

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

MINUTES

September 15, 2016

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. McWhirter moved to approve the minutes of the July 28, 2016, MTS Board of Directors meeting. Ms. Bragg seconded the motion, and the vote was 11 to 0 in favor with Messrs. Cunningham, Gastil, Roberts, and Ms. Salas absent.

3. Public Comments

Steve Padilla – Mr. Padilla commented on behalf of Grand Central West, LLC (GCW) regarding the ongoing litigation with MTS on the doorway access between the McDonalds building and the bus terminal area at the San Ysidro Transit Station. Mr. Padilla noted that the City of San Diego has reported that there are no structural or safety issues with the second floor of that building and the doorway. He provided a copy of the building permit from the City of San Diego. Mr. Padilla stated that the policy to close the doorway access is not justifiable and requested that the doorway access be reopened to the public.

Sandra Compton – Ms. Compton gave her speaking time to Miguel Aguirre.

Miguel Aguirre – Mr. Aguirre stated that he is the managing member for GCW. He provided a background on how he became the managing member for GCW and the development of the building and the location at the San Ysidro Transit Station. He said that over time there have been impacts to this area affecting cross border mobility for the public. Mr. Aguirre said that he would like to share his vision that he has to elevate the trolley and MTS.

Stephen Heverly – Mr. Heverly stated that he represents the Equinox Project at the Center for Sustainable Energy. He noted that copies of the annual Quality of Life Dashboard booklet were handed out to the Board Members. The booklet will help enlighten the decisions of policy makers and increase understanding of how sustainable energy will affect the region.

CONSENT ITEMS

6. Adoption of Amended 2016 Conflict of Interest Code

Action would: (1) adopt Resolution No. 16-19 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act (PRA) of 1974; (2) adopt the amended 2016 MTS Conflict of Interest Code; and (3) forward the amended 2016 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

7. New Board Policy: Inventory Controls and Signature Authority Policy
Action would adopt new Board Policy No. 64 "Inventory Controls and Signature Authority Policy".
8. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments
9. Federal Transit Administration Section 5310 Grant Application
Action would: (1) Adopt Resolution No. 16-20 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. \$432,000 in federal fiscal year 2015 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities funding for paratransit vehicle replacement; b. \$432,000 in federal fiscal year 2016 FTA Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities funding for paratransit vehicle replacement; and (3) Authorize the commitment of up to \$466,476 in local matching funds to full fund the purchase of 12 paratransit vehicles.
10. Investment Report - June 2016
11. Investment Report - July 2016
12. San Diego Metropolitan Transit System Orange Line Track Improvements - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL211.0-16, with Herzog Contracting Corporation for the provision of services and materials for Orange Line Track Improvements.
13. Proposed Revisions to MTS Policy No. 42, "Transit Service Evaluation and Adjustment"
Action would approve the proposed revisions to MTS Policy No. 42, "Transit Service Evaluation and Adjustment".
14. Helix Water District Utility Relocation Reimbursement Agreement for Hill Street Slope Repair
Action would authorize the Chief Executive Officer (CEO) to execute an Memorandum of Understanding (MOU) with the Helix Water District for cost reimbursement to relocate water mains and fire hydrants required for slope reconstruction by MTS in the vicinity of Hill Street in El Cajon.
15. Janitorial Services - Sole Source Contract Extension
Action would: (1) Ratify Amendment 4 and Amendment 5 to MTS's contract with NMS Management, Inc. (NMS) (MTS Doc. No. G1387.0-11) for \$95,134.38, which were previously issued under the Chief Executive Officer's (CEO) authority, for janitorial services at MTS Buildings and on Light Rail Vehicles; and (2) Authorize the CEO to execute Amendment 6, with NMS, for a three (3) month sole source extension of janitorial services at MTS Buildings and on Light Rail Vehicles.
16. Diesel Vehicle Wet-Hose Fueling Services - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0658.0-17 with Dion & Sons, Inc. for the provision of Diesel Vehicle Wet-Hose Fueling Services for MTS's

Rapid Express Commuter and Rural buses located at the East County Division, for a nine month term.

17. San Diego Metropolitan Transit System (MTS) Sole Source Award for Regional Transit Management System (RTMS) Hardware Maintenance Services to Xerox Transportation Solutions
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1941.0-16 with Xerox Transportation Solutions, Inc. (Xerox) for the provision of RTMS software and vehicle hardware maintenance services for a five year period with two (2) one year options, exercisable at the CEO's discretion.
18. Regional Transit Management System (RTMS) Radio Maintenance Services - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1887.0-16 with Motorola Solutions, Inc. (Motorola) for the provision of RTMS radio system maintenance services for a three year period.
19. Storm Water Monitoring, Sampling, Analysis and Reporting Services - Contract Award
Action would: (1) Ratify previous contract authority of \$75,800.00 with Whitson Contracting & Management Inc. (Whitson); and (2) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0636.1-16 with Whitson increasing the total contract amount to \$126,442.20.

COMMENTS – CONSENT ITEMS

Ms. Cole requested to pull consent item number 8 for further discussion. Chairman Mathis said that he will pull the item for discussion and take action on the remaining consent items.

Action on Recommended Consent Items, excluding Consent Item Number 8

Mr. Gastil moved to approve Consent Agenda Item Nos. 6 – 19, excluding No. 8. Mr. Minto seconded the motion, and the vote was 15 to 0 in favor.

COMMENTS – CONSENT ITEM NO. 8

Ms. Cole inquired about the discrepancy between the contracts awarded and contracts completed results for DBE projects. Karen Landers, General Counsel, replied that there is no discrepancy between the two items. She stated that the contracts awarded and contracts completed are two separate numbers and categories. She explained that the total number of contracts awarded is reported during the specific six month period; however the number of contracts completed may not match with the number of awarded contracts due to some contracts extending outside of the current reporting period. Ms. Cole commented that it also appears that staff has been doing better at conducting outreach and providing workshops for DBE applicants. Ms. Landers stated that staff is doing everything they can to encourage DBE's to bid on projects.

Action on Recommended Consent Item No. 8

Ms. Cole moved to approve Consent Agenda Item No. 8. Mr. Minto seconded the motion, and the vote was 15 to 0 in favor.

NOTICED PUBLIC HEARINGS (TAKEN BEFORE CLOSED SESSION)

25. None.

DISCUSSION ITEMS (TAKEN BEFORE CLOSED SESSION)

30. Transit Optimization Plan (TOP) Agreement - Contract Award (Denis Desmond)

Denis Desmond, Manager of Planning, provided a presentation on the Transit Optimization Plan (TOP) Agreement. He reviewed background information on the TOP and noted that MTS conducted a full Comprehensive Operational Analysis (COA) study between 2004 and 2007. Since the COA, there have been significant changes to MTS and its services and the TOP will be used to update the COA. Mr. Desmond reviewed the TOP project schedule and stated that adjustments to service will begin in late 2017 and early 2018. He reviewed the procurement process to select a TOP consultant and stated that the recommended consultant is Transportation Management & Design (TMD). Mr. Desmond noted that TMD was the consultant for the COA and it was both a successful and collaborative experience. Mr. Desmond introduced Russ Chisholm from TMD. Mr. Chisholm stated that TMD worked closely with MTS staff during the COA project and is looking forward to working with MTS again. Sharon Cooney, Chief of Staff, also commented that staff is already receiving positive responses from the public about the TOP.

Mr. Alvarez asked if the COA was previously contracted out. Mr. Desmond replied that the COA was contracted out mixed with utilizing internal staff. He stated that the TOP will also be mixed using the contractor, TMD, as well as internal staff. Mr. Alvarez inquired how much the COA cost compared to the TOP cost. Mr. Desmond replied that the COA contract was approximately \$700,000 and the TOP contract is approximately \$430,000. Mr. Alvarez asked why the cost scores changed and not the technical scores during this procurement process. Diana Singleton, Procurement Specialist, replied that the cost and technical scores change during the second round of reviews based on the vendors' revised proposals. Mr. Alvarez inquired about solicitation of DBE proposals for participation in this contract. Ms. Singleton replied that staff reaches out to DBE's to notify them of upcoming procurement solicitations. The DBE's then have time to respond if they want to provide a proposal for the project as a primary contractor or subcontractor. Ms. Singleton noted that TMD is utilizing Kimley Horn as their subcontractor, which is not a DBE contractor.

Ms. Zapf inquired if the TOP will be looking at fare prices. Ms. Cooney stated that the TOP is not looking at fare prices however SANDAG is currently conducting a fare study that MTS is participating in.

Mr. Gloria commented that in the Executive Committee meeting he learned that this type of study should be conducted about every ten years. He asked if staff was receiving responses for the TOP. Ms. Cooney replied that staff has already received approximately 700 completed surveys and will have the response period open through September 23. Mr. Gloria recommended to the other Board Members to help spread the word about this study, because it will be very beneficial to MTS and the riders.

Ms. Bragg stated that staff is doing a great job with their outreach efforts. She noted that this item will also be heard at the Accessible Services Advisory Committee meeting this afternoon.

Action Taken

Mr. Gloria moved to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1922.0-16 with Transportation Management & Design, Inc. (TMD), for the provision of TOP Services from October 2016 to June 30, 2017. Ms. Cole seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS (TAKEN BEFORE CLOSED SESSION)

45. None.

60. Chairman's Report (TAKEN BEFORE CLOSED SESSION)

Vice Chairman Roberts commented that yesterday the Federal Transit Administration officially signed the Full Funding Grant Agreement for the Mid-Coast Trolley Extension Project. He stated that this is the largest grant and transit project ever in the San Diego region. Mr. Roberts also commented that the project groundbreaking celebration will take place on Saturday, October 22, 2016 at the Preuss School field at UCSD.

61. Chief Executive Officer's Report (TAKEN BEFORE CLOSED SESSION)

Mr. Jablonski reported the following business travel: on July 29th he traveled to San Jose for a California Transit Association Executive Committee meeting; on August 25th he traveled to Washington DC for an American Public Transportation Association (APTA) Executive Committee meeting; and from September 9th through September 14th he traveled to Los Angeles for the APTA Annual Conference.

62. Board Member Communications (TAKEN BEFORE CLOSED SESSION)

There were no Board Member communications.

63. Additional Public Comments on Items Not on the Agenda (TAKEN BEFORE CLOSED SESSION)

Valerie Hightower – Ms. Hightower requested for bus benches to be installed at 30th and Imperial Avenue, 40th and Ocean View Boulevard, and 41st and National Avenue on both sides of the street. She requested for bus drivers to carry Lysol. She stated that Route 955 has many riders drinking alcohol. She requested for Route 4 to be increased to running every 15 minutes. She commented that many of the bus drivers are impatient and rude and need to have better training. Ms. Hightower asked for the Board Members to go outside and ride the system to have the same experiences as the riders. She also requested for the transit officers to ride bicycles around to the various bus benches to patrol people and prevent them from drinking and smoking at the bus stops.

CLOSED SESSION

CLOSED SESSION – PUBLIC COMMENTS – Item 24c

Steve Padilla – Mr. Padilla gave his speaking time to Miguel Aguirre.

Sandra Compton – Ms. Compton gave her speaking time Miguel Aguirre.

Miguel Aguirre – Mr. Aguirre commented on the closed doorway access at the McDonald's building located at the San Ysidro Transit Station. He said that the doorway has been used by the public since 2004 and wants to know why the public is now being excluded from accessing this doorway. Mr. Aguirre stated that the public is now prevented from easily accessing the bus terminal which causes confusion and extra time spent for customers to access the bus terminal. He asked that this policy be evaluated by the Board and for the doorway access to be reopened to help enhance cross border mobility.

24. Closed Session Items

The Board convened to Closed Session at 9:56 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6
Agencies: San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI)
Agency-Designated Representative: Jeff Stumbo
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (Representing SDTC Mechanics and Servicers)
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (Representing SDTI Flagpersons)
Employee Organization: International Brotherhood of Electrical Workers, Local 465 and/or Public Transit Employees Association (Representing SDTI Train Operators, Electromechanics, Servicers and Clerical)
- b. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) Jones and Leon vs. San Diego Metropolitan Transit System, et al. (United States District Court, Southern District, Case No. 14-CV-1778-LAB-KSC)
- c. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) San Diego Metropolitan Transit System v. Grand Central West LLC and related cross-complaints (San Diego Superior Court Case No. 37-2014-00044014-CU-OR-CTL)
- d. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9(d)(2) (One potential case: Gary Sweetwood, Scott Tallman and East County Dirt Works, Inc. proposed Third Amended Cross-Complaint / Government Claim)

The Board reconvened to Open Session at 11:25 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from negotiators and gave instructions.

- b. The Board received a report from legal counsel and gave instructions.
- c. The Board received a report from legal counsel.
- d. The Board received a report and authorized denial of a claim on a vote of 15 to 0.

64. Next Meeting Date

The next regularly scheduled Board meeting is October 13, 2016.

65. Adjournment

Chairman Mathis adjourned the meeting at 11:28 a.m.



Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Clerk of the Board
San Diego Metropolitan Transit System



General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): September 15, 2016

CALL TO ORDER (TIME): 9:03 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:56 a.m.

RECONVENE: 11:25 a.m.

PUBLIC HEARING: _____

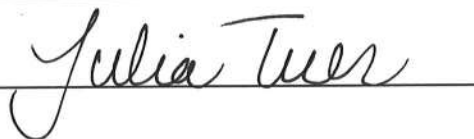
RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 11:28 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
BRAGG	<input checked="" type="checkbox"/> (Spriggs) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
COLE	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:20 a.m.	11:28 a.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:07 a.m.	11:28 a.m.
GLORIA	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:03 a.m.	11:28 a.m.
MCCLELLAN	<input type="checkbox"/> (Ambrose) <input checked="" type="checkbox"/>	9:03 a.m.	11:28 a.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:09 a.m.	11:28 a.m.
SALAS	<input checked="" type="checkbox"/> (Miesen) <input type="checkbox"/>	9:13 a.m.	11:28 a.m.
WOIWODE	<input type="checkbox"/> (Sandke) <input checked="" type="checkbox"/>	9:03 a.m.	11:28 a.m.
ZAPF	<input checked="" type="checkbox"/> (Cate) <input type="checkbox"/>	9:03 a.m.	11:28 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:

