

REVISED

Board of Directors Agenda

March 14, 2024 at 9:00 a.m.

In-Person Participation: James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

Teleconference Participation: (669) 444-9171; Webinar ID: 982 8803 2362, <https://zoom.us/j/98288032362>

NO.	ITEM SUBJECT AND DESCRIPTION	ACTION
1.	Roll Call	
2.	Public Comments This item is limited to five speakers with two minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.	
CONSENT ITEMS		
3.	Approval of Minutes Action would approve the February 8, 2024 Board of Director meeting minutes.	Approve
4.	Public Hearing: Proposed Amendments to For-Hire Vehicle Services Regulations Action would 1) Adopt the proposed amendments to MTS Ordinance No. 11 ““An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and the County by the Adoption of a Uniform Paratransit Ordinance”; 2) Waive the requirements of MTS Board Policy No. 22 “Rules of Procedure for MTS Board of Directors” , Sections 22.4.3, stating all ordinances shall be read in full either at the time of introduction or passage (per MTS Board Policy No. 22, unanimous vote of the Board members present is required in order to waive further reading); and 3) Approve the proposed revisions to MTS Board Policy No. 34 “For-Hire Vehicle Services”.	Approve
5.	Adoption of 2024 Conflict of Interest Code – Amendment Action would 1) Adopt Resolution No. 24-02 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	Approve



designated code-reviewing body) (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

6. **Addition of Full-Time Equivalent (FTE) Position: Staff Attorney** Approve
Action would authorize the Chief Executive Officer (CEO) to add one (1) Staff Attorney to the position tables previously approved in the Fiscal Year 2024 budget.
7. **Investment Report – Quarter Ending December 31, 2023** Informational
8. **Bayside Double Track Imperial Avenue Transit Center (IMT) Construction Management (CM) Services – Work Order Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA2498-CM05.01 under MTS Doc. No. G2498.0-21, with Kleinfelder Construction Services, Inc. (KCS), to CM Services for the Bayside Double Track IMT project in the amount of \$318,443.22.
9. **Trolley On-Board Video Surveillance System (OBVSS) Preventative Maintenance, Repairs and All Related Support Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1603.2-22 with Seon Design USA Corp (“Seon”) for twenty (20) NH16 systems and cameras with installation in the amount of \$238,545.00.
10. **On-Call Job Order Contracting (JOC) Building and Facilities Construction Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 5 to MTS Doc. No. PWG324.5-21, with ABC General Construction Services, Inc., (ABCGC) for an increase in capacity to the JOC Building and Facilities Construction Services Contract in the amount of \$11,000,000.00.
11. **On-Call Job Order Contracting (JOC) General Civil Construction Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 MTS Doc. No. PWG347.2-22 with ABC General Construction Services, Inc., (ABCGC) for an increase in capacity to the JOC General Civil Construction Services Contract in the amount of \$5,000,000.00.
12. **On-Call Job Order Contracting (JOC) Railroad Construction Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 MTS Doc. No. PWG348.2-22 with Veterans Engineering Services, Inc., (Veterans) for an increase in capacity to the JOC General Civil Construction Services Contract in the amount of \$4,000,000.00.

- 13. Job Order Contracting (JOC) Consulting Programming Software Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 MTS Doc. No. L1282.4-15 with The Gordian Group (Gordian) for an increase in capacity to the JOC Consulting Programming Software Services Contract in the amount of \$400,000.00.
- 14. Propane Fueling Services at Copley Park Division (CPD) – Contract Award** Approve
Action would 1) authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0760.0-24 with Suburban Propane for Propane Fueling Services, in the amount of \$14,409,695.44, for a five (5) base year period with two (2) 1-year options, for a total of seven (7) years; and 2) 1) Exercise option years at CEO’s discretion.
- 15. SAP Support Services – Contract Award** Approve
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2782.0-24 with Sage Group Technologies, Inc. (Sage) to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year. 2) Authorize the CEO to execute MTS Doc. No. G2783.0-24 with Sierra Digital, Inc. (Sierra), a Disadvantaged Business Enterprise (DBE), to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year. 3) Exercise the option year of each agreement at the CEO’s discretion.
- 16. Light Rail Vehicle (LRV) Pantograph Carbon Strips - Contract Award** Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1660.0-24 with Schunk Carbon Technology (Schunk) for the purchase of LRV Pantograph Carbon Strips for a five (5) year base period in the amount of \$687,536.59.
- 17. Property Insurance Renewal** Approve
Action would authorize the Chief Executive Officer (CEO) to renew the property insurance coverage for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the Public Risk Innovation, Solutions, and Management (PRISM) Property Insurance Program, effective March 31, 2024 through March 31, 2025, with various coverage deductibles of \$50,000 (real property, personal property and business interruption), \$100,000 (bus fleet), \$250,000 (light rail fleet) and a \$3,000,000 sublimit for each occurrence subject to a \$500,000 deductible for unscheduled infrastructure.
- 18. Excess General Liability (Liability) And Excess Workers’ Compensation (Workers’ Compensation) Insurance Renewals** Approve
Action would 1) Authorize the Chief Executive Officer (CEO) to purchase a Liability insurance program, effective March 31, 2024, that results in a not to

exceed premium amount of \$3,976,021 (excluding the State of California surplus lines taxes) based on the coverage structure of \$75 million total program coverage, inclusive of a \$7.5 million Self Insured Retention (SIR) on Bus and Rail Operations, and a \$5 million SIR on Public Entity Errors and Omissions, and Employment Practices Liability; 2) Approve a two-year commitment from Mid-West Employers for MTS Excess Workers' Compensation Insurance program, excess of a \$1 million SIR effective March 31, 2024, for an annual deposit premium of \$228,499, for a total of approximately \$456,998.

DISCUSSION AND REPORT ITEMS

- 19. Fiscal Year (FY) 2024 Operating Budget Midyear Amendment (Gordon Meyer)** Approve
Action would enact Resolution No. 24-01 amending the FY 2024 operating budget for MTS, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, and the Coronado Ferry.
- 20. Fiscal Year (FY) 2025 Capital Improvement Program (CIP) (Mike Thompson)** Approve
Action would 1) Approve the FY 2025 CIP with the estimated federal and non-federal funding levels. As the federal appropriation figures are finalized and/or other project funding sources become available, allow the Chief Executive Officer (CEO) to identify and adjust projects for the adjusted funding levels; 2) Recommend that the San Diego Association of Governments (SANDAG) Board of Directors approve the submittal of Federal Section 5307, 5337, and 5339 applications for the MTS FY 2025 CIP; and 3) Recommend that the SANDAG Board of Directors approve amendment number 12 of the 2023 Regional Transportation Improvement Program (RTIP) in accordance with the FY 2025 CIP recommendations.
- 21. Hearing to consider adoption of a Resolution of Necessity and authorization of condemnation proceedings to acquire property interests for the 12th & Imperial Transit Center Rehabilitation Project (Project). (2/3 Vote Required by Code Civil Procedure section 1245.360) Resolution of Necessity Hearing** Approve
Action would adopt the attached Resolution of Necessity, authorizing the commencement of eminent domain proceedings to acquire the private property interests necessary for the Project. Staff recommends the Board of Directors: Open hearing and receive public testimony; 2) Determine that offers to acquire the necessary real property were made to the owners of the subject properties pursuant to Section 7267.2 of the Government Code; 3) Adopt Resolution of Necessity No. 24-03 (Attachment 1) pertaining to the acquisition of private real property interests in the subject public street right-of-way property parcels in support of the 12th & Imperial Transit Center Rehabilitation Project, and find that: a) the public interest and necessity require the project; b) the project is planned or located in a manner that will be the most compatible with the greatest public good and least private injury; and c) the interests in the

~~property sought to be acquired is necessary for the project; d) MTS has complied with the requirements of Government Code § 7267.2 to the extent applicable to the subject property, made the required offers to acquire the property together with the accompanying statement of and summary of the basis for the amount established as just compensation to the owner or owners of record, which offers and accompanying statement/summary were in a form and contained all of the factual disclosures required by law, and complied with all conditions and statutory requirements necessary to exercise of the power of eminent domain to acquire the property; and 4)Authorize the General Counsel and staff, through outside counsel, to proceed with condemnation proceedings necessary to acquire the private property interests in the subject public street right of way property parcels.Hearing would consider adoption of a Resolution of Necessity and authorization of condemnation proceedings to acquire property interests for the 12th & Imperial Transit Center Rehabilitation Project (Project). (2/3 Vote Required by Code Civil Procedure section 1245.360)~~

- 22. **Fiscal Year (FY) 2024 Mid-Year Performance Monitoring Report (Denis Desmond, Neomi Woods)** Informational
- 23. **Vehicle Assignment and Transit Amenities Policies (Samantha Leslie & Denis Desmond)** Informational

OTHER ITEMS

- 24. **Chair, Board Member and Chief Executive Officer’s (CEO’s) Communications and CEO Report** Informational
- 25. **Remainder of Public Comments Not on The Agenda**
 This item is a continuation of item No. 2 (Public Comment), in the event all speakers who request to comment on item No. 2 are not called. If all Public Comment is accepted during item No. 2, no additional public comment will be accepted under this item.

CLOSED SESSION

- 26. **Public Comment for Closed Session**
- 27. **Closed Session – Conference with Real Property Negotiators Pursuant to California Government Code Section 54956.8** Possible Action
 5801 and 5805 Fairmount Ave, San Diego, CA (APNs 461-320-20 and 461-320-21)
 Agency Negotiators: Sharon Cooney, Chief Executive Officer; Karen Landers, General Counsel; Heather Furey, Director of Capital Projects; Sean Myott, Manager of Real Estate Assets;
 Negotiating Parties: Four D Properties, Inc.
 Under Negotiation: Price and Terms of Payment

- 28. Closed Session - Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6** Possible Action
- Agencies: San Diego Transit Corporation (“SDTC”), San Diego Trolley, Inc. (“SDTI”)
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (“IBEW”)
Employee Organization: International Association of Sheet Metal, Air, Rail, And Transportation Workers (“SMART”)
Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)

ADJOURNMENT

- 29. Next Meeting Date**
The next Board of Director’s meeting is scheduled for April 25, 2024 at 9:00am.
- 30. Adjournment**