

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

MINUTES

September 17, 2020

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. Note that the meeting was conducted via webinar to comply with public health orders].

1. Roll Call

Chair Fletcher 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

Chair Fletcher moved to approve the minutes of the July 30, 2020, MTS Board of Directors meeting. Board Member Sandke seconded the motion, and the vote was 11 to 0 in favor with Board Member Arambula, Board Member Gomez, Board Member McClellan, and Board Member Diaz absent.

3. Public Comment

There were no public comments.

CONSENT ITEMS

6. San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on July 28, 2020

Action would receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line quarterly reports for information and ratify any actions taken.

7. Adoption of Amended 2020 Conflict of Interest Code

Action would: 1) Adopt Resolution No. 20-17 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; 2) Adopt the amended 2020 MTS Conflict of Interest Code; and 3) Forward the amended 2020 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

8. Fiscal Year (FY) 2019-2020 And FY 2020-2021 California Senate Bill (SB) 1 State of Good Repair (SGR) Funding

Action would; approve Resolution No. 20-18 (in substantially the same format as Attachment A), in order to: 1) Authorize the use of, and application for, \$4,955,508.00 in FY 2020-21 State of Good Repair funding to be used for the 40-foot Bus Replacement Project in FY 2021-22; and 2) Approve the acceptance of an additional \$54,235.03 in FY 2019-20 SB1-SGR funding to bring the total FY 2019-20 allocation to \$4,643,615.03

9. Occupational Health Services - Contract Amendments

Action would authorize the Chief Executive Officer (CEO) to reallocate contract capacity between contracts G1944.2-17 with Kaiser Permanente and G2069.2-18 with Concentra. The

amended amounts for each contract are based on actual usage during the base period of these contracts, and will not exceed the original total contract dollar amount of \$762,204.00.

10. Investment Report – Quarter Ending June 30, 2020

11. Printing Timetables – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2381.0-20, with Southwest Offset Printing Co., Inc. (SOP), for printing services, in the amount of \$1,440,751.59, for seven (7) years effective December 1, 2020.

12. Engineering and Right of Way Services - Work Order Amendment

Action would authorize the Chief Executive Officer (CEO) to execute WOA1947-AE-16.03 under MTS Doc. No. G1947.0-17 with HDR Engineering, Inc. (HDR) in the amount of \$618,232.64 to increase the Work Order budget for the continued provision of engineering and right-of-way support services for the MTS Capital Projects Department.

13. Design Services for America Plaza and Kettner Blvd Track Replacement – Award Work Order Contract

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1947-AE-59 under MTS Doc. No. G1947.0-17 with HDR Engineering, Inc. (HDR), in the amount of \$154,736.16 for design services for America Plaza and Kettner Blvd. Track Replacement.

14. Kearny Mesa Division (KMD) Bay Rollup Door Replacement Construction – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB314.0-20, with Noble E&C Inc., a Small Business (SB), for procuring and installing KMD rollup doors in the amount of \$98,400 plus a 30% contingency for change orders.

15. Closed-Circuit Television (CCTV) System Installation for the Mid-Coast Trolley Extension Project – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL320.0-21, with Electro Specialty Systems (ESS) Corp., for procuring and installing a CCTV (video surveillance) system for the Mid-Coast Trolley Extension Project in the amount of \$623,616.00 plus a 25% contingency.

16. Monitoring Well at Imperial Avenue Division (IAD) Project – Additional Design Services – Work Order Amendment

Action would; 1) Ratify Work Order WOA1951-AE-52 under MTS Doc No. G1951.0-17 with Mott MacDonald, LLC (MM) totaling \$76,666.24, for environmental services; 2) Authorize the Chief Executive Officer (CEO) to execute Work Order amendment WOA1951-AE-52.01 under MTS Doc No. G1951.0-17, with MM totaling \$30,959.53, for additional environmental services to abandon the temporary and permanent groundwater monitoring wells at IAD.

17. Managed Print Services and Canon Multi-Function Device (MFD) Purchase - Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. G2354.0-20 with Signa Digital Solutions, a Small Business, for four (4) years in the amount of \$635,937.00.

18. Fare Collection (Rail Validator Masts Change Order) – Ratification and Approval of Amendments

Action would ratify Amendment 3 and authorize the Chief Executive Officer (CEO) to execute Amendment 4 to MTS Doc. No. G2091.0-18 with Innovations in Transportation, Inc. (INIT), for a total contract increase of \$964,948.08.

19. Las Chollas Creek Bridge Repair Design - Work Order Amendment

Action would; 1) Ratify Work Order WOA1951-AE-58 under MTS Doc. No. G1951.0-17 with Mott MacDonald, LLC (MM) totaling \$67,607.46, for Las Chollas Creek Bridge assessment services; and; 2) Authorize the Chief Executive Officer (CEO) to execute Work Order amendment WOA1951-AE-58.01 under MTS Doc. No. G1951.0-17, with MM totaling \$80,187.49, for preparation of final construction documents for most immediate portions of the bridge repair work.

20. Old Town Transit Center (OTTC) West – Fund Transfer

Action authorize the Chief Executive Officer (CEO) to execute Addendum 17, Scope of Work 90.1 to the Memorandum of Understanding (MOU) between San Diego Associations of Governments (SANDAG) and MTS for the Construction of the Old Town Transit Center West Improvements project for an additional amount of \$888,130 for a total not to exceed \$5,492,130.

21. New Transit Facility – Fund Transfer for Initial Environmental Review

Action would authorize the Chief Executive Officer (CEO) to execute Addendum 17, Scope of Work 91 (in substantially the same format as Attachment A) to the Memorandum of Understanding (MOU) between San Diego Associations of Governments (SANDAG) and MTS to conduct initial environmental review to support acquisition of real property, for a total not to exceed \$265,000.

Action on Recommended Consent Items

Chair Fletcher moved to approve Consent Agenda Item Nos. 6 to 21. Board Member Hall seconded the motion, and the vote was 11 to 0 in favor with Board Member Arambula, Board Member Gomez, Board Member McClellan, and Board Member Diaz absent.

NOTICED PUBLIC HEARINGS

25. None.

REPORT ITEM

45. The 2020 Election (Michael Vu, Registrar of Voters) (TAKEN OUT OF ORDER)

Michael Vu, with the San Diego Registrar of Voters, presented on the 2020 Election. Mr. Vu outlined current election data, election goals, COVID-19 impacts, executive order and legislative action, election mailings tools, and community outreach.

Chair Fletcher proposed staff advertise Registrar of Voters information about voting and suggested a free ride day be held on election day.

Board Member Moreno asked how the Registrar decided on the number of polling locations. She also asked him to state the number in the past election.

Mr. Vu noted that in the March election there were approximately 1,350 polling locations. Mr. Vu noted that in this upcoming election the Registrar is required to have one polling location per 10,000 registered voters. Mr. Vu noted that for this election, the Registrar will have 235 polling locations, which is 27% more polling locations than the required minimum.

Board Member Moreno noted she represents a community with a low voter turnout and expressed her concern for the lower number of polling locations. Board Member Moreno requested to keep the number of polling locations from the March election.

Board Member Aguirre supported the proposal to have a free ride day on election day.

Action Taken

No action taken. Informational item only.

DISCUSSION ITEMS

30. Zero Emission Bus Draft Rollout Plan and Transition Plan (Mike Wygant, Mark Olson, Denis Desmond & Larry Marinesi)

Chair Fletcher provided a brief overview of the recommendation offered during the Executive Committee meeting. He acknowledged the unanimous recommendation from the Executive Committee to expedite the 25% of purchases to be zero emission buses and modify the upcoming compressed natural gas (CNG) bus order to increase early purchase by five additional battery electric buses. The Committee analyzed various scenarios that would shorten the timeline to reach an all-electric fleet, not raise fares, or cut service. The Committee agreed with the recommendation to prioritize deployment in disadvantaged communities. The Executive Committee also proposed the plan be brought back to the Board for review in February 2021. This is warranted to evaluate if any changes should be made in the deployment schedule of zero emission buses.

Sharon Cooney, Chief Executive Officer, Mark Olson, MTS Manager of Public Relations, Denis Desmond, MTS Director of Planning, Michael Wygant, MTS Chief Operating Officer and Larry Marinesi, MTS Chief Financial Officer presented on the Zero Emission Bus (ZEB) Draft Transition Plan to achieve an all-electric fleet by 2040. They outlined the following aspects of the project: public engagement, deployment plan, alternative fleet transitions, GHG analysis, cost analysis and next steps.

PUBLIC COMMENTS

Noah Harris – with Climate Action Campaign provided a verbal statement to the Board during the meeting. Harris thanked the Executive Committee for its recommendation. Harris stated the urgency to transition away from fossil fuels. Harris urged MTS to shorten the 2040 timeline and noted that there should not be service cuts or fare increases in order to not strain low income riders.

Gretchen Newsom – with IBEW 569, provided a verbal statement to the Board during the meeting. Newsom voiced appreciation of the updated version of the Transition Plan. Newsom agreed with the plan to prioritize ZEB deployment in environmental justice communities. Newsom noted that the workforce development language was finalized in conjunction with Michael Wygant's team. Newsom expressed support for the recommendation and for a February 2021 review.

Carolina Martinez – with Environmental Health Coalition provided a written statement to the Board during the meeting. Martinez expressed gratitude for incorporating environmental justice communities and work force language. She expressed their support to advance scenario one. Martinez also encouraged the Board to revisit the item during the February 2021 meeting to reassess the 2030 acceleration plan. Martinez discouraged the use of CNG buses and looks forward to working with MTS towards transformational change.

BOARD COMMENTS

Board Member Gomez reflected on the progress the agency has made with the plan. She asked if MTS conducted an analysis via CalEnviroScreen using its service area or if the state analysis was used. Mr. Desmond clarified MTS was using the state CalEnviroScreen metrics and scoring. For this proposal MTS is using SB 535's top 25% definition. However, MTS is open to changing the definition in the future. Board Member Gomez recommended use of CalEnviroScreen for MTS's specific operating service area. She thanked staff and expressed her support for the recommendation.

Board Member Sandke asked staff why there wasn't a bigger return or decrease in GHG over time. Mr. Wygant referenced the slide and cited the mixed fleet proposal that was presented in June 2020. He noted where the GHG reduction levels intersect in the original plan and how they would intersect sooner with the proposed accelerated plan. Board Member Sandke then referenced cost comparison, and noted that based off of incremental costs, the 25% acceleration program was the best proposal. He expressed his support for the environmental justice component Board Member Gomez proposed and public speaker Newsom's workforce development language. Board Member Sandke expressed concern with SDG&E's ability to support the infrastructure. He agreed with the Executive Committee recommendation and thanked staff for their efforts in generating the report.

Board Member Moreno thanked MTS staff and CEO. She was pleased with MTS's incorporation of public feedback and the prioritization of disadvantaged communities. Board Member Moreno expressed her support for the motion.

Vice Chair Sotelo-Solis expressed her support for the recommendation. She expressed support for how the proposal prioritized vulnerable communities through statistical information, with the economic development and job creation pipelines. Vice Chair Sotelo-Solis acknowledged that the 25% purchase requirement was great progress for MTS.

Board Member Montgomery had technical difficulty and Chair Fletcher spoke on her behalf noting she felt similarly to other Board Members' comments.

Action Taken

Board Member Gomez moved to: 1) Approve the ZEB draft Rollout Plan for submittal to the California Air Resources Board (CARB); and 2) Approve the MTS ZEB draft Transition Plan. Board Member Sandke seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS

46. Sustainable Transportation Equity Project Grants

The Board waived the staff report for this item.

Action Taken

No action taken.

47. America Plaza Pedestrian Enhancements Design Update

The Board waived the staff report for this item.

Action Taken

No action taken.

OTHER ITEMS

60. Chair Report

There was no Chair report.

61. Chief Executive Officer's Report

There was no Chief Executive Officer's Report.

62. Board Member Communications

There were no Board Member communications.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

CLOSED SESSION (TAKEN OUT OF ORDER)

24. Closed Session Items

The Board convened to Closed Session at 10:50 a.m.

a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(2) (Government Tort Claim from Claudia Isabel Hernandez for herself and as successor in interest to the Estate of Angel Zapata Hernandez)

b. CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATIONS Pursuant to California Government Code Section 54957.6

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")

Employee Organization: Transit Enforcement Officers Association ("TEOA")

Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)

c. 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: Sharon Cooney, Chief Executive Officer; Karen Landers, General Counsel
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 – Baja California Railroad, Inc.)

The Board reconvened to Open Session at 12:03 p.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

[Clerk's Note: The General Counsel's report of Closed Session on the audio recording incorrectly referenced the agenda item number for each Closed Session item. For clarity, these minutes use the correct agenda item number.]

- a. The Board received a report from legal counsel.
- b. The Board received a report and gave instructions to negotiators.
- c. The Board received a report on the dessert line lease regarding Baja California Railroad and discussed anticipated litigation with legal counsel.

64. Next Meeting Date

The next regularly scheduled Board meeting is October 15, 2020.

65. Adjournment

Chair Fletcher adjourned the meeting at 12:04 p.m.



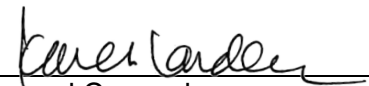
Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Clerk of the Board
San Diego Metropolitan Transit System



General Counsel
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE):	<u>September 17, 2020</u>	CALL TO ORDER (TIME):	<u>9:03am</u>
RECESS:		RECONVENE:	
CLOSED SESSION:	<u>10:50am</u>	RECONVENE:	<u>12:03am</u>
PUBLIC HEARING:		RECONVENE:	
ORDINANCES ADOPTED:		ADJOURN:	<u>12:04pm</u>

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE	<input checked="" type="checkbox"/>	(Spriggs)	<input type="checkbox"/>	9:00am	12:04pm
ARAMBULA	<input checked="" type="checkbox"/>	(Mendoza)	<input type="checkbox"/>	9:07am	11:40pm
FAULCONER	<input type="checkbox"/>	(Moreno)	<input checked="" type="checkbox"/>	9:00am	12:04pm
FLETCHER	<input checked="" type="checkbox"/>	(Cox)	<input type="checkbox"/>	9:00am	12:04pm
FRANK	<input checked="" type="checkbox"/>	(Mullin)	<input type="checkbox"/>	9:00am	12:04pm
GALVEZ	<input checked="" type="checkbox"/>	(Diaz)	<input type="checkbox"/>	9:00am	12:04pm
GOMEZ	<input checked="" type="checkbox"/>	(Campbell)	<input type="checkbox"/>	9:05am	12:04pm
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:00am	12:00pm
MCCLELLAN	<input checked="" type="checkbox"/>	(Goble)	<input type="checkbox"/>	9:29am	12:04pm
MONTGOMERY	<input checked="" type="checkbox"/>	(Bry)	<input type="checkbox"/>	9:00am	12:04pm
SALAS	<input type="checkbox"/>	(Diaz)	<input checked="" type="checkbox"/>	9:20am	12:04pm
SANDKE	<input checked="" type="checkbox"/>	(Donovan)	<input type="checkbox"/>	9:00am	12:04pm
SOTELO-SOLIS	<input checked="" type="checkbox"/>	(Quintero)	<input type="checkbox"/>	9:00am	11:52am
WARD	<input checked="" type="checkbox"/>	(Kersey)	<input type="checkbox"/>	9:00am	12:04pm
WEBER	<input checked="" type="checkbox"/>	(Arapostathis)	<input type="checkbox"/>	9:00am	10:50am

SIGNED BY THE CLERK OF THE BOARD:

CONFIRMED BY THE GENERAL COUNSEL:

Dager

Miller