

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

MINUTES

July 29, 2021

[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 9:00 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 June 17, 2021, MTS Board of Directors meeting. Board Member Salas seconded the motion, and the vote was 12 to 0 in favor with Board Member Elo-Rivera, Board Member Moreno and Board Member Sandke absent.

3. Public Comment

There were no Public Comments.

CONSENT ITEMS

6. Service and Maintenance of the Hegenschiedt Underfloor Wheel Truing Machine - Sole Source

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL338.0-21, a sole source award to Simmons Machine Tool Corporation (SMTC), for service and maintenance of the Hegenschiedt Underfloor Wheel Truing Machine in the amount of \$263,355.00 for a period of five (5) years from August 1, 2021 to July 31, 2026.

7. Bus Farebox Conversion – Amendment

Action would authorize the Chief Executive Officer (CEO) to execute an amendment to MTS Doc. No. B0723.1-21, with Genfare, a Division of SPX Corporation, for additional software development services and spare parts for farebox refurbishment totaling \$254,795.45.

8. Design Services for Las Chollas Creek Bridge Repair - Work Order Amendment

Action would 1) Ratify Work Order WOA1951-AE-58.02 under MTS Doc No. G1951.0-17 with Mott MacDonald, LLC (MM) totaling \$78,883.66, for permitting support, bid support, and design support during construction services; 2) Ratify Work Order amendment WOA1951-AE-58.03 under MTS Doc No. G1951.0-17 with MM totaling \$18,000.00, for sediment collection and benthic community taxonomy; and 3) Authorize the Chief Executive Officer (CEO) to execute Work Order amendment WOA1951-AE-58.04 under MTS Doc. No. G1951.0-17, with MM totaling \$37,957.31, for required environmental monitoring and consulting with the Coastal Commission.

9. Train Number Signs, Brackets and Support – Sole Source

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1593.0-21, a Sole Source award to Woojin IS America, Inc. (Woojin), to provide train number signs, brackets and support, as further described in the Scope of Work and Woojin Quote, in the amount of \$175,170.13.

10. Provision of HPE Configure to Order (CTO) Servers and Support for Closed-Circuit Television (CCTV) Video Storage of San Diego Metropolitan Transit System (MTS) Server Refresh and Mid-Coast Trolley Extension Project– Purchase Order  
Action would the Chief Executive Officer (CEO) to execute a Purchase Order to Nth Generation Computing Inc. for the provision of HPE CTO Servers and ongoing support services for CCTV Video Storage of MTS Server Refresh and Mid-Coast Trolley Extension Project in the amount of \$123,126.10.
11. Blue Line Rail Plug Install - Work Order Agreement  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC269-12, under MTS Doc. No. PWG269.0-19, with Herzog Contracting Corp. (Herzog), in the amount of \$95,897.59, and a 10% contingency in the amount of \$9,589.76, for a total amount of \$105,487.35 for the provision of services, materials and equipment for the installation of rail plugs at six locations along the Blue Line right-of-way.
12. Kearny Mesa Division (KMD) Zero Emission Bus (ZEB) Training Classroom – Work Order Agreement  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-03 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21 with ABC General Contractor, Inc. (ABCGC), in the amount of \$132,136.13, for construction of a ZEB training classroom at KMD.
13. Fire Alarm Monitoring and Maintenance Services - Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG329.0-21, with Johnson Controls Fire Protection, LP (JCI), for the provision of fire alarm monitoring and maintenance services for a base period of three (3) years, with one (1) optional two-year extension, and one (1) optional five-year extension for a total contract value of \$1,181,926.04.
14. Increased Authorization for Legal Services Contracts To Pay Projected Expenses In Fiscal Year 2022  
Action would authorize the Chief Executive Officer (CEO) to execute amendments to the legal services contracts described herein increasing the dollar amounts of fifteen (15) legal services contracts by \$1,590,000 to cover anticipated Fiscal Year 2022 (FY 22) expenses.
15. San Diego Metropolitan Transit System Regional Scheduling System HASTUS Version 2021 Upgrade and Purchase of The BidWeb Module - Sole Source  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2494.0-21 with GIRO for the HASTUS software, licensing and upgrade to version 2021, purchase of BidWeb module and first-year maintenance support services in the amount of \$2,064,180.00
16. Construction Management (CM) On-Call Services – Contract Award  
Action authorize the Chief Executive Officer (CEO) to execute MTS CM On-Call Work Order based Master Agreements with up to six (6) firms, for the provision of On-Call CM services for a five-year period.

17. Independent Auditing Services – Amendment  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1513.6-13 Contract Amendment with The Pun Group, to extend the contract to March 31, 2023, plus a 1 option year (to March 31, 2024), and add additional funds of \$473,000.00.
18. One-Year Extension of The Fare Evasion Diversion Program Pilot  
Action would extend the Fare Evasion Diversion Program Pilot by twelve (12) months, until August 31, 2022.
19. Closure of Three (3) County of San Diego Investment Accounts  
Action would approve the closure of three (3) MTS-owned County of San Diego investment accounts (account numbers 44066, 44078 and 44081) which supported Transit Security Grant Program (TSGP) and Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) specific grant funded projects.
20. Amendment to Chief Executive Officer Employment Agreement  
Action would approve an amendment to the Executive Employment Agreement (EEA) between MTS and Sharon Cooney to provide a merit bonus, one-time annual leave increase, and a three-year contract extension.
21. California Department of Transportation (CALTRANS) Program of Projects for Federal Fiscal Year (FFY) 2021 Federal Transit Administration (FTA) Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Section 5311 Rural Area Formula Funding  
Action would authorize the Chief Executive Officer (CEO) to file and execute any actions necessary on behalf of MTS with Caltrans and approve Resolution No. 21-09 authorizing the use of an application for \$888,898.00 of FFY 2021 CRRSAA Section 5311 Rural Area Formula funds for operating assistance in rural areas.
22. California Department of Transportation (CALTRANS) Program of Projects for Federal Fiscal Year (FFY) 2020 Federal Transit Administration (FTA) Coronavirus Aid, Relief, And Economic Security (CARES) Act Section 5311 Rural Area Formula Funding  
Action would authorize the Chief Executive Officer (CEO) to file and execute any actions necessary on behalf of MTS with Caltrans and to approve Resolution No. 21-10 authorizing the use of an application for \$650,716.00 of FFY 2020 CARES Act Section 5311 Rural Area Formula funds for operating assistance in rural areas.
23. 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 13, 2021  
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 actions taken.
24. Fiscal Year 2022 Transportation Development Act Claim  
Action would adopt Resolution No. 21-11, 21-12, and 21-13 approving fiscal year 2022 Transportation Development Act Article 4.0, 4.5, and 8.0 claims.
25. Approve Fiscal Year 2020-21 State Transit Assistance (STA) Claim Amendment  
Action would adopt Resolution Nos. 21-11, 21-12, and 21-13 approving Fiscal Year (FY) 2022 Transportation Development Act Article 4.0, 4.5, and 8.0 claims.

26. Proposed Revisions to San Diego Metropolitan Transit System (MTS) Policy No. 41 – Signature Authority  
Action would approve the proposed revisions to MTS Policy No. 41 – Signature Authority.
27. Additional Staffing – One (1) Assistant System Safety Manager, and One (1) Assistant Manager of Field Operations  
Action would authorize the Chief Executive Officer (CEO) to add one (1) Assistant System Safety Manager and one (1) Assistant Manager of Field Operations to the position tables previously approved in the Fiscal Year 2022 budget.

Action on Recommended Consent Items

Board Member Montgomery Steppe moved to approve Consent Agenda Item Nos. 6 to 27. Chair Fletcher seconded the motion, and the vote was 13 to 0 in favor with Board Member Elo-Rivera and Board Member Moreno absent.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. Security Services – Contract Award (Al Stiehler, Sam Elmer, Larry Marinesi)

Al Stiehler, MTS Director of Transit Security and Passenger Safety; Sam Elmer, MTS Procurement Manager; and Larry Marinesi, MTS Chief Financial Officer, presented on the Security Services contract award. They outlined the following items security services, security service protocols, current contract, solicitation, evaluation criteria, initial scoring, clarifications, interviews, site visits, updated scoring, strengths of Inter-Con's proposal, Best and Final Offer (BAFO) and negotiations, protest, total estimated cost, and staff recommendation.

PUBLIC COMMENTS

*Michelle Krug* – Krug asked about an analysis to incorporate contractor roles as MTS employees.

COMMITTEE COMMENTS

Board Member Montgomery Steppe acknowledged she was not present for a similar presentation given at the Public Security Meeting due to an emergency in her district. She acknowledged the various changes MTS has undergone to address public safety issues involving the community. She continued to list challenges the committee has discussed including minimum wage adjustments and salary adjustments that would adhere to state standards. She noted that the contract included one full time equivalent (FTE) for a training staff member and asked for clarification on funding allotted to sustain training with the security officers.

Mr. Stiehler clarified this prospective contractor will retain one trainer coordinator to work directly with MTS personnel to ensure consistent levels of training. He clarified that all staff would be re-trained once the contractor was approved.

Board Member Montgomery Steppe asked about the agency's' training personnel capacity.

Mr. Stiehler replied that the first dedicated sergeant for training allows the agency to have access to annual departmental and outside agency trainings.

Board Member Montgomery Steppe highlighted the policy and operational improvements the agency has undergone within the Security department and made a motion to approve the contract.

Board Member Sandke commended the reforms staff and the Public Security Committee have done thus far. He acknowledged the efforts as opportunities for innovative models to keep the system secure. He asked Henry Hernandez, President and CEO of Inter-Con, how they are equipped to serve our clientele who may be experiencing mental health crises. He asked Mr. Hernandez the steps and tools the company takes to ensure crises are handled properly. He also asked how the prospective contractor will address lewd behavior on the system.

Mr. Hernandez discussed their various partnership contracts that require mental health crisis response training. He acknowledged his personnel's exposure to difficult interactions and their ability to successfully deescalated situations. He assured the Board that Inter-Con would carry on a culture focused on de-escalation to serve the region. He also noted the company would employ additional trainers to support the needs of the agency at no extra cost. He added that a visible presence with compassionate intent is the approach the company would take when it interacts with a mental health crisis.

Ms. Cooney assured the Board that MTS would lead and monitor the culture and direction of the security department. She also highlighted the innovative technology the prospective contractor had to offer the agency. She assured the Board that MTS would be closely monitoring the prospective contractor.

Board Member Sandke supported the motion to approve the contract.

Board Member Aguirre thanked the prospective contractor for his participation. She noted she is looking forward to the trainings and plans Inter-Con discussed that will better the system.

Board Member Goble asked for clarification on the budget increase in today's Board action.

Mr. Marinesi clarified the increase was due to wage rates. He continued that the wage increase was included because the agency believed it would incentivize employee retention.

Board Member Moreno asked why Starblast Corporation was deemed as an inferior proposal during the RFP process.

Mr. Elmer explained that the proposer did submit all the proper documentation, but did not properly respond to the scope of work.

Board Member Moreno asked staff what made the AllState Security submittal technically inferior.

Mr. Elmer explained that the AllState Security proposed cost made them competitive and receive the maximum points possible for that category; however, their proposal did not meet the proper technical requirements listed in the scope of work.

Board Member Moreno asked why the Securitas proposal was not considered competitive following the interview process.

Mr. Elmer noted that the Securitas technical proposal was scored lower and their cost score was significantly higher than the remainder of the competitors.

Board Member Moreno thanked staff for their responses and supported the recommendation.

Chair Fletcher thanked the Public Security Committee for their efforts and work towards reforming the MTS enforcement culture.

Action Taken

Board Member Montgomery Steppe moved to authorize the CEO to execute MTS Doc. No. G2359.0-20 with Inter-Con Security Services, for the provision of Security Services for three (3) base years with an option to extend for an additional two (2) years in the amount of \$66,004,286. Chair Fletcher seconded the motion, and the vote was 15 to 0.

31. Security and Passenger Safety Community Advisory Group Guidelines (Julia Tuer)

Julia Tuer, MTS Manager of Government Affairs, presented on the Security and Passenger Safety Community Advisory Group Guidelines. She outlined the following information: background, draft guidelines, duties of the security and passenger safety community advisory group (CAG), membership and term, vacancy application, chair and vice chair, meetings, agendas, quorum, attendance, resignation and staff recommendation.

Board Member Elo-Rivera asked about youth participation and the outreach strategies to ensure youth participants have proper onboarding and support to feel comfortable participating in the committee.

Ms. Tuer stated that agency staff would be working closely with the committee to make themselves available and ensure all applicants feel informed, comfortable and their voices heard on the committee.

Board Member Elo-Rivera offered himself and his staff as a resource to assist with youth outreach. He commented that youth participation is vital because of the unique perspective added to the conversation and encouraged the addition of a second youth seat.

Board Member Aguirre agreed that an additional youth seat should be included and requested that the committee meet more frequently.

Board Member Galvez asked how feasible it would be to offer a per diem for member attendance. She noted that if financial compensation were not feasible, if the agency could offer members transit passes for the duration of their term.

Ms. Cooney replied that after assessing internal and external advisory committees in the region, staff found that most do not offer per diems. She noted that the agency will work with each member to ensure they have access to participate in the meeting.

Board Member Whitburn expressed his support for the staff recommendation. He agreed with Board Member Sandke's earlier comments about lewd behavior on the system and suggested the committee be tasked with advising the Board with recommendations on the matter.

Action Taken

Board Member Aguirre moved to approve the Security and Passenger Safety Community Advisory Group Guidelines. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

32. Title VI Monitoring Report for Service Policies (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on the Title VI Monitoring Report for Service Policies. He provided details on: vehicle assignment policy, distribution of transit amenities policy, monitoring results, and staff recommendation.

Board Member Moreno supported the recommendation and found the report to be useful to address the amenities policy along with the regional plan. She urged the Board to think through the current transit amenities policy to meet ridership needs and fulfill the roles of the regional plan. She voiced the concerns of the SANDAG Social Equity Working Group that larger projects can take away the importance of smaller scale transit amenities, like trashcans and shelters. She asked that staff agendize a discussion at a later time about how MTS's Transit Amenities Policy can be changed to boost ridership and align with the draft Regional Plan.

Board Member Montgomery Steppe supported the importance of transportation amenities to achieve equity strides. She agreed with Board Member Moreno's point about the importance of increasing ridership through amenities, particularly bus shelters. She encouraged staff to attend the City's planning groups where members of the public voice concerns about bus shelters.

Board Member Elo-Rivera requested for MTS to conduct a restroom needs assessment, and analyze ADA compliance, walking distance, availability, and private and public partnership agreement data. He asked this topic be agendized for future discussion.

Ms. Cooney confirmed staff would bring back this for further discussion in September.

Board Member Moreno requested that the transit amenity conversation be included in the motion.

Action Taken

Board Member Moreno moved to approve the 2021 Title VI Monitoring Report for Service Policies and agendize a Transit Amenity conversation at the next possible Board meeting. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS

45. Fiscal Year (FY) 2021 Third Quarter Performance Monitoring Report (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on the FY 2021 Third Quarter Performance Monitoring Report. He outlined the following information: Policy 42 evaluation criteria, ridership, total passengers, passengers per revenue hour and on-time performance. The FY 2021 preliminary annual data was also outlined including: total passengers, monthly passengers, weekday average, and April to May passengers.

Action Taken

No action taken. Informational item only.

46. Non-Fare Operating Revenue Report (Rob Schupp)

Rob Schupp, MTS Director of Marketing and Communication, presented on the Non-Fare Operating Revenue Report. He outlined the following items: historical revenue, naming rights, bus shelter advertising, vehicle advertising, energy credits, land management, additional categories, a new opportunity at Gaslamp square, Comic-Con activation, design, project benefits, and next steps.

Board Member Salas asked about I-5 billboard leases along the transit line that expired in 2015. She noted her office contacted the agency to renew the leases, but were still waiting for confirmation. She suggested the billboard advertising revenue could be reallocated to fund bathroom facility maintenance.

Mr. Allison, Manager of Real Estate Assets, responded that negotiations of appraisals were in the process of being conducted prior to the COVID-19 pandemic. He noted that the negotiations are being re-visited in FY 2022.

Board Member Elo-Rivera emphasized the importance of maximizing revenue opportunities. He asked about sponsorships for programs, particularly programs like youth opportunity programs.

Ms. Cooney clarified that MTS has sought out sponsorships for some programs like the Vintage Trolley program with SDG&E. She clarified that in the past, funding for youth opportunity passes had been attained through the City of San Diego and San Diego Unified School Board.

Board Member Elo-Rivera cited a case study example in San Francisco where a primary company funded the region's youth opportunity program. He urged the Board and staff to consider a sponsorship to fund programs such as these.

Board Member Whitburn expressed his interest in digital advertisement billboards, especially the most recent proposal in the Gaslamp Square. He hoped the addition would not impact the living quality of neighboring residents and requested for staff to provide additional information to his office on this proposal.

Action Taken

No action taken. Informational item only.

47. Operations Status Report for May 2021 (Gordon Meyer)

Gordon Meyer, MTS Operating Budget Supervisor, presented on the Operations Budget Status Report for May 2021. He presented on the comparison to the budget for May 31, 2021 - FY 2021 including: FTA CARES Act funding, total operating revenues, total operating expenses, and total operating activities.

Action Taken

No action taken. Informational item only.

OTHER ITEMS

60. Chair Report

There was no Chair's report.



61. Chief Executive Officer's Report

Ms. Cooney commented that SB 51 was approved and will allow the agency to proceed with the development at the E street property in Chula Vista.

62. Board Member Communications

Board Member Sandke referenced the Terminal 1 project details from the Airport Advisory Committee. He noted the Committee referenced automated people movers as a vision rather than a Trolley connection. He was concerned that the conversation did not reference Trolley to the airport and wanted to ensure this was still a project being considered for the region.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is September 16, 2021.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

24. Closed Session Items

The Board convened to Closed Session at 10:57 a.m.

- a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to California Government Code Section 54956.9(d)(1) Oran Franklin v. San Diego Metropolitan Transit System et al. San Diego Superior Court, Central Case No.: 37-2020-00024234-CUPO-CTL

The Board reconvened to Open Session at 11:08 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 legal counsel and gave instructions.

65. Adjournment

The meeting was adjourned at 11:09 a.m.

/S/ Alejandra Sotelo-Solis for  
Chairperson  
San Diego Metropolitan Transit System

Filed by:

/S/ Dalia Gonzalez  
Clerk of the Board  
San Diego Metropolitan Transit System

Approved as to form:

/S/ Karen Landers  
General Counsel  
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE):	July 29, 2021	CALL TO ORDER (TIME):	9:00am
RECESS:		RECONVENE:	
CLOSED SESSION:	10:57am	RECONVENE:	11:08am
PUBLIC HEARING:		RECONVENE:	
ORDINANCES ADOPTED:		ADJOURN:	11:09am

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
FLETCHER	<input checked="" type="checkbox"/>	(Vargas)	<input type="checkbox"/>	9:00am	11:09am
SOTELO-SOLIS	<input type="checkbox"/>	(Bush)	<input checked="" type="checkbox"/>	9:00am	11:09am
AGUIRRE	<input checked="" type="checkbox"/>	(Leyba-Gonzalez)	<input type="checkbox"/>	9:00am	11:09am
ELO-RIVERA	<input checked="" type="checkbox"/>	(LaCava)	<input type="checkbox"/>	9:33 am	11:09am
FRANK	<input checked="" type="checkbox"/>	(Mullin)	<input type="checkbox"/>	9:00am	11:09am
GALVEZ	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:00am	11:09am
GASTIL	<input type="checkbox"/>	(Mendoza)	<input checked="" type="checkbox"/>	9:00am	10:56am
GLORIA	<input type="checkbox"/>	(Whitburn)	<input checked="" type="checkbox"/>	9:00am	11:09am
GOBLE	<input checked="" type="checkbox"/>	(Ortiz)	<input type="checkbox"/>	9:00am	11:09am
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:00am	11:09am
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	(Von Wilpert)	<input type="checkbox"/>	9:00am	11:09am
MORENO	<input checked="" type="checkbox"/>	(Campillo)	<input type="checkbox"/>	9:12am	11:09am
SALAS	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:00am	11:09am
SANDKE	<input checked="" type="checkbox"/>	(Bailey)	<input type="checkbox"/>	9:04am	11:09am
ARAPOSTATHIS	<input checked="" type="checkbox"/>	(Shu)	<input type="checkbox"/>	9:00am	11:09am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez