

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

July 11, 2019

MINUTES

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased].

A. ROLL CALL

Chair Gomez called the Executive Committee meeting to order at 9:03 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Ms. Salas moved for approval of the minutes of the June 6, 2019, MTS Executive Committee meeting. Ms. Rios seconded the motion, and the vote was 5 to 0 in favor with Mr. Fletcher absent.

C. COMMITTEE DISCUSSION ITEMS

1. Revisions to MTS Board Policy No. 18, "Joint Development Program" (Sharon Cooney)

Sharon Cooney, Chief of Staff, provided a presentation on the proposed revisions to MTS Board Policy No. 18, "Joint Development Program". She reviewed the details of Policy No. 18 and noted that the policy provides direction to staff on how to gain best use of MTS owned property. Ms. Cooney stated that in June 2019, the Board Chair directed staff to return with two potential revisions to the policy to include applying prevailing wage to private developments on MTS property, and requiring the same use of skilled and trained labor as applies to MTS in Public Utilities Code section 120221.5.

PUBLIC COMMENTS

Murtaza Baxamusa – Mr. Baxamusa commented on behalf of the San Diego Building Trades Family Housing Corporation. He stated that they support these changes. Mr. Baxamusa commented that he believes there are some exceptions to the proposed language regarding prevailing wage. He stated that the language should be clear not to exempt prevailing wage from these projects going forward. Mr. Baxamusa provided some amendments to the language in order to protect the prevailing wage language in the policy.

Kelvin Barrios – Mr. Barrios commented on behalf of Laborers' Local 89. He agreed with Mr. Baxamusa regarding his comments about prevailing wage, which would ensure that there are no exemptions in the language.

Gretchen Newsom – Ms. Newsom commented on behalf of IBEW Local 569. She agreed with the previous speakers regarding the comments about prevailing wage.

Tom Lemmon – Mr. Lemmon commented on behalf of the San Diego Building Trades. He stated that they support the revisions to Policy 18, but would like to see stronger language regarding prevailing wage to ensure that there are no exemptions.

Carol Kim – Ms. Kim commented on behalf of the San Diego Building Trades Council. She stated that they support the revisions to this policy. Ms. Kim noted that they would like to see consistency throughout the policy and ensure that there are no exemptions when it comes to prevailing wage.

BOARD COMMENTS

Karen Landers, General Counsel, commented that staff received proposed language to amend the revisions to Policy No. 18. The amended revisions would replace paragraph C7 with the following language: All projects approved pursuant to the program shall be considered public works for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code, regardless of whether an exemption under Section 1720 of the Labor Code applies to the project.

Chair Gomez stated that she supports the amended language that was provided for Policy No. 18 regarding prevailing wage.

Action Taken

Chair Gomez moved to forward the amended proposed language to MTS Board Policy No. 18 to the Board for approval. Ms. Montgomery seconded the motion, and the vote was 5 to 0 in favor with Mr. Fletcher absent.

2. Security Contract Amendment (Manny Guaderrama)

Manny Guaderrama, MTS Chief of Police, provided a presentation on the proposed security contract amendment. He reviewed the details of the current security contract with Allied Universal, as well as the previous amendments to the contract. Mr. Guaderrama discussed the current contract issues, which include keeping positions fully staffed and paying the armed officers competitive wages. He discussed the proposed amendment to the contract, which would increase the pay for armed officers and supervisors. Mr. Guaderrama noted that if Allied Universal does not adhere to the minimum staffing levels, they will pay MTS penalty fees. He also stated that the total estimated cost of this amendment would not exceed \$1,980,114. Larry Marinesi, Chief Financial Officer, discussed the next steps to prepare for a new competitive Request for Proposals (RFP) for Security Services. He stated that the current contract will expire in June 2021, however the new RFP process will begin in early 2020.

Paul Jablonski, Chief Executive Officer, commented that MTS will work closely with the Public Security Committee to develop the RFP process for the next contract.

Ms. Salas commented that in order to increase ridership on the system, it is important to provide more security for the riders to feel safe. She stated that although this is a large increase in pay, it is necessary to retain the proper levels of security staff for the agency.

Ms. Montgomery asked if the amended contract costs that were presented include the entire cost of the amendment or if there would be additional costs. Mr. Marinesi replied that the numbers presented include the entire cost of staffing. Ms. Montgomery asked about the \$0.25 increase in the later months of the amended contract. Mr. Marinesi replied that Allied Universal proposed that amount during negotiations to ensure that they would be able to keep staffing levels up. Ms. Montgomery commented about her concerns of security officer behavior toward the homeless population. Mr. Jablonski stated that staff is constantly working with the security officers to ensure that proper behavior is carried out toward all citizens.

Mr. Arapostathis commented about training for use of force and de-escalation in the field. He stated that he would like to ensure that our officers are provided that training. Mr. Guaderrama replied that the officers are being trained in use of force and de-escalation. Mr. Jablonski stated that use of force and de-escalation training is another priority for the officers.

Ms. Rios commented that she had concerns about the training for the officers as well. She stated that the Public Security Committee should plan to meet to discuss this contract and the process going forward. Ms. Rios asked about the screening process used for hiring the security officers. Mr. Guaderrama commented that the contractor is responsible for screening and hiring the contracted security officers. He noted that MTS screens and hires the Code Compliance Inspectors.

Chair Gomez stated that she would like to have a Public Security Committee meeting scheduled in the near future to start discussions about the contract going forward. Staff noted that a meeting of the Public Security Committee would be scheduled in the early fall.

Action Taken

Ms. Salas moved to forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute Amendment Number 6 to MTS Doc. No. G1828.0-15, with Allied/Universal dba Transit Systems Security, in the amount of \$1,980,114 for the provision of security services. Ms. Montgomery seconded the motion, and the vote was 6 to 0 in favor.

3. Transit and Intercity Rail Capital Program (TIRCP) Funded Planning Projects Update (Denis Desmond)

Denis Desmond, Director of Planning, provided a presentation on TIRCP funded planning projects. He stated that the TIRCP provides grants from the Greenhouse Gas (GHG) Reduction Fund with the objective to reduce GHG emissions; expand and improve rail service to increase ridership; integrate the rail service of the state's various rail operations; including integration with the high-speed rail system; and improve safety. Mr. Desmond stated that MTS was awarded \$40 million for six projects. He discussed the details of two projects currently starting the planning phases. Mr. Desmond reviewed the details for the South Bay Feeder Bus Project (Iris Rapid), and the America Plaza Pedestrian Enhancements Project.

Ms. Rios commented that she is excited about the project in South Bay. She stated that she appreciates staff and the consultants having discussions with the applicable stakeholders about the project. Ms. Rios recommended hosting outreach events at some of the summer community events to reach a large number of community members. Ms. Rios commented about Board Policy No. 1 regarding citizen participation and engagement in these types of projects. She asked if staff could revisit this policy and make any applicable amendments since it was last updated in 2004. Ms. Cooney replied that this policy has generally been superseded by a federal requirement to abide by a separate public participation plan, which includes guidance by the federal government. She stated that staff can look into including those federal requirements within the Board Policy for clarity.

Action Taken

No action taken. Informational item only.

D. REVIEW OF DRAFT July 25, 2019 BOARD AGENDA (TAKEN BEFORE CLOSED SESSION)

Recommended Consent Items

6. Fiscal Year 2019-2020 California Senate Bill (SB) 1 State of Good Repair (SGR) Funding
Action would approve Resolution No. 19-8, in order to authorize the use of, and application for, \$4,573,191 in fiscal year 2019-20 State of Good Repair funding to be used for the 60-foot NABI Bus Replacement Project.
7. Revisions to MTS Policy No. 26, "Disadvantaged Business Enterprise Program"
Action would approve revisions to MTS Policy No. 26, "Disadvantaged Business Enterprise Program".
8. Clarifier Waste Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG277.0-19 with Asbury Environmental Services ("Asbury"), dba World Oil Environmental Services, for the provision of Clarifier Waste Services, for five years beginning November 10, 2019, for \$385,895.35.
9. Parking Lot Sweeping Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. L1503.0-19, with San Diego Sweeping Service for the provision of parking lot sweeping services for a three (3) year base period and two (2) one-year optional terms exercisable at MTS's sole discretion, for a total of five years. The total cost shall not exceed \$201,900 for the base and option years.
10. Creative / Marketing / Branding On Call Services – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to ratify Amendment No. 1 (\$99,000) and execute Amendment No. 2 to G2053.0-18 (in substantially the same format as Attachment A) with Civilian, Inc. (Civilian) in the amount of \$1,803,000. The amendment will allow for additional on-call service hours, to include advertising and media buying services, as well as exercise all option years (\$104,050.00). The original board approval amount of \$491,150.00 will increase to a not to exceed amount of \$2,006,050.

11. Increased Authorization for Legal Service Contracts to Pay the Projected Expenses in Fiscal Year 2020
Action would authorize the Chief Executive Officer (CEO) to execute amendments to the legal services contracts described herein, increasing the dollar amount of six (6) legal services contracts by \$675,000.00 to cover anticipated fiscal year 2020 (FY20) expenses.
12. Janitorial Services – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to ratify Amendments 1 through 8 and execute Amendment No. 9 to MTS Doc. No. G1931.0-16 with NMS Management Inc., a Disadvantaged Business Enterprise (DBE), in the amount of \$171,057.07, for janitorial services not covered under the original contract amount.
13. Amendment No. 1 to Moovel Agreement for Mobile Ticketing Services
Action would authorize the Chief Executive Officer (CEO) to execute an amendment to MTS Doc. No. G1818.0-15 with Moovel North America, LLC in the amount of \$217,500 to expand services to include “FareShare” for the remaining base term through March 31, 2020 and any option years (4/1/20 to 3/31/23) exercised thereafter.
14. Employee Benefits Broker/Consulting Services – Contract Award
Action would execute MTS Doc. No. G2233.0-19 in the amount of \$838,069.75 with Alliant Insurance Services, Inc. (Alliant) for the provision of employee benefits broker/consulting services for a three-year base period with 5 one-year option terms (for a total of 8 years); and exercise each option year at the CEO’s discretion.
15. Task Order Contract Approval to Develop Conceptual Designs for America Plaza Pedestrian Enhancements
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1951-AE-29 to MTS Doc. No. G1951.0-17 with Mott MacDonald in the amount of \$160,456.80 to develop a conceptual design for pedestrian enhancements to the America Plaza Trolley Station area.

BOARD COMMENTS

Ms. Montgomery inquired about consent item number 7. Ms. Landers stated that MTS is required to submit its DBE Policy to the Federal Transit Administration (FTA) every three years. She noted that the FTA submitted comments back to MTS and noted that there were some existing practices that MTS carries out that were not previously listed in the policy. The FTA recommended that we identify those details within the policy.

Ms. Rios inquired about consent item number 11. Ms. Landers provided background information on the legal services process. She explained that MTS approved a legal services panel of 18 different law firms that have various specialties. She stated that every year during the budget process, each department estimates how much funding will be needed for their anticipated legal services. Ms. Landers explained that this item would authorize additional funds to specific law firms on the current panel in order to ensure that enough funds are authorized for anticipated caseload costs through the end of the fiscal year. Ms. Rios requested for more information and details to be provided in this item before going to the Board for final approval. Ms. Landers stated that she would update the item with additional information and clarity before bringing it to the Board for approval.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA (TAKEN BEFORE CLOSED SESSION)

There was no SANDAG Transportation Committee agenda discussions.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS (TAKEN BEFORE CLOSED SESSION)

There was no Committee Member Communications and Other Business discussion.

G. PUBLIC COMMENTS (TAKEN BEFORE CLOSED SESSION)

There were no Public Comments.

The Executive Committee convened for Closed Session at 10:10 a.m.

C4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8

Property: 5159 Baltimore Drive (Assessor Parcel No. 470-050-16)

Agency Negotiators: Karen Landers, General Counsel, and Tim Allison, Manager of Real Estate Assets

Negotiating Parties: DJR Companies, LLC

Under Negotiation: Price and Terms of Payment

C5. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8

Property: The San Diego and Arizona Eastern Railway Company (SD&AE) Desert Line from approximate Mile Post 60 to approximate Mile Post 130 (Division to Plaster City) in San Diego and Imperial Counties

Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets

Negotiating Parties: Baja California Railroad, Inc. (BJRR)

Under Negotiation: Price and Terms of Payment under Desert Line Lease and Operating Agreement

CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Pursuant to California Government Code Section 54959.9(d)(4) (One potential case)

The Executive Committee reconvened from Closed Session at 10:52 a.m.

Oral Report on Final Actions Taken in Closed Session

C4. The Executive Committee received a report and gave instructions to negotiators.

C5. The Executive Committee received a report and gave instructions to negotiators.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for August 15, 2019, at 9:00 a.m. (Clerk's note: this meeting is pending cancellation).

Executive Committee Meeting – MINUTES

July 11, 2019

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I. ADJOURNMENT

Chair Gomez adjourned the meeting at 10:52 a.m.

/s/ Georgette Gómez

Chairperson

Attachment: Roll Call Sheet

EXECUTIVE COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF (DATE) July 11, 2019

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

RECESS _____

RECONVENE _____

CLOSED SESSION 10:10 a.m.

RECONVENE 10:52 a.m.

ADJOURN 10:52 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ARAPOSTATHIS	<input checked="" type="checkbox"/> (Arambula) <input type="checkbox"/>	9:00 a.m.	10:52 a.m.
FLETCHER	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:37 a.m.	10:52 a.m.
GOMEZ (Chair)	<input checked="" type="checkbox"/>	9:00 a.m.	10:52 a.m.
MONTGOMERY	<input checked="" type="checkbox"/> (Ward) <input type="checkbox"/>	9:00 a.m.	10:52 a.m.
RIOS (Vice-Chair)	<input checked="" type="checkbox"/>	9:00 a.m.	10:52 a.m.
SALAS	<input checked="" type="checkbox"/> (Sandke) <input type="checkbox"/>	9:00 a.m.	10:52 a.m.

SIGNED BY THE CLERK OF THE BOARD:

Julia Turner

CONFIRMED BY THE GENERAL COUNSEL:

John Cande