a.m.

27. Public Comment for Closed Session

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with Board Members and the closed session process.

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

28. 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: Stephen Whitburn, Chair
Employee: Sharon Cooney, CEO

Closed Session Reconvening

The Board reconvened to Open Session at 12:29 p.m.

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session:

- 28. The Board conducted a public employee performance evaluation and gave instructions to negotiators.

ADJOURNMENT

29. Next Meeting Date

The next regularly scheduled Board meeting is June 20, 2024 at 9:00 a.m.

30. Adjournment

The meeting was adjourned at 12:29 p.m.

/S/ Stephen Whitburn
Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/S/ Dalia Gonzalez
Clerk of the Board
San Diego Metropolitan Transit System

/S/ Karen Landers
General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): May 16, 2024 CALL TO ORDER (TIME): 9:04 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 11:06 a.m. RECONVENE: 12:29 p.m.
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 12:29 p.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Gonzalez	<input checked="" type="checkbox"/>	Chavez	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of Chula Vista	McCann	<input checked="" type="checkbox"/>	Chavez	<input type="checkbox"/>	9:04 a.m.	12:10 p.m.
City of Coronado	Donovan	<input checked="" type="checkbox"/>	Duncan	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
County of San Diego	Montgomery Steppe	<input type="checkbox"/>	Vargas	<input type="checkbox"/>	ABSENT	ABSENT
City of El Cajon	Goble (Vice-Chair)	<input checked="" type="checkbox"/>	Ortiz	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of Imperial Beach	Leyba-Gonzalez	<input checked="" type="checkbox"/>	Aguirre	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	9:05 a.m.	12:29 p.m.
City of Lemon Grove	Gastil	<input checked="" type="checkbox"/>	Mendoza	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of Poway	Frank	<input checked="" type="checkbox"/>	Pepin	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of San Diego	Moreno	<input checked="" type="checkbox"/>	Campbell	<input type="checkbox"/>	9:04 a.m.	11:45 a.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	LaCava	<input type="checkbox"/>	9:04 a.m.	12:10 p.m.
City of San Diego	Gloria	<input type="checkbox"/>	Campillo	<input type="checkbox"/>	ABSENT	ABSENT
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Lee	<input type="checkbox"/>	9:04 a.m.	12:29 p.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval Minto	<input type="checkbox"/> <input type="checkbox"/>	9:04 a.m.	12:29 p.m.

SIGNED BY THE CLERK OF THE BOARD: /S/ Dalia Gonzalez