

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

March 10, 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

Chair Fletcher called the Board meeting to order at 9:02 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Board Member Salas moved to approve the minutes of the February 10, 2022, MTS Board of Directors meeting. Board Member Sandke seconded the motion, and the vote was 15 to 0 in favor.

3. Public Comment

Candida Granillo – A resident of the City of San Diego made a verbal statement to the Board during the meeting. Granillo explained their obstacles with the system's stroller policy and suggested possible solutions. Granillo acknowledged stroller policies that are different in other systems.

Anri LeRoux – Made a verbal statement to the Board during the meeting. LeRoux supported 18 to 24 complementary transit passes. LeRoux acknowledged their general difficulties riding transit, along with securing funds for their monthly pass and supported the program funding allocation for foster youth.

Alex Wong – Made a verbal statement to the Board during the meeting. Wong supported a people mover to the airport and cited a third-party study that he believed made the trolley to the airport time inefficient.

Steve Lamprides – Representing the Webster Community Council made a verbal statement to the Board during the meeting. Lamprides expressed interest in agenda item 14 and urged the Board to require the consultant to conduct a California Environmental Quality Act (CEQA) review and include that report compilation in their proposal.

Karen Prosek – Representing Children's Legal services of San Diego made a verbal statement to the Board during the meeting. Prosek conducts legal representation to foster youth and non-minor dependent youth in San Diego County. Prosek supports funding allocations to support foster 18 to 24 transportation passes.

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. On-Call Card Access Reader Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG340.0-22 (in substantially the same format as Attachment A) with Electro Specialty Systems (ESS), a Small Business (SB), for \$318,956.00, for the provision of on-call card access reader services for three (3) base years from April 1, 2022 through March 31, 2025, and three option years from April 1, 2026 through March 31, 2028.
8. San Diego Metropolitan Transit System (MTS) Transit Asset Management (TAM) Plan – Annual Update
9. Zero Emission Bus (ZEB) and Iris Rapid Projects Construction Management (CM) Services – Award Work Order Amendment
Action would authorize the Chief Executive Officer (CEO) to execute Work Order Amendment No. WOA2501-CM01.1 under MTS Doc. No. G2501.0-21 (in substantially the same format as Attachment A), with TRC Engineers, Inc. totaling \$574,202.74 for CM services for the Iris Rapid Project.
10. Cisco Voice Over Internet Protocol (VOIP) Licenses Three (3) Year Maintenance Renewal
Action would authorize the Chief Executive Officer (CEO) to execute a Purchase Order (PO) to Axelliant, LLC, a Minority Owned Business Enterprise (MBE) and a Small Business (SB), for the renewal of the CISCO VOIP licenses for three (3) years that includes technical support and software updates through March 26, 2025 for a total of \$227,890.30.
11. Zero-Emission Bus (ZEB) Procurement Project: 60-Foot Low-Floor Electric Buses – Contract Amendment (New Flyer)
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment A) with New Flyer, in the amount of \$155,428.49 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.
12. Cost Segregation Services – Mid-Coast Project – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2582.0-22 (in substantially the same format as Attachment A) with HCA Asset Management LLC (HCA) for Cost Segregation Services for the Mid-Coast Project for a two (2) year base period for \$143,250.00.
13. Fiscal Year (FY) 2021-2022 Low Carbon Transit Operations Program (LCTOP) Funding
Action would adopt Resolution No. 22-02 in order to: 1) Agree to comply with all conditions and requirements set forth in the Certification and Assurances Document, and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects; and 2) Authorize the Chief Executive Officer (CEO), or designated representative, to execute all required documents of the LCTOP and any amendments thereto with the California Department of Transportation; and 3) Authorize the allocation of \$8,103,037 in Fiscal Year (FY) 2021-2022 LCTOP funding for the procurement of Battery Electric Buses (BEB's). A total of \$12,426,859 will be funded and programmed in the FY 2024 Capital Improvement Program (CIP), which will reduce greenhouse

gas emissions and improve mobility with a priority on serving Disadvantaged Communities (DAC); and 4) Certify that at least 50% of the total LCTOP funds received will be spent on projects or services that will benefit DACs identified in Section 39711 of the Health and Safety Code.

14. New Transit Facility, Conceptual Layout and Report – Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTS Doc No. WOA2075-AE-73 to MTS Doc. No. G2075.0-18 (in substantially the same format as Attachment A) with Dokken Engineering (Dokken) in the amount of \$206,043.16 to provide planning services for the Division 6 conceptual layout and report.

15. Property Insurance Renewal

Action would authorize the Chief Executive Officer (CEO) to renew the property insurance coverage for the San Diego Metropolitan Transit System (MTS), San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the Public Risk Innovation, Solutions, and Management (PRISM) [formerly known as the California State Association of Counties – Excess Insurance Authority (CSAC-EIA)] Property Insurance Program, effective March 31, 2022 through March 31, 2023, with various coverage deductibles of \$25,000 (real estate and personal contents property), \$100,000 (bus fleet), \$250,000 (light rail fleet) and \$1,500,000 (roads, rail track, bridges, guideways and tunnels).

COMMENTS – CONSENT ITEMS

Chair Fletcher asked staff to address the public comment on agenda item 14.

Sharon Cooney, Chief Executive Officer, explained that the item will authorize a high-level all electric bus conceptual design for the Division Six project. Currently, the project is undergoing an environmental assessment lead by San Diego Association of Governments (SANDAG). Ms. Cooney explained the process to achieve a finalized a CEQA report. She listed that in order to complete the alternatives analysis, the agency is asking the Board to approve item 14 to assess the order of magnitude of site needs.

Action on Recommended Consent Items

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

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS:

30. Fiscal Year (FY) 2022 Operating Budget Midyear Amendment (Mike Thompson)

Mike Thompson, MTS Director of Financial Planning and Analysis, presented on FY 2022 Operating Budget Midyear Amendment. He presented on the revenue assumption for: sales tax revenues, State Transit Assistance (STA), passenger levels, passenger fare revenue, other operating revenues, revenue summary, along with expense assumptions for: service levels, personnel, outside services, other services, expenses summary, consolidated revenues less expenses, and staff recommendation.

Chair Fletcher acknowledged the structural budget deficit as an obstacle and the passenger fare revenue needed to make up the shortfall.

PUBLIC COMMENTS

Jesse Ramirez – A San Diego resident made a verbal statement to the Board during the meeting. Ramirez expressed support for free foster youth transit passes for ages 18-24. Ramirez acknowledged various barriers this community faces and claimed this program would benefit extended foster youth.

Carolina Martinez – Representing the Environmental Health Coalition made a verbal statement to the Board during the meeting. Martinez supported the budget amendment to fund transit passes for former foster youth.

Esmeralda Munoz – Representing Just in Time for Foster Youth made a verbal statement to the Board during the meeting. Munoz expressed support for the budget amendment to fund transit passes for former foster youth. Munoz acknowledged various barriers this community faces and claimed this program would benefit extended foster youth.

Sara Randon – Representing Your Safe Place made a verbal statement to the Board during the meeting. Munoz expressed support for the budget amendment to fund transit passes for former foster youth and listed various benefits the program would provide.

Ariana Federico – Representing Mid-City CAN made a verbal statement to the Board during the meeting. Federico expressed support for the budget amendment to fund transit passes for former foster youth and listed various benefits the program would provide.

BOARD COMMENTS

Vice Chair Sotelo-Solis supported the budget amendment because she believed it was crucial for youth in extended foster care to be supported beyond the system's 18-year mark. She applauded the agency for enacting this program in an attempt to offset the shortfalls of the extended foster program. She also encouraged the Board to re-prioritize funding sources to ultimately make fares available for free.

Board Member Elo-Rivera thanked advocates who provided public comments. He asked about the agency's needed resources to create a targeted program for extended foster care youth within the budget year. Ms. Cooney outlined the preliminary conversations and data gathering needed to explain the agency's projected implementation for the following year. Because of the reasons listed, she explained that it was not likely the agency could begin program implementation before July 1, 2022. She explained the need to create a way to use existing programs, fare processes, a document verification process and an outreach period as reasons that made it challenging to implement prior to July 1, the close of FY 2022.

Board Member Elo-Rivera asked if the agency had resources to establish the program framework. Ms. Cooney explained that the agency does not know what type of external data resources and existing programs are available to the agency, but staff was in the process of obtaining the information needed for the program.

Board Member Elo-Rivera asked staff if the Board would need to formally give staff direction in order to establish a framework for the next fiscal year. Ms. Cooney stated that the Board does

not need a mid-year adjustment to begin the process, and staff has the direction to move forward on exploring the implementation of the program for the next fiscal year.

Board Member Elo-Rivera extended his availability to assist the agency in the progress of the program.

Board Member Sandke acknowledged the strides to social justice initiatives the Board has taken. He stated that the agency not only moves people, but supports the community beyond their transit needs. He acknowledged the lack of direct correlation between rising gas prices and ridership and was excited to see an increase in ridership regardless.

Board Member Shu asked if the agency predicts the program to cause an increase in operating cost. Ms. Cooney predicted minimal operating cost changes would be supported by the current budget. She acknowledged that the pilot program allows the agency to study the data.

Board Member Shu asked if youth transitioning from foster care could self-identify or provide documentation to show bus drivers their status and allow boarding. He asked staff if this was possible in order to minimize redundancy and bureaucracy. Ms. Cooney stated staff would look into all options as we obtain additional information to implement the program. Board Member Shu hoped that this option was viable. He acknowledged his priority to provide a service and move the community. He noted that if there was no additional cost to this method, the agency should strongly consider his suggested method. He acknowledged that ridership needs to rise and that this program could facilitate this increase. He noted climate needs and transportation crisis for youth and hopes for July 1st implementation.

Board Member Gastil encouraged a simplified process to avoid bureaucracy, but also noted the need to collect participant usage in order to advocate for funding.

Chair Fletcher summarized the discussion and stated that the CEO has the ability and budgetary authority to enact the program at the next fiscal budget.

Action Taken

Vice Chair Sotelo-Solis moved to enact Resolution No. 22-01 amending the FY 2022 operating budget for the San Diego Metropolitan Transit System (MTS), San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, and the Coronado Ferry. Board Member Elo-Rivera seconded the motion, and the vote was 15 to 0 in favor.

31. Fiscal Year (FY) 2023 Operating Budget (Mike Thompson)

Mike Thompson, MTS Director of Financial Planning and Analysis, presented on FY 2023 Operating Budget development process and current assumptions. He presented on the revenue assumption for: service levels, expense assumptions, preliminary projections, stimulus funding, major initiatives and the budget development calendar.

Board Member Montgomery Steppe expressed her support for youth opportunity passes. She also requested budget allocations for palm tree maintenance and removal along the Orange Line. She also acknowledged the Webster Resident Council in public comment.

Chair Fletcher supported Board Member Montgomery Steppe's request for the next budgetary cycle.

Action Taken

Chair Fletcher moved to receive a report regarding FY 2023 operating budget development and provide guidance on budgetary issues. Board Member Sandke seconded the motion, and the vote was 15 to 0 in favor.

32. Beyer Boulevard Trolley Station Transit-Oriented Development (Karen Landers)

Karen Landers, MTS General Counsel, presented on Beyer Boulevard Trolley Station Transit-Oriented Development. She outlined: the Beyer Boulevard trolley station, Beyer Blvd negotiations with Affirmed Housing, Beyer Blvd trolley village transit-oriented development project, disposition and development agreement, ground lease process and material terms, Beyer Blvd trolley village schedule and recommendation.

Chair Fletcher thanked MTS for the aggressive development of properties on public land to address housing demands.

Board Member Salas expressed excitement over the project. She asked staff about the net proceed revenues and parking revenue loss. Ms. Landers replied that the difference was approximately \$24,000 to \$25,000 and explained how the figure was determined.

Board Member Salas supported the space utilization on the site. She acknowledged the final design was not available, but asked if the opened courtyard and unit balconies would continue to be part of the design. Tania Moshirian, Project Manager at Affirmed Housing, confirmed that the units are slated to include balconies however there could be changes during the City review process.

Board Member Moreno thanked staff and the developer for the design. She supported the preliminary building concept and was excited to house additional residents at the site.

Board Member Whitburn noted the small revenue from the parking lease, but was excited that it would be done to contribute to the housing crisis and shortage.

Action Taken

Board Member Moreno moved to authorize the Chief Executive Officer to: 1) execute a Disposition and Development Agreement with Beyer Family Housing L.P. for a Beyer Boulevard Trolley Station Transit Oriented Development Project (DDA) and 2) take all actions necessary to fulfill MTS's obligations under the DDA, including, but not limited to, executing a Ground Lease and related regulatory agreements for each project phase. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS:

45. MTS Safety Performance Annual Review (David Bagley And Jared Garcia)

David Bagley, MTS Rail System Safety Manager, and Jared Garcia, Bus Manager of Safety, presented on MTS's Safety Performance Annual Review. They provided details on: the public transportation agency safety plan update, rail accidents by month calendar years 2019-2021, statewide rail accidents for calendar year 2021, safety performance measures, 2021 internal safety & security audit, California public utilities commission oversight activities, Mid-Coast extension system and vehicle familiarization, outside agency personnel training for bus & rail, outside agency personnel training & emergency drills, employee recognition and appreciation, APTA safety gold award for COVID-19 response, bus performance targets, bus fixed route

preventable accidents key performance indicators, bus rapid preventable accidents performance incentive program, new bipartisan infrastructure law, *Think Fast* public awareness campaign, bus pedestrian safety improvements, bus California Highway Patrol terminal inspections, bus employee training and recognition.

Board Member Sandke asked about the reporting requirement on employee assaults and how the agency compares to other systems. Mr. Garcia explained that the Federal Transit Administration recently standardized reporting requirements and that data is yet to be available. Ms. Cooney replied that the agency was proactive in installing bus shields in the early stages of COVID-19. She acknowledged that the shields have also proven to protect drivers against assaults.

Board Member Montgomery Steppe asked about the safety-related project requirements of the urbanized area formula funds. Mr. Garcia replied that staff is currently awaiting guidance about the definition of a safety-related project.

Action Taken

No action taken. Informational item only.

46. Fiscal Year (FY) 2022 Mid-Year Performance Monitoring Report (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on the FY 2022 Mid-Year Performance Monitoring Report. He presented on: Policy 42 evaluation criteria, ridership, total passengers, weekday average, monthly passengers, passengers per revenue hour, and on-time performance.

Action Taken

No action taken. Informational item only.

47. Ridership Recovery Action Plan Update (Mark Olson)

The Board waived the staff report for this item.

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 April 14, 2022.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

24. Closed Session Items

The Board convened to Closed Session at 11:12 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6
Agency: San Diego Transit Corporation (“SDTC”)
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (“IBEW”)
Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)
- b. CONFERENCE WITH LEGAL COUNSEL — ANTICIPATED LITIGATION
INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9: (1 POTENTIAL CASE)

The Board reconvened to Open Session at 11:28 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board voted unanimously with 14 in favor and Board Member Salas absent to ratify the tentative agreement with IBEW 465 representing mechanics and servicers at SDTC.
- b. The Board received a report and gave instruction to legal counsel.

65. Adjournment

The meeting was adjourned at 11:30 a.m.

/S/ Nathan Fletcher

Chairperson

San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/S/ Dalia Gonzalez

Clerk of the Board

San Diego Metropolitan Transit System

/S/ Karen Landers

General Counsel

San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): March 10, 2022 CALL TO ORDER (TIME): 9:02am
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 11:12am RECONVENE: 11:28am
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 11:30am

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
FLETCHER	<input checked="" type="checkbox"/>	(Vargas)	<input type="checkbox"/>	9:02am	11:30am
SOTELO-SOLIS	<input checked="" type="checkbox"/>	(Bush)	<input type="checkbox"/>	9:02am	11:30am
AGUIRRE	<input type="checkbox"/>	(Leyba-Gonzalez)	<input checked="" type="checkbox"/>	9:02am	11:30am
ELO-RIVERA	<input checked="" type="checkbox"/>	(LaCava)	<input type="checkbox"/>	9:02am	11:30am
FRANK	<input checked="" type="checkbox"/>	(Mullin)	<input type="checkbox"/>	9:02am	11:30am
GALVEZ	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:09am	11:30am
GASTIL	<input checked="" type="checkbox"/>	(Mendoza)	<input type="checkbox"/>	9:02am	11:30am
GLORIA	<input type="checkbox"/>	(Whitburn)	<input checked="" type="checkbox"/>	9:02am	11:30am
GOBLE	<input checked="" type="checkbox"/>	(Ortiz)	<input type="checkbox"/>	9:02am	11:30am
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:02am	11:30am
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	(Von Wilpert)	<input type="checkbox"/>	9:02am	11:30am
MORENO	<input checked="" type="checkbox"/>	(Campillo)	<input type="checkbox"/>	9:02am	11:30am
SALAS	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:02am	11:12am
SANDKE	<input checked="" type="checkbox"/>	(Donovan)	<input type="checkbox"/>	9:02am	11:30am
SHU	<input checked="" type="checkbox"/>	(Arapostathis)	<input type="checkbox"/>	9:02am	11:30am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez