

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 16, 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 9:03 a.m. A roll call sheet listing Board member attendance is attached.

SPECIAL PRESENTATION

Chair Fletcher and the Board of Directors provided Rob Schupp, MTS Director of Marketing and Communications, with a proclamation honoring his retirement from MTS.

2. Approval of Minutes

Chair Fletcher moved to approve the minutes of the November 18, 2021, MTS Board of Directors meeting. Board Member Whitburn seconded the motion, and the vote was 15 to 0 in favor.

3. Public Comment

Ann Fathy – Provided a written statement to the Board prior to the meeting. The full copy of the statement is enclosed in the December 16, 2021 meeting materials.

CONSENT ITEMS:

6. Authorization of Remote Teleconferenced Meetings

Action would authorize remote teleconferenced meetings for any public meetings held by MTS, including all Brown Act committees, for the next thirty (30) days pursuant to Assembly Bill (AB) 361 and make the following findings: 1) The MTS Board has considered the current circumstances of the COVID-19 pandemic and its impact in San Diego County; and 2) State or local officials continue to recommend measures to promote social distancing. On September 23, 2021, County of San Diego Public Health Officer, Wilma J. Wooten, M.D., M.P.H., issued a recommendation supporting the use of teleconferencing for attendance at public meetings as "a social distancing measure that may help control transmission of the SARS-CoV-2 virus."

7. Janitorial Services – Contract Amendments

Action would 1) Ratify Amendment 19 to MTS Doc. No. G1931.0-16 with NMS Management Inc. (NMS), a Disadvantaged Business Enterprise (DBE), in the amount of \$91,451.67; 2) Ratify Amendment 20 to MTS Doc. No. G1931.0-16 with NMS, in the amount of \$8,316.74; and 3) Authorize the Chief Executive Officer (CEO) to execute Amendment 21 to MTS Doc. No. G1931.0-16 with NMS, in the amount of \$84,207.00 (in substantially the same format as.

8. Ultrasonic Rail Testing Services – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1602.0-22 with Smith-Emery Laboratories, Inc., for \$691,600.00, for the provision of ultrasonic rail testing services for five (5) years beginning on January 16, 2022.

9. Anti-Graffiti Window Film (Installation and Materials) – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1599.0-22 with Graffiti Shield, Inc., at \$2,606,784.48, for the provision of anti-graffiti window film installation and materials, for seven (7) years beginning on January 1, 2022.
10. Pronto Operations Technical Support – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to execute Amendment 9 to MTS Doc. No. G1923.0-16, a Sole Source extension, with Jacobs Engineering Group Inc. (formerly CH2M Hill, Inc.), to provide operations technical support services for the PRONTO fare payment system, in the amount of \$495,963.00 from January 1, 2022 to June 30, 2023.
11. Beyer Blvd Track and Slope – Fund Transfer
Action would authorize the Chief Executive Officer (CEO) to execute Addendum 17, Scope of Work 101.1 to the Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG) and MTS for the Beyer Blvd. Slope Repair project.
12. Construction Management (CM) Services for South Bay Zero Emission Bus (ZEB) Overhead (OH) Charging Infrastructure Installation
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA2501-CM01 under MTS Doc. No. G2501.0-21, with TRC Engineers Inc. (TRC), for CM services for the ZEB OH Charging Infrastructure Construction Project in the amount of \$796,363.18.
13. Fleet and Ancillary Equipment Inspections, Maintenance and Repair Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1594.0-22 with M Power Truck and Diesel Repair (M Power), for \$457,837.71, for the provision of fleet and ancillary equipment inspections, maintenance and repair services for five (5) years from January 1, 2022 to December 31, 2026.
14. Green Line Imperial Avenue Transit (IMT) Double Track Construction – Contract Award
Action would the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL337.0-21, with WCGG, a Joint Venture (WCGG) for the IMT Double Track Project in the amount of \$11,458,978.00 plus 10% contingency.
15. Service and Maintenance of the In-Ground Light Rail Vehicles (LRV) Hoists - Sole Source Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL346.0-22, a sole source award to BBM Railway Equipment, for annual inspection, service and maintenance of the In-Ground LRV Hoists in the amount of \$133,090.00 for a period of five (5) years from January 1, 2022 to December 31, 2026.
16. South Bay Zero Emission Bus (ZEB) Overhead (OH) Charging Infrastructure Construction – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB333.0-21, with Palm Engineering Construction, for the ZEB OH Charging Infrastructure Construction Project in the amount of \$8,398,242.92 plus 10% contingency.

17. Douglas Fir Railroad Wood Ties – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1608.0-22, with Gemini Forest Products (Gemini), for Douglas Fir Railroad Wood Ties as detailed in the scope of work, in the amount of \$112,869.45, effective January 1, 2022.
18. San Diego Metropolitan Transit System (MTS) Clean Natural Gas (CNG) Fueling Station Operation and Maintenance (O&M) Services and Equipment Replacement – Contract Award
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. B0729.0-21, with Trillium USA Company, LLC (Trillium), for CNG Fueling Station O&M Services and Equipment Replacement and upgrades for a six (6) year base period with two 2-year options inclusive of a 10% contingency on equipment, exercisable at MTS's sole discretion, in the amount of \$13,644,795.35; and 2) Exercise the option periods at CEO's discretion, if deemed to be in the best interest of MTS.
19. Copley Park Division (CPD) Building Revisions – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-08 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$184,985.01, for CPD building updates including paint, lighting upgrades, and building modifications.
20. On-Call Services, On-Call Appraisal and General Right-Of-Way (ROW) Management Services – Contract Award
Action would 1) Ratify the Chief Executive Officer's (CEO) execution of Partial Assignment 1 of San Diego Association of Governments (SANDAG) Capacity for On-Call Appraisal and General ROW Services to MTS in the amount of \$100,000.00; 2) Ratify the CEO's execution of master agreement MTS Doc No. G2541.0-22 with Bender Rosenthal Incorporated (BRI) pursuant to the assignment of contract capacity from SANDAG to MTS in the amount of \$100,000.00; 3) Authorize the CEO to execute an additional assignment of SANDAG Capacity for On-Call Appraisal and General ROW Services to MTS in the amount of \$200,000.00; and 4) Authorize the CEO to execute Amendment 1 to master agreement MTS Doc No. G2541.0-22 with BRI pursuant to the assignment of contract capacity from SANDAG to MTS in the amount of \$200,000.00.
21. Centralized Train Control (CTC) System Maintenance Agreement – Sole Source Contract Award
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1607.0-22, a Sole Source agreement, with ARINC Incorporated, a part of Collins Aerospace (Collins), in the amount of \$1,568,916.00 for the provision of CTC System Maintenance Services for five (5) years effective January 1, 2022; and 2) Authorize the CEO to execute Work Order Agreement No. 1 (WOA No. 1) to MTS Doc. No. L1607.0-22, with Collins, in an amount not-to-exceed \$452,000.00.
22. Security Services – Contract Amendment
Action would approve Amendment No. 1 to MTS Doc. No. G2359.0-20 with Inter-Con Security Services, to authorize the Chief Executive Officer (CEO) to allow On-The-Job Training for Year 1 be a billable expense to MTS.

23. Update to Board Policy No. 30, Investment Policy
Action would approve and adopt the updated Board Policy No. 30, Investment Policy.

BOARD COMMENTS – CONSENT ITEMS 14 and 16

Board Member Montgomery Steppe thanked staff for providing subcontractor names in the agenda items and for agreeing to do this going forward too.

Action on Recommended Consent Items

Board Member Montgomery Steppe moved to approve Consent Agenda Item Nos. 6 to 23. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS:

30. 2022 State and Federal Legislative Program (Julia Tuer, Mark Watts, Peter Peyser)

Julia Tuer, MTS Manager of Government Affairs, Mark Watts, State Advocate, and Peter Peyser, Federal Advocate, presented on the 2022 State and Federal Legislative Program. They outlined the following information: legislative program, legislative priorities, 2021 passed legislation, 2021 legislative proposals, legislative updates and staff recommendation.

Ms. Cooney noted an additional staff member was added to the MTS Grants team. She mentioned the Public Employees' Pension Reform Act (PEPRA) litigation and explained the potential for delayed funding of federal grants as a result. She noted that staff is monitoring the case and should know more in early 2022 if there will be delays to any grants.

Chair Fletcher acknowledged the unprecedented nature that affects infrastructure dollars with federal and state funding. He commended MTS's work to maximize the level of funding the agency can attain for the region.

Board Member Elo-Rivera acknowledged the opportunities available and appreciated the inclusion of youth opportunity passes in the program. He suggested including a statement in the program that would support legislation that incentivizes increased transit ridership. Ms. Tuer assured Board Member Elo-Rivera that his proposal would be incorporated into the program.

Board Member Whitburn thanked staff and advocated to pursue funding and resources for the unsheltered population. He acknowledged that doing so was not only a humanitarian issue, but would also benefit the system.

Board Member Galvez commended MTS staff for passing Senate Bill 51 as it would help achieve the region's economic development goals for the E Street project.

Action Taken

Chair Fletcher moved to approve the 2022 State and Federal Legislative Program, with the addition of a statement noting that MTS would support legislation that incentivizes increased transit ridership. Board Member Elo-Rivera seconded the motion, and the vote was 15 to 0 in favor.

31. Trolley to Airport Feasibility Study (Heather Furey and Brent Boyd)

Heather Furey, MTS Director of Capital Projects, and Brent Boyd, MTS Manager of Service Quality – Rail, presented on the Trolley to Airport Feasibility Study. They outlined the following items: Elevate SD, Rail Access at Airports, Regional Efforts, Advantages of Trolley Serving Airport, 2020 Feasibility Study, 2021 Feasibility Study, San Diego Port Authority Master Plan, San Diego International Airport Terminal 1 Project, and staff recommendation.

Chair Fletcher praised the benefits of this new infrastructure project for riders and commuters. He acknowledged the extension as an employment stimulant for the region. Chair Fletcher noted this opportunity would create the fastest connection from a Convention Center to the Airport in the country. He suggested actionable steps with an abundant amount of federal funding allocations and community support. He recognized that this is a multi-stakeholder project and the six-year timeline for the project was optimistic.

Board Member Sandke acknowledged the benefits for both riders and Airport employees. He supported the north to south connection option. He was impressed by the 14-minute competitive timing and the opportunity to stimulate the downtown region's economy. He praised the City of Boston's water taxi connector to the airport and encouraged a similar connection for the San Diego region.

Board Member Galvez asked if there has been collaboration with San Diego Police Department and the City regarding the Pure Water Project. Ms. Furey stated that MTS has coordinated with the Public Utilities District to discuss impacts on the proposed sites, but noted they will need additional coordination to solidify a comprehensive analysis. Board Member Galvez supported the project, but was concerned about the subterranean impacts of the project.

Board Member Aguirre voiced excitement for the project. She was eager to note the efficiency and affordability this addition would bring to the community. She supported the project and its benefits, but also noted her concern with sea level rise and liquefaction in the proposed development areas. Farhad Nourbakhsh, Vice President at Mott McDonald, told the Board that underground development was less concerning compared to above ground infrastructure. He validated environmental composition and utility disturbance concerns and mentioned the environmental resistance with underground infrastructure. Mr. Nourbakhsh noted that additional assessments needed to be conducted for this project.

Board Member Goble acknowledged that the extension was a business force multiplier. He also highlighted that the project would enhance hotel and business occupancy and create government tax revenue. He was excited about transit becoming a viable alternative to cars and hopeful the addition would increase ridership. He asked staff if MTS has spoken with the Convention Center since they would be a benefiting stakeholder. Mr. Boyd clarified that staff has not had any conversations with the Convention Center yet, but will do so in future stakeholder outreach. Chair Fletcher acknowledged that Convention Center stakeholders were excited when the project was proposed as part of the Elevate SD 2020 initiative.

Board Member Elo-Rivera was excited about the project as it helps MTS move closer towards regional climate goals. He emphasized the significant benefits for the San Diego community. He asked staff to conduct an analysis to show the Board the beneficial impacts to the system overall. He noted the analysis would allow for a comprehensive narrative to show benefits to low income residents.

Board Member Montgomery Steppe acknowledged the benefits of the project and its ability to help neighboring cities travel throughout the region in order to meet climate action goals. She was thankful that job creation was mentioned as an economic stimulus and asked staff to explain what factors would determine a six to ten-year construction timeline. Ms. Cooney noted the need to include the program in the MTS Capital Improvement Project (CIP) in order to pursue grant funding. Simultaneously, MTS would work with stakeholders to create clear and concise messaging regarding the project. She noted how critical the Bipartisan Infrastructure Bill funding was to move this project forward. Ms. Furey outlined the initial two years would be allotted to design and preliminary engineering. She noted that depending on the findings, the project may be extended at this point in the timeline. She was optimistic that with early community outreach and stakeholder participation, the timeline would stay on track. The following two years would be allocated to a detailed design and then two years for construction, with a focus on limiting traffic disruption during construction. She stated that once grant funding was secured, the six-year time clock could begin.

PUBLIC COMMENTS

Colin Parent – Representing Circulate San Diego made a verbal statement to the Board during the meeting. Parent acknowledged Circulate San Diego's 2018 campaign to connect transit to the airport. Parent noted the support of various government agency and elected officials. Parent is in support of the Board's consideration to integrate the project into the CIP list. He highlighted the short implementation timeline the project poses, compared to other proposals.

Rebecca Rybczyk – Representing the Downtown San Diego Partnership made a verbal statement to the Board during the meeting. Rybczyk supported the project and asked the MTS Board to ensure the scope of the proposal be aligned with SANDAG's Regional Transportation Plan.

Gretchen Newsom – Representing the IBEW 569 made a verbal statement to the Board during the meeting. Newsom voiced excitement and support for the project.

BOARD COMMENTS

Board Member Whitburn added that MTS has a strategic advantage with the downtown region being close to the airport. He acknowledged MTS's track record to accomplish infrastructure improvements and the benefits to both tourist and residents.

Board Member Bush supported the motion and added that he shares similar concerns as other Board Members related to climate change and environmental factors. He asked if MTS would move forward with specific development options.

Ms. Cooney acknowledged that all scenarios have their strengths and that the presentation outlined various options to show the project's viability.

Chair Fletcher commended MTS staff along with the partners who assisted with the feasibility presentation.

Action Taken

Board Member Aguirre moved to add the Trolley to the Airport Project to the Capital Improvement Plan and actively pursue federal and state grants for further analysis and continue

outreach with stakeholders Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS:

45. Fiscal Year (FY) 2021 Performance Monitoring Report (Denis Desmond, Mike Wygant, Wayne Terry)

Denis Desmond, MTS Director of Planning, Mike Wygant, MTS Chief Operating Officer of Bus, and Wayne Terry, MTS Chief Operating Officer of Rail, presented on the FY 2021 Performance Monitoring Report. They provided details on: Policy 42 Evaluation Criteria, Total Passengers, Weekday Average, Monthly Passengers, Passengers Per Revenue Hour, On-Time Performance, Other Metrics, Farebox Recovery, Transit Services Safety, Safety Highlights, ZEB Pilot Project, Fleet Highlights, MTS Access Services, Support Services Highlights, Bus on Shoulder Project (BOS), statewide rail accidents, master concessionaire services FY 2021, FY 2021 event statistics, various infrastructure projects, and retrofit project updates.

Board Member Montgomery Steppe thanked staff for their hard work and dedication to the region and listed the various projects the agency had done to benefit her district.

Action Taken

No action taken. Informational item only.

46. Operations Budget Status Report for September 2021 (Gordon Meyer)

Gordon Meyer, MTS Operating Budget Supervisor, presented on the Operations Budget Status Report for September 2021. He presented on: federal stimulus funding, total operating revenues, total operating expenses, and total operating activities.

Board Member Goble asked about the Board's ability to exercise long term energy contracts. Mr. Meyer replied that MTS has evaluated that strategy and noted it would not be beneficial for the agency due to the high premiums paid to reduce uncertainty. He stated MTS's major energy service provider contract will expire in December 2022 and staff is in the process of writing the scope for that new competitive procurement.

Action Taken

No action taken. Informational item only.

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.

64. Next Meeting Date

The next regularly scheduled Board meeting is January 20, 2022.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

24. Closed Session Items

The Board convened to Closed Session at 11:30 a.m.

- a. CLOSED SESSION – THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957
Consultation with: Sharon Cooney, MTS Chief Executive Officer; Emily Outlaw, MTS Chief Information Officer; Karen Landers, MTS General Counsel; Gary Dexter, MTS Information Security and Intelligence Manager; and Rodrigo Alonso, Information Security and Intelligence Engineer
- b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS 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: Amalgamated Transit Union, Local 1309 (ATU)
Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO OFFICER)

The Board reconvened to Open Session at 11:59 a.m.

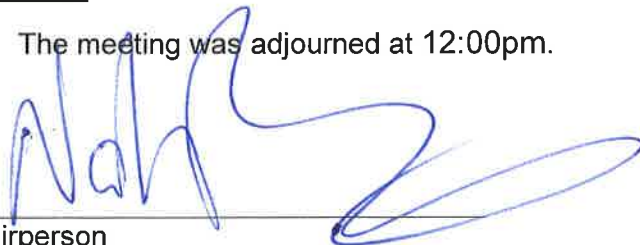
Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from staff and gave instructions.
- b. The Board ratified a labor agreement with ATU 1309 on a vote 12 in favor, none against with Board Member Frank, Board Member Arapostathis and Board Member Salas absent. The Board also ratified a labor agreement with IBEW 465 related to construction safety flaggers on a vote of 12 in favor, none against with Board Member Frank, Board Member Arapostathis and Board Member Salas absent.

65. Adjournment

The meeting was adjourned at 12:00pm.



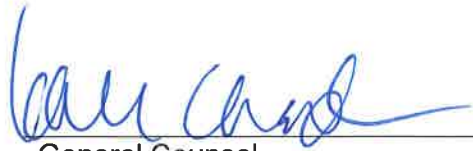
Chairperson
San Diego Metropolitan Transit System

Approved as to form:

Filed by:



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): December 16, 2021 CALL TO ORDER (TIME): 9:03am
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 11:30am RECONVENE: 11:59am
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 12:00pm

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
FLETCHER	<input checked="" type="checkbox"/>	(Vargas)	<input type="checkbox"/>	9:03am	12:00pm
SOTELO-SOLIS	<input checked="" type="checkbox"/>	(Bush)	<input checked="" type="checkbox"/>	SS: 9:03am B: 9:37am	9:37am 12:00pm
AGUIRRE	<input checked="" type="checkbox"/>	(Leyba-Gonzalez)	<input type="checkbox"/>	9:03am	12:00pm
ELO-RIVERA	<input checked="" type="checkbox"/>	(LaCava)	<input type="checkbox"/>	9:03am	12:00pm
FRANK	<input checked="" type="checkbox"/>	(Mullin)	<input type="checkbox"/>	9:03am	12:00pm
GALVEZ	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:03am	12:00pm
GASTIL	<input type="checkbox"/>	(Mendoza)	<input checked="" type="checkbox"/>	9:03am	12:00pm
GLORIA	<input type="checkbox"/>	(Whitburn)	<input checked="" type="checkbox"/>	9:03am	12:00pm
GOBLE	<input checked="" type="checkbox"/>	(Ortiz)	<input type="checkbox"/>	9:03am	12:00pm
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:03am	12:00pm
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	(Von Wilpert)	<input type="checkbox"/>	9:03am	12:00pm
MORENO	<input checked="" type="checkbox"/>	(Campillo)	<input type="checkbox"/>	9:03am	12:00pm
SALAS	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:03am	12:00pm
SANDKE	<input checked="" type="checkbox"/>	(Bailey)	<input type="checkbox"/>	9:03am	12:00pm
ARAPOSTATHIS	<input checked="" type="checkbox"/>	(Shu)	<input type="checkbox"/>	9:30am	11:30am

SIGNED BY THE CLERK OF THE BOARD:

