



## Agenda

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

9:00 a.m.

\*Meeting will be held via webinar\*

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please email the Clerk of the Board, [ClerkoftheBoard@sdmts.com](mailto:ClerkoftheBoard@sdmts.com) at least two working days prior to the meeting. Meeting webinar/teleconference instructions can be accessed under '[Meeting Link and Webinar Instructions](#).' Click the following link to access the meeting: <https://zoom.us/j/98288032362>

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#### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - December 16, 2021 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.
4. Elect Vice Chair, Chair Pro Tem, and Committee Appointments (Sharon Cooney) Elect  
Action would: 1) Elect a Vice Chair and Chair Pro Tem for 2022; and 2) Consider the nominating slate proposed by the Ad Hoc Nominating Committee for the appointment of representatives to MTS committees for 2022 and vote to appoint representatives to those committees.



CONSENT ITEMS

- |     |   |               |
|-----|---|---------------|
| 6.  | <u>Authorization of Remote Teleconferenced Meetings</u><br>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.” | Approve       |
| 7.  | <u>Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments</u>   | Informational |
| 8.  | <u>Revisions to San Diego Metropolitan Transit System (MTS) Ordinance No. 11</u><br>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.   | Approve       |
| 9.  | <u>Purchase Four (4) Industrial Battery Powered Scrubbers – Contract Award</u><br>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.  | Approve       |
| 10. | <u>Creative Marketing Branding Services – Contract Amendment</u><br>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.   | Approve       |
| 11. | <u>First Responder Network Authority (FIRSTNET) Services for Five (5) Years – Amendment No. 2</u><br>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.  | Approve       |

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. Approve
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. Approve
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. Approve
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. Approve
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. Approve
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. Approve

18. Establish Automated Clearing House (ACH) Debit Bank Checking Account for Workers' Compensation Third Party Administration Services Approve  
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.
19. Billboard Lease Consulting Services – Contract Award Approve  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. G2574.0-22 with SignValue, Inc. (SignValue) for Billboard Lease Consulting Services for a ten (10) year base period with a commission-based compensation method of 3% on the gross lease value of the agreements negotiated or a minimum of \$90,000, whichever is greater.

#### CLOSED SESSION

24. a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – POSSIBLE ACTION  
EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) David Maldonado & Angel Navarro v San Diego Metropolitan Transit System et al. San Diego Superior Court Lead Case No. 37-2019-00041849-CU-PA-NC
- b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – POSSIBLE ACTION  
EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) Ten Cases (consolidated): Veronica Doyle, et al. v Vault PK, San Diego Sports Entertainment, San Diego Metropolitan Transit System et al., and all related cross-actions and consolidated actions San Diego Superior Court (SDSC) Lead Case No. 37-2018-00016374-CU-PO-CTL Consolidated w/ Case Nos. 37-2018-00036972-CU-PO-CTL; 37-2018-00042686-CU-PO-CTL; 37-2018-00043106-CU-PO-CTL; 37-2018-00045331-CU-PO-CTL; 37-2018-00056499-CU-PO-CTL; 37-2018-56507-CU-PO-CTL; 37-2018-00055615-CU-PO-CTL; 37-2019-00034764-CU-PO-CTL; and 37-2020-00012795-CU-PO-CTL

#### NOTICED PUBLIC HEARINGS

25. None.

#### DISCUSSION ITEMS

30. TransNet Revenues, Shortfalls, Proposed Solutions Approve  
Action would receive a report on shortfalls in the TransNet Project Specific Transit Operations (8.1%) category, discuss potential ways to address the impact to MTS operations, and provide direction.

## REPORT ITEMS

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|-----|--|---------------|
| 45. | <u>Bus on Shoulder (BOS) Pilot Project Update (Michael Daney)</u>      | Informational |
| 46. | <u>Operations Budget Status Report for October 2021 (Gordon Meyer)</u> | Informational |

## OTHER ITEMS

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|-----|---|---------------|
| 60. | <u>Chair Report</u>   | Informational |
| 61. | <u>Chief Executive Officer's Report</u>   | Informational |
| 62. | <u>Board Member Communications</u>  | Informational |
| 63. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |               |
| 64. | <u>Next Meeting Date:</u> February 10, 2022.  |               |
| 65. | <u>Adjournment</u>  |               |