MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

BOARD OF DIRECTORS

April 25, 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 <u>MTS website</u>.]

1. Roll Call

Chair Whitburn called the Board meeting to order at 9:02 a.m. A roll call sheet listing Board member attendance is attached.

2. Public Comment

Serge Dedina – Provided a verbal statement to the Board prior to the meeting. Serge expressed support for bike stations at Tecolote Station. The written comment is provided in the April 25, 2024 Final Meeting Packet.

Alex Wong – Provided a verbal statement to the Board during the meeting. Alex expressed support for the automated people mover to the airport.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with Trolley service notifications and provided various anecdotal accounts of incidents on the Trolley.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction regarding activities at Iris Avenue Transit Center.

CONSENT ITEMS:

3. Approval of Minutes

Action would approve the March 14, 2024 Board of Directors meeting minutes.

4. Mobile Security Trailers – Sole Source Contract Amendment

Action would 1) Ratify MTS Doc. No. G2755.0-23 with Monmouth Solutions, Inc., a Service-Disabled Veteran Owned Small Business (SDVOSB) (Monmouth Solutions), in the amount of \$107,945.00 related to mobile security trailers; and 2) Authorize Chief Executive Officer (CEO) to execute MTS Doc. No. G2755.1-23 with Monmouth Solutions in the amount of \$98,055.00 to change the contract from leasing to purchasing the mobile security trailers.

5. Siemens: Orange Line Improvement Project – Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1670.0-24, a sole source award to Siemens Mobility, Inc. (Siemens), in the amount of \$427,222.03 for the purchase of Siemens signal instrument components for the Orange Line Improvement Project.

6. Orange Line - HITACHI Vital Signal, Switch Machine, and Crossing Gate Equipment – Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute Contract L1674.0-24 with Hitachi Rail STS USA, Inc. (Hitachi) in the amount of \$757,712.32 for the purchase of vital signal, switch machine, and crossing gate equipment.

7. Increased Authorization for Legal Services Contract to Pay Projected Expenses in Fiscal Year 2025 – Contract Amendment

Action would: 1) Ratify Amendment 9 to MTS Doc. No. G2202.0-19, with Meyers Nave, in the amount of \$150,000.00; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment 10 to MTS Doc. No. G2202.0-19, with Meyers, in the amount of \$600,000.00.

8. Imperial Avenue Division (IAD) Overhead Charging System – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0761.0-24, with Heliox Technology North America, LLC (Heliox), for the provision of the IAD overhead charging system, for a term of five (5) years, for a total of \$3,358,171.90.

9. Railroad Ties – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1663.0-24, with Balfour Beatty Infrastructure, Inc. (Balfour), in the amount of \$167,475.00 for the purchase of railroad ties.

10. Hewlett Packard Enterprise (HPE) Synergy for Operations Control Center (OCC) Data Center – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2833.0-24, with Nth Generation Computing, Inc. (Nth), effective for five (5) years, for the purchase of HPE Synergy equipment, software, and support/services in the amount of \$283,820.08.

11. Occupational Health Services – Contract Award

Action would: 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2887.0-24, with Concentra Medical Centers (Concentra), to provide occupational health services for a five (5) year base period with five (5) 1-year options, a total of ten (10) years, for a total contract cost of \$1,114,128.00; 2) Authorize the CEO to execute MTS Doc. No. G2888.0-24, with Kaiser On-the-Job (Kaiser), to provide occupational health services for a five (5) year base period with five (5) 1-year options, a total of ten (10) years, for a total contract cost of \$1,351,200; and 3) Exercise options years at the CEO's discretion.

12. Variable Messaging Sign (VMS) Media Converter & Cradlepoint Hardware – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2839.0-24, with Datel Systems Incorporated (Datel), effective for five (5) years, for the purchase of network equipment, in the amount of \$402,481.00.

13. Iris Rapid Transit Center East and Bus Stops Construction – Contract Award

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. PWB380.0-24, with Hazard Construction Engineering LLC (Hazard Construction), for the Iris Rapid Transit Center East and Bus Stops Construction in the amount of \$4,410,884.00; and 2) Authorize the CEO to execute amendments or change orders up to a 15% contingency or \$661,632.60 for this construction contract, bringing total expenditure authority to \$5,072,516.60.

14. Design Services for Iris Rapid Route and Station Infrastructure Improvements – Work Order Amendment

Action would: 1) Ratify Work Order WOA353-AE-19, under MTS Doc No. PWL353.0-22, with Dokken Engineering (Dokken), in the amount of \$111,611.05 to provide additional project management, new bid package development and support services, additional design support

during construction, and prepare as-built drawings; 2) Ratify Work Order WOA353-AE-19.01, under MTS Doc No. PWL353.0-22, with Dokken, in the amount of \$16,813.67 to provide temporary construction easement extensions; and 3) Authorize the Chief Executive Officer (CEO) to approve Amendment WOA353-AE-19.02, under MTS Doc No. PWL353.0-22, with Dokken, in the amount of \$117,746.82 to provide additional project management, local agency processing, fiber optic design and San Diego Gas & Electric (SDG&E) coordination, bid package preparation and bid support, design support during construction, and as-built drawings.

15. Iris Rapid Transit Center East and Bus Stops Construction Management (CM) Services – Award Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA2498-CM19 under MTS Doc. No. G2498.0-21, with Kleinfelder Construction Services, Inc. (KCS), totaling \$900,510.13 for CM services for the Iris Rapid Project.

16. Building B Office Improvements – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC324-48 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$220,792.67 for the improvements of Revenue Area, Pay Station Service Room, Facility Offices and Break Room areas at Building B.

17. El Cajon Third Track Construction Management (CM) Services – Work Order Amendment Action would authorize the Chief Executive Officer (CEO) to execute Work Order Amendment No. WOA2498-CM02.02 under MTS Doc. No. G2498.0-21, with Kleinfelder Construction Services, Inc. (KCS), for the El Cajon Third Track and El Cajon Third Track – Interlocking E26 CM services in the amount of \$411,792.40.

18. Commercial Tenant Relocation and Property Management Services - Clean Transit Advancement Campus (CTAC) – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA357-AE-39 under MTS Doc. No. PWL357.0-22, with Chen Ryan Associates, Inc. (CRA), a Disadvantaged Business Enterprise (DBE), in the amount of \$533,448.30 to provide tenant relocation and property management services for the CTAC project.

19. State of California Office of Emergency Services – Designation of Applicant Agent Resolution

Action would: 1) Authorize the Chief Executive Officer (CEO) and designee(s) to serve as MTS's agent to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding all matters pertaining to Federal financial assistance and/or State financial assistance under the California Disaster Assistance Act; and 2) Authorize the Chair of the Board of Directors to sign the Designation of Applicant's Agent Resolution for Non-State Agencies Form (CalOES Form 130).

20. Improving Restroom Availability at San Diego State University Transit Center -Operations and Maintenance Agreement Amendment

Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to the Operations and Maintenance Agreement with San Diego State University (SDSU), MTS Doc. No. M6644.1-06, regarding maintenance at the SDSU Transit Center.

- 21. Fiscal Year (FY) 2025 Capital Improvement Program (CIP) Amendment Action would approve the amended FY 2025 CIP, which would increase the MTS FY 2025 CIP budget by \$6,747,704 from \$243,328,938 to \$250,076,642.
- 22. ChargePoint ViriCiti Bus Telematics License Renewal-Sole Source Contract Award Action would authorize the Chief Executive Officer (CEO) to issue a Purchase Order to ChargePoint, Inc. (ChargePoint) in the amount of \$178,848.00, for a period of five (5) years for ViriCiti Bus Telematics License Renewal.
- 23. Fiscal Year (FY) 2023-2024 Low Carbon Transit Operations Program (LCTOP) Funding That the San Diego Metropolitan Transit System (MTS) Board of Directors adopt Resolution No. 24-04 in order to: 1) Agree to comply with all conditions and requirements set forth in the Certification and Assurances Document, and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects; and 2) Authorize the Chief Executive Officer (CEO), or designated representative, to execute all required documents of the LCTOP and any amendments thereto with the California Department of Transportation; and 3) Authorize the allocation of \$8,657,564 in Fiscal Year (FY) 2023-2024 LCTOP funding for the procurement of Battery Electric Buses (BEBs), which will reduce greenhouse gas emissions and improve mobility with a priority on serving Disadvantaged Communities (DAC); and 4) Certify that at least 50% of the total LCTOP funds received will be spent on projects or services that will benefit DACs identified in Section 39711 of the Health and Safety Code.

24. City of San Diego Bus Shelter and Bus Bench Advertising

Action would 1) Authorize the Chief Executive Officer to 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 No. 21 "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise" to delete the separate City of San Diego advertising policy document.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth commented on items: 3, 4, 5, 8, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22 and 23.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed frustration with the Iris Transit Center contract costs, along with potential health concerns from the overhead catenary charging infrastructure project.

Board Comment

Chair Whitburn noted that due to additional revisions, staff would pull agenda item 24 from the items slated for consent.

Action on Recommended Consent Items, Excluding Consent Item 24

Board Member McCann moved to approve Consent Agenda Item Nos. 3 to 23. Board Member Hall seconded the motion, and the vote was 13 to 0 in favor with Board Member Elo-Rivera and Board Member Gloria absent.

DISCUSSION ITEMS AND REPORT ITEMS:

25. Independent Salary Study Results – Implementation of Recommended Pay Grades and Ranges (Jeff Stumbo, Brendan Shannon, T.L. Cox with Segal)

Jeff Stumbo, MTS Chief Human Resources Officer, Brendan Shannon, MTS Director of Human Resources, and TL Cox, with Segal, presented on independent salary study results and implementation of recommended pay grades and ranges. They outlined: the Segal company background, California and industry presence, project introduction and methodology, market survey process, key deliverables, criteria for peer agency selection, peer agencies, geographic adjustments, published survey sources, external comparisons, survey responses summarized, competitiveness varied by job title, base pay, base pay by peer organization, salary structure development, compression and equity adjustment variables, cost breakout, distribution of implementation costs, compensation ratio, pay increase distribution by org. level, relevant statistics, and staff's recommendation.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth commented on the proposed action and timing of the salary survey.

Board Comment

Board Member McCann noted the importance of compression and asked Mr. Cox to explain the negative effects of this issue. Mr. Cox explained that this occurs when there are few to no differences in pay between employees with different tenure. He continued to explain the consequences of inequity and demotivation within the existing workforce, along with limitations to recruit new employees effectively and accurately to market rate.

Board Member Dillard asked about the financial impacts to MTS for the high employee turnover. Mr. Shannon replied that he does not have those monetized figures for reference but assured the Board that there are recruitment and loss of productivity impacts and noted that they would provide the data at a later date. Board Member Dillard suggested a different comprehensive benefits program with a pre-set maximum for employee retirement contribution, similar to private sector businesses. Mr. Stumbo added that employee benefits are generous in comparison to other businesses. He noted this specific study was solely focused on salaries. Sharon Cooney, MTS Chief Executive Officer, also noted that the proposed salary survey group of employees do receive a pension. Board Member Dillard asked about the employee contribution limit and the match rate for the pension plan. Mr. Stumbo explained that the set of employees are either in CalPERS or in the San Diego Transit Corporation pension plan. He noted that employees contribute 8% of their income into the pension, while MTS contributes 13%-14%. She clarified that she was suggesting this incentive program in addition to the current pension program as a solution to mitigate high turnover. Board Member Dillard noted healthcare cost increases and asked how MTS offsets those increases for staff. Mr. Shannon acknowledged that various benefits are critical to attracting employees, and assured the Board that the agency is in line with the market for healthcare Mr. Stumbo added that the agency has kept the employee healthcare costs relatively fixed for healthcare contributions and MTS has absorbed the majority of those increases.

Board Member Hall asked for the number of employee turnovers, rather than the percentage. Mr. Shannon clarified that one department experienced a 50% turnover for 2022 and 2023, but did not have the specific number on hand. Board Member Hall asked if people were retiring or moving to work in another city. He believed that benefits should be counted into the compensation determination and requested that rather than citing a percentage of turnover, staff report back the number of employees who left the agency. He expressed concern of a \$2 million salary allocation with the impending fiscal cliff. Mr. Stumbo added that during exit interviews, the majority of employees were leaving MTS to pursue professional opportunities with higher paying wages, along with more flexible work opportunities. Board Member Hall asked how recent the comparable agency's data was. Mr. Cox stated that the market data was current at the time the agency was conducting the market survey. Board Member Hall asked if employees at the maximum were getting salary cuts. Mr. Cox did not recommend that approach and clarified that the recommendation suggested range decreases, not reductions to individual salaries. Board Member Hall asked how the agency would compensate for the \$2.2 million cost. Ms. Cooney noted that the agency is experiencing a bigger budget deficit and noted that these increases are necessary in order to stay properly staffed to handle the agency's work.

Vice Chair Goble asked Mr. Cox if the San Diego cost of living is incorporated into the proposed pay ranges. Mr. Cox replied that it was allocated through a cost of labor index, rather than cost of living, due to the neighborhood variability. Vice Chair Goble supported competitive market changes and acknowledged that it was important to have fully staffed positions.

Board Member Moreno expressed support for the motion and restated her suggestion during the May 9, 2024 Executive Committee meeting, requesting that a similar salary assessment be conducted for frontline employees.

Board Member Gonzalez expressed support for the motion and suggested that staff exercise the most pay discretion for grade levels 7-13.

Action Taken

Vice Chair Goble moved to 1) Adopt the pay ranges recommended by independent compensation consultant, The Segal Company, effective May 1, 2024; and 2) Authorize the Chief Executive Officer (CEO) to implement the results of the independent compensation study. Board Member Moreno seconded the motion, and the vote was 13 in favor (Board Member: Gonzalez, McCann, Donovan, Montgomery Steppe, Goble, Leyba-Gonzalez, Dillard, Mendoza, Bush, Frank, Moreno, Elo-Rivera, Whitburn) to 1 opposed (Board Member Hall) with Board Member Gloria absent.

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

Gordon Meyer, MTS Manager of Financial Planning and Analysis, presented on FY 2025 Operating Budget Discussion. He outlined: the budget development process, sales tax revenues, Federal Transit Administration (FTA) revenue assumptions, Senate Bill (SB) 125, other subsidy revenue, passenger fare revenue, other operating revenue, revenue summary, service levels, expense assumptions personnel, purchased transportation, outside services, energy, miscellaneous, expenses summary, consolidated revenues less expenses, operating deficit reserve, structural deficit, and Budget Development Committee next steps.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed frustration with the revenue recovery rate and requested various service and amenities throughout the system.

Board Comment

Vice Chair Goble asked if staff anticipated PRONTO usage to decrease due to the launch of the open payment system. He was also concerned about the increase in merchant fees and lower income from the cash reloaded on the PRONTO card. Larry Marinesi, Chief Financial Officer, stated that staff does not anticipate a reduction in utilization of the fare system, but believed it would allow a new clientele to use the system. Ms. Cooney responded regarding the Vice Chair's question related to merchant fees. She noted that the agency currently absorbs transactional fees on the current PRONTO system. Ms. Cooney added that reduced fares would not be available on the open payments system. Vice Chair Goble asked if the projects in slide 18 could be capitalized. Mr. Meyer replied that the projects are appropriately broken up between operations and capital. Vice Chair Goble asked if the agency should consider reducing Compressed Natural Gas (CNG) vs electric conversion rates. Mr. Marinesi stated that staff will continue to have the dialogue and provide the Board visibility of commodity costs. Vice Chair Goble asked if a CNG bus was a one-for-one exchange to an electricity cost. Mike Wygant, MTS Chief Operating Officer for Bus, cited the Innovative Clean Transit (ICT) Regulation and noted that the agency is responsible for a one-for-one replacement. However, technological range limitations do not allow for this ratio. The industry anticipated technological advancements in this area, and if that is not possible the agency may need to pause or consider a different replacement plan. Vice Chair Goble noted the importance of forecasts, wages, and payroll.

Board Member Montgomery Steppe asked about the vacancy rate of the approximate 1,800 Full-Time Equivalents (FTEs). Mr. Meyer noted that of approximately 1,850 positions, 150-200 at the time of export were vacant. Board Member Montgomery Steppe asked about guantifiable impacts on fare revenue issues being experienced. She asked staff to predict how 47 new security positions could alleviate fare evasion. Ms. Cooney stated that staff would track data closely as the team grows. The increase in staffing is due to customer feedback and prospective riders who are deterred from the system due to safety concerns. Additional staff will assist with fare compliance as well. Ms. Cooney also mentioned the Special Enforcement Detail (SEU) efforts where staff comprehensively gathers data by conducting a full fare check on a trolley. Tim Curran, MTS Director of Transit Security and Passenger Safety, noted that there were 13 positions hired and 8 more prospective hires from the Board-approved 47 positions. Board Member Montgomery Steppe asked about the 60 FTE reference on slide 15, and whether the 21 safety positions should be subtracted from 60 or 47. Ms. Cooney clarified that the number referenced includes security personnel which count towards the 47 hiring spots. Board Member Montgomery Steppe noted that transportation funding does impact decisions, similar to a forprofit business, and she believed that current practices puts the agency in a legal bind where enforcement becomes a larger priority that focuses on criminal activity. She reminded the Board that the 2024 legislative priority platform is to support legislation that would eliminate the requirement for fare box recovery. She acknowledged that SB125 allows the agency to address challenges with flexibility and address uninterrupted service. She noted the importance to address the fiscal impacts for the agency along with climate action goals. She reminded the Board that the enforcement changes to the security department were in response of the deaths of George Floyd and Angel Hernandez and noted the great balance that the Board and staff will have to assess as policy is changed.

Board Member Elo-Rivera asked staff to clarify the top two structural deficit reduction recommendations on slide 24 (fare diversion program changes and changes to the preventative maintenance sharing methodology between the capital and operations budgets). Ms. Cooney replied that some topics are in ongoing committee conversations. She also noted other feasible

options such as subsidy increases and a ballot initiative. Board Member Elo-Rivera noted that the agency should be consistent with the policy direction to expand service with intentionality for riders who depend on public transportation.

Board Member Bush was open to delaying ZEB deployment, if necessary. He noted potential opportunities with battery storage as a possibility to explore. Board Member Bush agreed with the balance in security enforcement and fare box recovery. He asked staff about the lobbying efforts at the federal level. Ms. Cooney acknowledged the support of our federal delegation and believed that they could be good advocates for transit. Board Member Bush asked that staff invest in federal lobbying to advocate for resources.

Board Member Moreno understands that federal funds will eventually end and commended staff for creating an operating deficit reserve to supplement the agency's budget for 2026. She acknowledged the agency's push to grow ridership and asked to see the projects in the Capital Improvement Program (CIP) related to state of good repair. She believed that the agency was in need of long-term revenue options and encouraged additional sources of revenue to support the agency.

Action Taken

No action taken. Informational item only.

OTHER ITEMS:

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

Public Comment

Board Member Leyba-Gonzalez thanked staff for working with the agency on re-routing the Route 227. He also noted a resident request for bike parking racks at Trolley stations.

Chair Whitburn commended the agency for assisting developers with affordable housing and funding applications.

Public Comment

Truth – Provided a verbal statement to the Board during the meeting. Truth supported the request for bike racks and commented on the CEO Report.

28. Remainder of Public Comments Not on The Agenda

There were no additional public comments.

ADJOURNMENT

29. Next Meeting Date

The next regularly scheduled Board meeting is May 16, 2024 at 9:00 a.m.

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30. Adjournment

The meeting was adjourned at 11:44 a.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

Attachment: Roll Call Sheet

/S/ Karen Landers

General Counsel San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS ROLL CALL

MEETING OF (DATE):	April 25, 2024	CALL TO ORDER (TIME): 9:02 a.m.
RECESS:		RECONVENE:
CLOSED SESSION:		
PUBLIC HEARING:		RECONVENE:
ORDINANCES ADOPTED:		ADJOURN: 11:44 a.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Gonzalez	\boxtimes	Chavez		9:02 a.m.	11:44 a.m.
City of Chula Vista	McCann	\boxtimes	Chavez		9:02 a.m.	11:44 a.m.
City of Coronado	Donovan	\boxtimes	Duncan		9:02 a.m.	11:44 a.m.
County of San Diego	Montgomery Steppe	\boxtimes	Vargas		9:05 a.m.	11:44 a.m.
City of El Cajon	Goble (Vice-Chair)	\boxtimes	Ortiz		9:02 a.m.	11:44 a.m.
City of Imperial Beach	Leyba-Gonzalez	\boxtimes	Aguirre		9:02 a.m.	11:44 a.m.
City of La Mesa	Dillard	\boxtimes	Arapostathis		9:13 a.m.	11:44 a.m.
City of Lemon Grove	Gastil		Mendoza	\boxtimes	9:02 a.m.	11:44 a.m.
City of National City	Bush	\boxtimes	Rodriguez		9:13 a.m.	11:44 a.m.
City of Poway	Frank	\boxtimes	Pepin		9:02 a.m.	11:44 a.m.
City of San Diego	Moreno	\boxtimes	Campbell		9:04 a.m.	11:44 a.m.
City of San Diego	Elo-Rivera	\boxtimes	LaCava		9:19 a.m.	11:44 a.m.
City of San Diego	Gloria		Campillo		ABSENT	ABSENT
City of San Diego	Whitburn (Chair)	\boxtimes	Lee		9:02 a.m.	11:44 a.m.
City of Santee	Hall	\boxtimes	Koval Minto		9:02 a.m.	11:44 a.m.

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