

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

January 13, 2022

[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

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

2. Approval of Minutes

Board Member Hall moved to approve the minutes of the November 4, 2021, MTS Executive Committee meeting. Board Member Sandke seconded the motion, and the vote was 6 to 0 in favor with Chair Fletcher absent.

3. Public Comments

Nate Fairman – Representing the IBEW 465 made a verbal statement to the Board during the meeting. Fairman expressed his support for Chair Fletcher's family.

Jack Shu – Representing the City of La Mesa made a verbal statement to the Board during the meeting. He introduced himself as an onboarding member of the Board. Board Member Shu extended his best wishes to Chair Fletcher.

COMMITTEE DISCUSSION ITEMS

4. Affordable Housing Transit Oriented Developments – Review of Affirmed Housing Proposals for Beyer Boulevard and Rancho Bernardo Transit Centers (Karen Landers)

Karen Landers, MTS General Counsel, presented on affordable housing transit-oriented developments (TOD) and review of Affirmed Housing proposals for Beyer Boulevard and Rancho Bernardo Transit Centers. She outlined the following items: status of TOD proposals, TOD proposals – next steps, Beyer Boulevard trolley station, Beyer Blvd, Trolley Village, Beyer Blvd. Trolley Village Schedule, Rancho Bernardo (RB) Transit Center, RB Transit Village, Rancho Bernardo Transit Village schedule, TOD Proposals and next steps.

Vice Chair Sotelo-Solis acknowledged the importance of due diligence for transit-oriented development projects to address the needs of the community and encouraged the use of public transportation.

Board Member Sandke thanked MTS staff for integrating a secondary parking option in the Rancho Bernardo project. He praised Affirmed Housing for meeting the needs of the agency while being financially innovative.

Board Member Elo-Rivera thanked Affirmed Housing and staff for providing affordable housing. He reminded the Board about the need for the agency to develop a parking policy to create consistency, transparency and include stakeholders such as developers and riders.

Sharon Cooney, MTS Chief Executive Officer, added that data continues to be gathered for the parking policy recommendation.

Ms. Landers added that operational staff and the development team now meet when the agency receives a Notice of Interest submittal. This procedure allows the agency to have early and clear channels of communication for project proposals.

Board Member Elo-Rivera clarified the Board's responsibility to provide clear direction through policy and goals.

Vice Chair Sotelo-Solis agreed with Board Member Elo-Rivera and advocated for public restroom access to be incorporated in the design of the project.

Action Taken

Board Member Hall moved to bring a formal Disposition and Development Agreement to the Board of Directors for approval in March/April 2022. Board Member Montgomery Steppe seconded the motion, and the vote was 6 to 0 in favor with Chair Fletcher absent.

5. Real Estate and Joint Development Program Status Update (Karen Landers)

Karen Landers, MTS General Counsel, provided a status update on the real estate and joint development program. She outlined the following information: City of San Diego Transit Oriented Development (TOD) sites; Grantville Trolley station; Greystar: Union Grantville Market Rate Housing Project; Affirmed Housing ShoreLINE Project: 100% affordable housing; 12th & Imperial Transit Center: Triangle Parcels; Palm Avenue station; Palm City Village Development approval: October 2021; South Bay TOD sites; East County TOD sites; Spring Street station; Spring Street Developer Interest; other pending real estate transactions; and other pending real estate transactions.

Ms. Cooney mentioned that the agency's new Real Estate Manager would be joining the agency at the end of the month. She highlighted the Spring Street project in the City of La Mesa since two developers and the City of La Mesa have expressed interest to develop TOD housing. She encouraged the Board to provide feedback for the location. Ms. Cooney added that the agency has previously participated as a member of the study group with the City of La Mesa. She stated that recent legislative changes had yet to be incorporated in to the draft study. She confirmed that Spring Street development was a viable option for the agency to pursue and listed various reasons. She was hopeful the proposal from a developer could align with the City of La Mesa's vision. She acknowledged that as part of Policy 18, the agency would solicit a Request for Proposal (RFP) which could delay the project. The Board has the authority to waive the requirement. She listed benefits to waiving or following the solicitation process for the Board.

Vice Chair Sotelo-Solis deferred to City of La Mesa representatives, but believed the project did not require immediate attention.

Board Member Hall made the agency aware that the Cuyamaca and Prospect sites were undergoing joint construction.

Ms. Landers clarified that the agency is currently reviewing several appraisals which will be evaluated and then brought back to the Board.

Board Member Sandke asked staff to report on the La Mesa TOD study timeline.

Ms. Cooney stated that public comment closed in February 2022.

Board Member Sandke agreed that the project did not need to be accelerated. He was not in support of the RFP process since he believed that would slow down the process.

Ms. Cooney noted that the cost of the study would normally be the agency's expense however, unsolicited proposals cover initial analysis that remove the associated cost for MTS.

Board Member Elo-Rivera asked about the maximum number of homes the agency would be able to build. He asked for the information for the Board to understand limits for future developments. Ms. Cooney stated that each location has different constraints and that a fixed formula could not be provided. She continued to list various obstacles as examples.

Board Member Elo-Rivera asked if staff capacity was a barrier to the projects. Ms. Cooney explained that the agency works with consultants to augment staff capacity. She assured the Board that the agency was experiencing a temporary demand increase and that the current resources would be sufficient.

Board Member Elo-Rivera cited the potential acquisition of an El Cajon property. Ms. Cooney acknowledged the referenced property was in El Cajon and was still under consideration. She specified that the El Cajon Bus Maintenance Facility had recently been renovated and expanded, and the adjacent property has become available.

Board Member Elo-Rivera asked about the possibility of creating affordable housing at the location. Ms. Cooney pointed out that the site was zoned in an industrial area and that the site was not in a transit accessible area.

Board Member Montgomery Steppe thanked Affirmed Housing for the presentation. She asked staff to provide her office an in-depth update on the Woodman Ave sale timeline. Ms. Cooney explained that the property was purchased for the Orange Line renewal project. She acknowledged that the agency acquired surplus land which is why this property is being sold. Ms. Landers clarified the Woodman parcel was not a Disposition and Development Agreement (DDA) or a long-term land lease, but rather the property is currently in a purchase and sale agreement with the developer, in the escrow phase of the purchase. She clarified that the agency needs to coordinate with HCD to prove compliance with Assembly Bill 1486 but was confident it would pass. She stated that the timeline would be determined by the developer's schedule.

PUBLIC COMMENT

Jesse O' Sullivan – Representing Circulate San Diego made a verbal statement to the Board during the meeting. O'Sullivan was encouraged by the amount of Joint Development projects. O'Sullivan was also in support of a policy revision to Joint Development and cited a letter the organization sent to MTS in support of a revision. O'Sullivan emphasized that the agency should not prioritize parking.

Action Taken

Informational item only. No action taken.

OTHER ITEMS

6. REVIEW OF DRAFT January 20, 2022 BOARD AGENDA

Recommended 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. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments

8. Revisions to San Diego Metropolitan Transit System (MTS) Ordinance No. 11

Action would 1) Adopt the proposed amendments to MTS Ordinance No. 11, “An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and the County by the Adoption of a Uniform Paratransit Ordinance”; and 2) Upon adoption of the proposed amendments, grant the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.

9. Purchase Four (4) Industrial Battery Powered Scrubbers – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1611.0-22, with Maintex Inc., for the purchase of four (4) industrial battery powered scrubbers as detailed in the scope of work, in the amount of \$110,939.40.

10. Creative Marketing Branding Services – Contract Amendment

Action would 1) Ratify Amendment No. 3 to MTS Doc. No. G2053.3-18 with Civilian, Inc., a Small Business (Civilian) in the amount of \$99,000.00; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. G2053.4-18, with Civilian to add additional funds of \$600,000.00 for on-call creatives services and media buy/ad placement.

11. First Responder Network Authority (FIRSTNET) Services for Five (5) Years – Amendment No. 2

Action would authorize the Chief Executive Officer (CEO) to execute an amendment(s) to MTS Doc. G2377.0-20, with AT&T Corp., in amount of \$647,058.20 for an additional three hundred thirty-five (335) devices that will require FirstNet Services through June 30, 2025, for a new spending authority of \$2,911,348.00.

12. Purchase and Delivery of Production Switch Tamper – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1604.0-22 with Harsco Metro Rail, LLC, in the amount of \$1,456,010.79 for the purchase and delivery of a production switch tamper.
13. Massachusetts Upper Parking Lot Paving – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC275-26 under Job Order Contract (JOC) to MTS Doc. No. PWG275.0-19, with ABC General Contractor, Inc. (ABCGC), in the amount of \$98,656.68 for the mill and overlay of asphalt at the upper Massachusetts Trolley Station parking lot.
14. On-Call Communication and Low Voltage Wiring Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG339.0-22, with Communication Wiring Specialist (CWS), Inc., a Small Business (SB), for On Call Communication and Low Voltage Wiring Service for a five (5) years base term in the amount of \$303,860.00.
15. Zero-Emission Bus (ZEB) Procurement Project: 60-Foot Low-Floor Electric Buses – Contract Amendment (New Flyer)
Action would 1) Ratify Amendment No. 1 (Attachment A) to MTS Doc. No. B0722.0-21 with New Flyer for a credit in the amount of (\$728,347.95); and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment B) with New Flyer, in the amount of \$822,188.27 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.
16. Rail Replacement - America Plaza and Kettner Grade Crossing - Work Order
Action would 1) Execute Change Order MTS JOC 269-11.04 under Job Order Contract (JOC) to MTS Doc. No. PWG269.0-19, with Herzog Contracting Corp. (Herzog), in the amount of \$92,758.90 for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners; and 2) Execute Change Order MTS JOC 269-11.05 under JOC to MTS Doc. No. PWG269.0-19, with Herzog, in the amount of \$31,180.04 for additional contractor administration overhead due to a two-week delay on owner furnished material.
17. 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 Project – Purchase Order
Action would authorize the Chief Executive Officer (CEO) to execute a Purchase Order with 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 \$256,048.91.
18. Establish Automated Clearing House (ACH) Debit Bank Checking Account for Workers' Compensation Third Party Administration Services
Action would 1) Authorize the Chief Executive Officer (CEO) to amend the Workers' Compensation Third Party Administrator Contract with CorVel Enterprise Comp, Inc. to set up a separate bank checking account to pay workers' compensation related expenses (CorVel Account); and 2) Waive the application of Board Policy 41 (Signature Authority) for payments made from the CorVel Account.

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Ms. Cooney provided the committee a synopsis of Discussion and Report items slated for the January 20, 2022 Board of Director's meeting.

Ms. Landers added that a contract award for Billboard Consulting Services would also be added to the agenda.

7. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

8. Next Meeting Date

The next Executive Committee meeting is scheduled for February 3, 2022, at 9:00 a.m. (*Clerk's Note: the February 3, 2022 Executive Committee meeting was subsequently cancelled. The next Executive Committee meeting is scheduled for March 3, 2022 at 9:00 a.m.).

9. Adjournment

Vice Chair Sotelo-Solis adjourned the meeting at 10:17 a.m.

/S/ Nathan Fletcher

Chairperson

San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

ROLL CALL

MEETING OF (DATE): January 13, 2022 CALL TO ORDER (TIME): 9:03am
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: _____ RECONVENE: _____
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 10:18am

REPRESENTATIVE	BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
County	FLETCHER (Chair)	<input type="checkbox"/> (Vargas) <input type="checkbox"/>		
Vice Chair	SOTELO-SOLIS	<input checked="" type="checkbox"/> (no alternate) <input type="checkbox"/>	9:03am	10:18am
City of San Diego	ELO-RIVERA	<input checked="" type="checkbox"/> (Montgomery Steppe) <input type="checkbox"/>	9:03am	10:18am
East County	HALL	<input checked="" type="checkbox"/> (Frank) <input type="checkbox"/>	9:03am	10:18am
SANDAG Transportation Committee	MONTGOMERY STEPPE	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:03am	10:18am
Chair Pro Tem	SALAS	<input checked="" type="checkbox"/> (no alternate) <input type="checkbox"/>	9:03am	10:18am
South Bay	SANDKE	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:03am	10:18am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez