

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

EXECUTIVE COMMITTEE

September 5, 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 Executive Committee meeting to order at 9:22 a.m. A roll call sheet listing Executive Committee member attendance is attached as Attachment A.

2. Public Comment

Alex Wong – Provided a written and verbal statement to the Board both during and prior the meeting. Alex expressed support with 15-minute trolley frequencies and encouraged additional strides to 7.5-minute frequencies.

Sam Borinsky – Provided a written statement to the Board during the meeting. Sam expressed support with 15-minute trolley frequencies and encouraged additional strides to 7.5-minute frequencies.

Jack Moyle – Provided a written statement to the Board during the meeting. Jack expressed support with 15-minute trolley frequencies and encouraged additional strides to 7.5-minute frequencies.

3. Approval of Minutes

Board Member Moreno moved to approve the minutes of the June 13, 2024, MTS Joint Audit Oversight and Executive Committee meeting. Board Member Frank seconded the motion, and the vote was 6 to 0 in favor with Board Member Montgomery Steppe absent.

DISCUSSION ITEMS

4. Transit Amenities Study (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on the transit amenities study. He outlined: background, current overall amenities, current trolley and bus amenities, bus stop challenges, scope framework and staff's recommendation.

Public Comment

There were no Public Comments.

Committee Comment

Board Member Bush asked staff to re-explain the third-party amenities. He hoped to create partnerships with third parties to install additional infrastructure. He asked if there were any partnership limitations. Mr. Desmond referenced Task 5 to expand on any additional public or private partnerships. Mr. Desmond added that this requirement will be part of the Scope of Work for the project. He noted the digital billboard in Gaslamp as a prime example of this type of partnership. Sharon Cooney, MTS CEO, added that the agency is proactive in seeking grant opportunities with outside agencies. Board Member Bush expressed interest in the project and noted that he would like to coordinate with staff on possible MOU agreements with the City of National City. He advocated for amenities such as restrooms to be prioritized throughout the system. He suggested a partnership with a non-profit in Chula Vista that could re-purpose

shade structures into furniture to enhance sustainability efforts for the agency. He also advocated for mural vandalism maintenance.

Vice Chair Goble asked staff if public art was considered an amenity. Mr. Desmond suggested that staff could direct the contractor to make a public artwork assessment and an industry survey on the benefits. Vice Chair Goble encouraged public artwork to be included in the amenity policy. He also asked about the operations and maintenance plan. Mr. Desmond replied that operations and maintenance will be included in the costing proposal. Vice Chair Goble expressed particular interest in power washing services for the system.

Board Member Elo-Rivera asked staff to be extensive with outreach opportunities and asked that the inclusion of work already done by the Social Equity Listening Tour be included, along with amenities that mitigate the impact of heat. He believed there were opportunities to explore quick build options like large concrete planters as a heat mitigation strategy. Board Member Elo-Rivera hoped for a strategy to engage neighboring Universities to be involved in solution-based initiatives.

Board Member Moreno believed that it was up to the Board to create a policy on Public Artwork and asked why this Transit Amenities Study proposal would not be going to the Board. Mr. Desmond stated that the Executive Committee has been designated as the review body, rather than creating an additional separate subcommittee. Mr. Desmond noted that the approval of the contract would follow the typical Board approval process. Board Member Moreno expressed the benefits of presenting the item to the Board for additional feedback. Ms. Cooney added that the item could be added to the discussion calendar at next week's Board meeting. Board Member Moreno asked when the project was anticipated to be presented to the Board. Mr. Desmond anticipated late 2025 to early 2026 as a timeline. Board Member Moreno asked if other agencies were conducting a similar policy study. Mr. Desmond replied that it is a federal requirement that all agencies have a Transit Amenities Policy, and it was up to the agency to interpret how far they wanted to go beyond the requirements. Board Member Moreno encouraged the agency to communicate with each jurisdiction about their regional needs. She noted the importance of the transportation experience to attract additional riders. She encouraged an onboard validation system and shelters.

Board Member Elo-Rivera advocated for prefabricated restroom units throughout the system. He noted that units do not have to be connected to utilities to function.

Chair Whitburn encouraged the collaboration initiatives for this project, and asked staff to place the item on the Board agenda.

Action Taken

There were no Public Comments.

5. Real Estate and Joint Development Program Status Update (Sean Myott and Karen Landers)

Sean Myott, MTS Manager of Real Estate Assets, presented a status update on the real estate and joint development program. He presented on: the joint development overview, City of San Diego Transit Oriented Development (TOD) sites, South Bay TOD sites, East County TOD, funding challenges, publicly available data, residential home/unit totals data and real estate transaction benefits.

Public Comment

There were no Public Comments.

Committee Comment

Board Member Bush asked about the status update of the 24th Street Transit Station project. He noted that City Council recently approved a General Crime Update, where the consensus was to divert density away from the site. He noted that National City should have had better communication with MTS on this topic. Karen Landers, MTS General Counsel, replied that MTS had not started in depth negotiations. Under the Surplus Land Act, if a developer submits an interest notice within 60 days of an agency notice of availability, the agency has an obligation to negotiate with that developer first. National CORE triggered this process for the 24th Street site. MTS has acknowledged receipt of their interest notice. When MTS decides to move forward with a development at this location, National CORE will be negotiated with first. She advised Board Member Bush that the process has not started. Board Member Bush noted that he would connect a city representative with MTS. Ms. Cooney noted that there are significant transit needs at this location. She noted that MTS redeveloped the transit center during the trolley renewal process and highlighted the fact that there are other neighboring businesses and the school adjacent to the transit center. Board Member Bush asked about the project timeline staff anticipates for 24th Street. Ms. Landers replied that MTS would not begin conversations until 2025. Board Member Bush asked if the agency had an exclusive negotiating agreement with National CORE. Ms. Landers noted that the agency does not have an exclusive negotiating agreement, however, under the Surplus Land Act, the agency has a legal obligation to negotiate with National CORE first.

Board Member Moreno asked that park and ride options be added to the Transit Amenities Policy scope of work. She noted the importance of park and ride options on the system. Mr. Desmond replied that the agency did conduct the transit parking study to estimate future needs in 2035, and this study is the basis for negotiations with developers. Board Member Moreno asked that the study be referenced in the Transit Amenity Policy. Ms. Cooney noted that the Clairemont development was not included with the land acquisition for Mid Coast, because it is still under SANDAG's purview since they must build additional parking as part of their FTA full funding grant agreement. Ms. Landers talked about the balance of preserving and eliminating parking and the lessons learned so far will guide staff in advocating for parking and funding when appropriate in future developments. Board Member Moreno noted that Board Members and the agency can advocate for a County of San Diego carve out of additional funding. Ms. Landers stated that staff would need to work with current development partners to understand where they were looking for funds, where more options are now, and where programs are that would be available through advocacy. Ms. Cooney advised the Board that the agency is involved with the California Transit Association (CTA), which puts together its own legislative advocacy programs, along with housing advocacy groups. Board Member Moreno supported the advocacy efforts. Board Member Moreno asked how much revenue MTS receives through rent from market rate projects. Ms. Landers replied that it was approximately \$600,000 to \$700,000 per market rate project. Board Member Moreno stated that the agency was receiving under \$5 million dollars. Ms. Landers noted that the agency is receiving nominal value for other developments since the agency is exchanging the land value rent in exchange for other requirements like replacement parking, prevailing wage, and restrooms. Board Member Moreno asked staff to provide how much revenue is made and whether those funds go to a general fund. Ms. Cooney replied that revenue is approximately \$2 million per year.

Vice Chair Goble asked if developers pay development impact fees to their appropriate cities. Ms. Landers made it clear that staff is not aware of those details, since those conversations are directly between the developer and the City. She further explained that development partners go through controlling jurisdiction planning and permitting. She noted that MTS does not have special exemption capabilities. Vice Chair Goble emphasized the importance of development impact fee information, because each City may choose to waive fees that will help them develop that project. Ms. Cooney added that Cities could also offer to build utility services or public improvements to reduce development costs, however, recognizes that each jurisdiction also has their own funding challenges. Ms. Landers noted that MTS encourages problem-solving but acknowledges that the agency has not asked partner developers directly what costs Cities would be willing to compromise on. Vice Chair Goble expressed frustration that their current developer, Chelsea, does not value the fact that the City of El Cajon does not charge development impact fees. Vice Chair Goble noted the current Exclusive Negotiation Agreement (ENA) with Chelsea expires in May 2025 and questioned the wisdom of granting another ENA extension to Chelsea. Ms. Cooney added that MTS and El Cajon can revisit the development partner for the site. Ms. Landers noted that there were many budgetary uncertainties in March and June of 2024, but MTS can now ask the developers to propose and commit to a financing plan so that the two agencies can move forward with a better understanding of the limitations. Vice Chair Goble questioned Chelsea's commitment and effort to the project.

Chair Whitburn acknowledged the importance of parking ratios to make transit a feasible option for riders. Chair Whitburn asked about the E Street parking. Ms. Landers replied that once the parking garage is developed, it would be turned over to MTS to own and operate. In a recent meeting with the developer, the developer will be seeking competitive grant opportunities from the federal government. Ms. Cooney also noted that MTS could charge parking rates but has yet to do so. Ms. Landers acknowledged that the agency will ultimately have to create a parking strategy to mitigate parking control costs.

Vice Chair Goble noted that driving deterrence for him would include cost and convenience.

Action Taken

No action taken. Informational item only.

OTHER ITEMS

6. Review of Draft September 12, 2024 Board Agenda

Recommended Consent Items

3. Approval of Minutes

Action would approve the July 18, 2024 Board of Directors meeting minutes.

4. Chief Executive Officer's (CEO) Report

5. Fiscal Year (FY) 2025 Transportation Development Act (TDA) Claim

Action would adopt Resolution Nos. 24-09, 24-10, and 24-11 approving FY 2025 TDA Article 4.0, 4.5, and 8.0 claims allocating \$135,306,066 in TDA revenues for MTS.

- 6. East County Division (ECD) Zero Emission Bus (ZEB) Overhead Charging System Layout and Design – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA353-AE-26 under MTS Doc No. PWL353.0-22, with Dokken Engineering (Dokken), in the amount of \$396,837.52 to provide engineering planning services for the ECD ZEB master planning.
- 7. Blue Line Right of Way Retaining Wall – Construction Change Order**
Action would authorize the Chief Executive Officer (CEO) to execute Construction Change Order (CCO) 3 to Work Order No. MTSJOC348-01 under Job Order Contract (JOC) MTS Doc. No. PWG348.0-22), with Veterans Engineering Inc. (Veterans), in the amount of \$308,522.52 for unforeseen conditions discovered during the installation of the new sheet pile retaining wall near Switch 85 along the Blue Line Right of way.
- 8. Clean Natural Gas (CNG) Fueling Station Equipment Replacement – Contract Amendment**
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. B0729.4-21, with Trillium, for Imperial Avenue Division (IAD) CNG dryer replacement at \$480,154.14; and South Bay Maintenance Facility (SBMF) CNG dryer B Replacement at \$492,113.02, for a total of \$972,267.16.
- 9. Orange Line Variable Message Sign (VMS) Replacements – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL393.0-24, with Balfour Beatty Infrastructure, Inc. (Balfour Beatty), for Orange Line VMS replacements in the amount of \$237,200.00.
- 10. Kearny Mesa Division (KMD) Administration Building Stucco Replacement – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC324-34 under MTS Doc. PWG324.0-21, with ABC General Contractor, Inc. (ABC GC), in the amount of \$275,796.40 for the replacement and repair of the existing exterior stucco for the KMD Administrative Building.
- 11. Imperial Avenue Division (IAD) Zero Emission Bus (ZEB) Overhead Charging Phase I – Work Order Amendment**
Action would 1) Ratify \$50,226.85 that was added to Work Order Amendment WOA353-AE-01.02 under MTS Doc No. PWL353.0-22 with Dokken Engineering, Inc. (Dokken) following Board approval of Amendment No. 1 on January 26, 2023 (Agenda Item (AI) 14). The funds were added for professional services for Envision Verification; and 2) Authorize the Chief Executive Officer (CEO) to execute Work Order Amendment No. WOA353-AE-01.04 under MTS Doc. No. PWL353.0-22, with Dokken, to provide additional engineering and design support during construction services for Phase 1 of the IAD electric bus charging infrastructure project in the amount of \$503,269.57.
- 12. Social Equity Listening Tour (SELT) Orange Line Lighting Upgrades – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC324-42 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21, with

ABC General Contractor, Inc. (ABCGC), in the amount of \$801,575.13 for upgrades to lighting at various Orange Line Trolley Station platform and parking lot locations.

- 13. Proposed Revisions to MTS Board Policy No. 48 “Transit Service Discrimination Complaints Procedures”**
Action would approve the proposed revisions to MTS Board Policy No. 48 “Transit Service Discrimination Complaint Procedures”.
- 14. Kearny Mesa Division (KMD) HVAC Replacement – Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC324-57 under MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$684,882.39 for replacing all existing Heating, Ventilation, and Air Conditioning (HVAC) at the KMD bus maintenance and administration buildings.
- 15. Investment Report – Quarter Ending June 30, 2024**
- 16. Central Control Heating, Ventilation and Air Conditioning (HVAC) Replacement – Award Work Order Under a Job Order Contract (JOC)**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-39 under JOC to MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$799,965.83 for the HVAC replacement in Building A at MTS Facilities.
- 17. Elevator Maintenance and As-Needed Repairs Contract No. PWG281.5-19 – Contract Amendment**
Action would 1) Ratify Amendment No. 4 to MTS Doc No. PWG281.4-19, with KONE Inc. (KONE) Elevator Maintenance contract, for the addition of two elevators at the University Towne Center (UTC) station, a price reduction related to the Nobel Drive Station elevators, the addition of a subcontractor, and the addition of wireless emergency call monitoring services to the Fashion Valley Station in the amount of \$56,157.69; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 5 to MTS Doc. No. PWG281.5-19, with KONE, to add as-needed repair funds in the amount of \$305,373.40.
- 18. Lemon Grove Depot Rehabilitation – Award Work Order Under a Job Order Contract (JOC)**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC324-52 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$424,994.06 for the Lemon Grove Depot Rehabilitation.
- 19. E Street Chula Vista Murals – Contract Award**
Action would: 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL386.0-24, with Michelle Guerrero, DBA Mr. B Baby, a Small Business (SB), for artistic services, inclusive of conceptualization, design and installation and an as-needed five-year maintenance plan for Mural 1 located on the retaining wall North of the E. Street Transit Center in Chula Vista in the amount of \$207,575.25; and 2)

Authorize the CEO to execute MTS Doc. No. PWL416.0-24, with Farallon Design Inc., DBA Rainforest Art Project, for artistic services inclusive of conceptualization, design and installation and an as-needed five-year maintenance plan for Mural 2 located on the retaining wall of the Eastbound, Bayfront, E Street Transit Center platform in Chula Vista in the amount of \$407,910.00.

20. Federal Transit Administration Section 5310 Grant Application

Action would 1) Adopt Resolution No. 24-12 agreeing to comply with all terms and conditions of the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities program as set forth by the FTA and the San Diego Association of Governments (SANDAG); 2) Authorize the Chief Executive Officer (CEO) to submit the following applications and execute any grant agreements awarded by SANDAG: a) \$600,000 in Federal Fiscal Year (FFY) 2023 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities funding for paratransit vehicle replacement; and b) \$600,000 in FFY 2024 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities funding for paratransit vehicle replacement; and 3) Authorize the commitment of up to \$300,000 in local matching funds to fully fund the purchase of seven (7) paratransit vehicles.

21. Fiscal Year (FY) 2023-2024 and FY 2024-2025 California Senate Bill (SB) 1 State of Good Repair (SGR) Funding

Action would approve Resolution No. 24-13 in order to: 1) Authorize the use of, and application for \$5,815,604 in FY 2024-25 SGR funding to be used for the FY26 Bus Procurement Project; and 2) Approve the acceptance of additional \$183,001 in FY 2023-24 SB1-SGR funding to bring the total FY 2023-24 allocation to \$5,455,018.

22. Adoption of 2024 Conflict of Interest Code – Amendment

Action would 1) Adopt Resolution No. 24-14 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; 2) Adopt the amended 2024 MTS Conflict of Interest Code; and 3) Forward the amended 2024 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

23. Equity Statement and Policy Development – Contract Award

Action would authorize the Chief Executive officer (CEO) to: 1) Execute MTS Doc. G2900.0-24, with Keen Independent Research LLC (Keen), for Equity Statement and Policy Development for a two (2) year base period with three (3) 1-year options, for a total of five (5) years, at a cost of \$829,274.50; and 2) Exercise the option years at the CEO's discretion.

7. Other Staff Communications and Business

Ms. Cooney invited the Committee to the Rail Safety Award celebration taking place after the meeting.

8. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

9. Next Meeting Date

The next Executive Committee meeting is scheduled for October 10, 2024, at 9:00 a.m.

10. Adjournment

The meeting was adjourned at 11:10 a.m.

/S/ Stephen Whitburn
Chairperson
San Diego Metropolitan Transit System

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

Attachment: A. Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

ROLL CALL

MEETING OF (DATE): September 5, 2024 CALL TO ORDER (TIME): 9:22 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: _____ RECONVENE: _____
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 11:10 a.m.

REPRESENTING	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Chair	Whitburn	<input checked="" type="checkbox"/>	No Alternate	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	Joe LaCava	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.
County of San Diego	Montgomery Steppe	<input type="checkbox"/>	Vargas	<input type="checkbox"/>	ABSENT	ABSENT
East County	Frank	<input checked="" type="checkbox"/>	Hall	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.
SANDAG Transportation Committee	Moreno	<input checked="" type="checkbox"/>	Bush	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.
South Bay	Bush	<input checked="" type="checkbox"/>	Leyba- Gonzalez	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.
Vice Chair	Goble	<input checked="" type="checkbox"/>	No Alternate	<input type="checkbox"/>	9:22 a.m.	11:10 a.m.

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