

# MINUTES

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

May 12, 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

Chair Fletcher moved to approve the minutes of the April 14, 2022, MTS Board of Directors meeting. Board Member Gastil seconded the motion, and the vote was 14 to 0 in favor with Vice Chair Sotelo-Solis absent.

3. Public Comment

*Dan Smith* – Provided a written statement to the Board prior to the meeting. The written comment is provided in the [final meeting packet](#).

*Katheryn Rhodes* – Provided a verbal statement to the Board during the meeting. Rhodes cited a grandfathered clause through the State Lands Commission which allows airport revenue to pay for transportation in the region.

### 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. Downtown Parallel Feeder Cable Design Review - Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTS Doc. No. WOA1951-AE-75, with Mott MacDonald (MM), in the amount of \$348,521.30 to provide engineering design review for the Downtown Parallel Feeder Cable Project.

8. Imperial Avenue Division (IAD) Miscellaneous Tools – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB349.0-22, with Air & Lube Systems, Inc., a Disadvantaged Business Enterprise (DBE), for procuring and installing IAD miscellaneous tools in the amount of \$105,133.00.

9. Purchase Batteries for Bus Fleet – Contract Award

Action would 1) Execute MTS Doc. No. B0738.0-22 (in substantially the same format as Attachment A), with Parts Authority LLC, for the as-needed purchase of 12-volt batteries for the

bus fleet for a three-year base and two option years in the amount of \$646,148.75 (exclusive of sales taxes) (Attachment C); and 2) Exercise the option years in her discretion.

10. On-Call Architecture and Engineering (A&E) Services Panel – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute seven (7) on-call A&E master agreements with the following qualified list of firms for a period of five (5) years:

<b>Firm Name</b>	<b>Certification Status</b>	<b>Contract Number</b>	<b>Category</b>	<b>Attachment</b>
HDR Engineering, Inc. (HDR)		PWL352.0-22	A - Comprehensive	A
Dokken Engineering, Inc. (Dokken)		PWL353.0-22	A - Comprehensive	B
Mott MacDonald Group, Inc. (Mott)		PWL354.0-22	A - Comprehensive	C
Psomas		PWL355.0-22	A - Comprehensive	D
Pacific Railway Enterprises, Inc. (PRE)	Small Business (SB), Disadvantaged Business Enterprise (DBE)	PWL356.0-22	B - Small Business Set Aside	E
CR Associates (CRA)	SB, DBE	PWL357.0-22	B - Small Business Set Aside	F
CL Surveying and Mapping (CL)	SB, DBE	PWL358.0-22	C - Specialty	G

11. El Cajon Third Track Construction – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL341.0-22, with Shimmick Construction Company, Inc. (Shimmick) for the El Cajon Third Track Project in the amount of \$11,106,700.00 (\$10,097,000.00 plus 10% contingency of \$1,009,700.00).

12. El Cajon Third Track Construction Management Services – Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA2498-CM02 under MTS Doc. No. G2498.0-21 with Kleinfelder Construction Services, Inc. for the El Cajon Third Track Construction Management (CM) Services in the amount of \$999,582.29.

13. El Cajon Third Track Design Services – Work Order Amendment

Action would 1) Ratify Work Order Amendment WOA1951-AE-61.01 under MTS Doc No. G1951.0-17 with Mott MacDonald, LLC (Mott) totaling \$0.55, to add Pacific Rail Enterprises, Inc. (PRE) classifications, hours and subsequent rates to the project team for the systems design; 2) Ratify Work Order Amendment WOA1951-AE-61.03 under MTS Doc No. G1951.0-17 with Mott totaling \$22,346.44, for additional design services for the E26 interlocking signal modifications; 3) Ratify Work Order Amendment WOA1951-AE-61.04 under MTS Doc No. G1951.0-17 with Mott totaling \$63,007.40, to complete the design requirements for configuring and relocating Americans with Disabilities Act (ADA) ramps, and additional design requirements for electrical and communications; and 4) Authorize the Chief Executive Officer (CEO) to execute Work Order

Amendment WOA1951-AE-61.05 under MTS Doc. No. G1951.0-17 with Mott, in the amount of \$541,627.06 for Design Services During Construction (DSDC) services for the El Cajon Third Track project.

14. Investment Report – Quarter Ending March 31, 2022
15. Proposed Revisions to MTS Board Policy No. 35 “Drug and Alcohol Policy”  
Action would approve the proposed revisions to Board Policy No. 35 “Drug and Alcohol Policy.”
16. Fiscal Year (FY) 2021-2022 Low Carbon Transit Operations Program (LCTOP) Funding Allocation  
Action would adopt Resolution No. 22-05 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 Fiscal Year (FY) 2021-2022 LCTOP funding of \$8,103,037 in the FY24 Capital Improvement Program (CIP) for the procurement of Battery Electric Buses (BEB), 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.

Action on Recommended Consent Items, excluding No. 11

Chair Fletcher moved to approve Consent Agenda Item Nos. 6 to 16, excluding item number 11. Board Member Elo-Rivera seconded the motion, and the vote was 15 to 0 in favor.

**BOARD MEMBER COMMENTS – CONSENT ITEM No.11**

Board Member Goble asked for staff to clarify whether the project would create a connection between El Cajon to Santee. Heather Furey, Director of Capital Projects, confirmed that this project could create infrastructure to allow a two-car train to connect the two regions.

Board Member Goble asked whether the Gillespie Field trolley station would be impacted. Ms. Furey replied that it would not.

Board Member Goble was concerned about the demand implications on the Gillespie Field station with less Green and Orange line rider usage. He suggested that the site be developed in order to increase ridership. Sharon Cooney, MTS Chief Executive Officer, expanded that the agency is seeking ways to efficiently operate in the area, an additional track would allow the agency to have that option. She clarified that a decision has not been made to run a shuttle between the stations. She noted that the agency is actively looking for developers for the site.

Action on Recommended Consent Item No. 11

Board Member Goble moved to approve Consent Agenda Item No. 11. Vice Chair Sotelo-Solis seconded the motion, and the vote was 15 to 0 in favor.

## NOTICED PUBLIC HEARINGS

### 25. Fiscal Year (FY) 2023 Operating Budget Discussion (Mike Thompson)

Mike Thompson, MTS Director of Financial Planning and Analysis, presented on the FY 2023 Operating Budget. He outlined: passenger revenue update, final adjustments, revenue summary, expense summary, consolidated revenues less expenses, contingency reserve balance, 5-year projection, 5-year operating/capital deficits, major initiatives and staff recommendation.

#### PUBLIC COMMENT

*Katheryn Rhodes* – Provided a verbal statement to the Board during the meeting. Rhodes commented that the airport connectivity and bus maintenance facility projects were not included in the item. Rhodes asked about the state's three months of free transit initiative funding allocations.

#### BOARD MEMBER COMMENTS

Chair Fletcher acknowledged the difficulties due to COVID-19 obstacles. He noted that 10% of the overall budget is unbalanced and challenged the Board to think of creative solutions that would maintain expenses within budget and restore ridership without relying on federal funding. Chair Fletcher deferred the conversation to Board Member Moreno, the Chair of the Budget Development Committee.

Board Member Moreno announced the unanimous recommendation for approval for the FY 2023 Operating Budget at the Budget Development Meeting. The budget showed clear signs of recovery for both ridership and passenger revenue. She was confident that under MTS leadership, there would be future improvements.

Board Member Montgomery Steppe supported the budget and agreed with Chair Fletcher's comments. She noted the future returns in ridership with the proposed project and supported the social equity listening tour. She acknowledged the Euclid Avenue grade separation and the Palm tree removal projects that would benefit her community.

Board Member Sandke was encouraged to see the minimization of the structural deficit over the course of his membership on the Board. He acknowledged the 20% farebox recovery threshold. He commended the agency for continuously meeting the threshold while acknowledging the new challenges the agency has had to overcome in order to meet the threshold.

Ms. Cooney clarified that *TransNet* and the Transportation Development Act (TDA) create requirements to maintain levels of efficiency, which staff closely monitor. She acknowledged MTS's current competitiveness compared to other agencies. She is confident the agency will return to pre-pandemic levels.

Board Member Elo-Rivera was excited to see the transitional foster youth project included in the budget. He supported Board Member Montgomery Steppe's comments and acknowledged the importance of providing robust programs for the community while being able to manage it.

Board Member Shu acknowledged the undertaking to increase ridership. He encouraged staff to find revenue sources not tied to farebox recovery. He advocated for free transit and suggested imposing a fee for industries polluting neighborhoods.

Action Taken

Board Member Moreno moved to 1) Receive testimony, review, and comment on the FY 2023 MTS Operating Budget; and 2) Enact Resolution No. 22-4 adopting the FY 2023 operating budget for MTS, San Diego Transit Corporation (SDTC), San Diego Trolley (SDTI), MTS Contract Services, and the Coronado Ferry. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

DISCUSSION ITEMS

30. None.

REPORT ITEMS

45. Restroom Availability (Brent Boyd)

Brent Boyd, MTS Manager of Service Quality – Rail, presented on restroom availability at or near MTS transit stations. He provided details on: restroom availability, public restrooms in downtown, closed public restrooms, extending hours of restroom availability, and an SDSU study regarding public restrooms in San Diego county: a regional assessment.

PUBLIC COMMENT

*Katheryn Rhodes* – Provided a verbal statement to the Board during the meeting. Rhodes cited the Downtown Public Needs Assessment Report and its recommendation.

*John Brady* – Provided a verbal statement to the Board during the meeting and cited experiences with homelessness and the difficulties with restroom accessibility. Brady supported the agency adopting restroom access along the system.

*Levi Giafaglone* – Provided a verbal statement to the Board during the meeting. Giafaglone acknowledged the need for restroom accessibility to support tourism.

*Michelle Krug* – Provided a verbal statement to the Board during the meeting. Krug asked for MTS to acquire contractual leverage to extend restroom hours and maintenance with the existing opened bathrooms.

*Mike Tenerio* – Provided a verbal statement to the Board during the meeting. Tenerio suggested a premium feature within the PRONTO system to charge members of the public for bathroom access and potential revenue sources.

*Sally Smull* – Provided a verbal statement to the Board during the meeting. Smull advocated for bathroom access along the system.

*Michelle Krug* – Provided a verbal statement to the Board during the meeting. Krug asked that restroom availability be opened in conjunction with operating hours.

BOARD MEMBER COMMENTS

Vice Chair Sotelo-Solis acknowledged the importance of having clean, accessible and safe restroom access. Prioritizing amenities is essential and was excited about the project for the Sanitation Justice Report. She suggested bathroom accessibility be added to the PRONTO app along with map signage. Mr. Boyd acknowledged that the agency is currently working on a web

page to showcase restroom locations. He also referenced the QR code in the agenda item to access the Sanitation Justice Report.

Board Member Aguirre acknowledged the Public Hearing comments where the agency balanced increasing ridership, service and amenities for current riders. She encouraged the Board to increase security or assess a cost analysis for additional restroom facilities. She asked staff to create a cost analysis for the Palm Avenue station for the design, construction and maintenance of a restroom. Ms. Cooney replied that the agency is under contractual agreement with the developers of the site and asked Karen Landers, MTS General Counsel, if the agency would be able to incorporate the design into the project.

Ms. Landers replied that there is no current obligation for the developers to incorporate a restroom design into the site. She clarified that a discussion could be had with the developers about including a restroom in the facility plans, but affordable housing developers generally do not have funding to allocate for operating costs of a public restroom.

Chair Fletcher asked staff to speak to developers and assess project possibilities.

Board Member Aguirre asked if the entire property was managed by that contract's jurisdiction. Ms. Landers clarified that the Disposition and Development Agreement (DDA) covers the entire site.

Board Member Goble acknowledged that the restroom could be privatized to only rider use. He noted that a public use restroom may be purview to each jurisdiction's discretion.

Board Member Salas agreed limiting bathroom use to riders while acknowledging advocate strides for the general public. She agreed that the cost should not be funded by MTS entirely.

Board Member Whitburn asked about the current nine restroom conditions at each station. Mr. Boyd replied that the condition varied at each station along with maintenance ownership. Board Member Whitburn asked how many customer complaints about restroom accessibility the agency receives. Mr. Boyd replied that he would need to acquire the data to give the Board an accurate response. Board Member Whitburn asked staff what other transit agency restroom programs looked like. Mr. Boyd noted the rarity for transit agencies to provide public restrooms since crime and vandalism were a common trend throughout the country. Ms. Cooney replied that Customer Support Services rarely receives restroom complaints. Board Member Whitburn acknowledged that that data may change once the existing restrooms are advertised. He understood the public benefit for restrooms but without full time security or cleanliness, they become a public nuisance.

Board Member Elo-Rivera posed the question to the Board about the agency's responsibility to provide restroom accessibility to the public. He supported rider only access or joint cost solutions to support the amenity. He encouraged jurisdiction collaboration to have restroom availability. He believed that restrooms were necessary to create a dignified riding experience. He encouraged the Board to help staff identify goals to move forward with this project. He encouraged staff to add the bathroom map to the PRONTO app in addition to the website.

Board Member Montgomery Steppe supported reopening the Euclid Avenue station restroom and agreed that the agency should not fund the full transit amenities cost.

Board Member Moreno agreed with the SDSU study about the restroom facility shortage. She acknowledged the lack of restroom availability as an obstacle to increased ridership. She noted

that MTS should not fund the entire cost of restroom availability, but rather it should be a joint cost with jurisdictions. She did explain that additional restroom availability may improve ridership and asked if the agency would host a pilot program. Ms. Cooney replied that security and vandalism may continue to be an obstacle. Board Member Moreno replied that offering amenities is part of MTS's mission.

Board Member Shu remarked that restrooms themselves do not cause crime. Crime itself is a separate issue and should not be associated to restrooms or transit. Crime should be addressed with other jurisdictions.

Chair Fletcher asked staff if the agency could charge riders a fee to access restrooms. Ms. Landers cited a Health and Safety code section that requires public agencies to provide bathroom access at no charge, however; the code defines public agency's as a State, City or County. Ms. Landers noted that she was not aware of additional laws that would require the amenity to be free of charge. She also acknowledged privacy rights issues that would collect data every time passengers use the restroom.

Chair Fletcher highlighted the shortage of public restrooms throughout the County and clarified that a building does not cause crime, rather it centralizes activity that leads to crime which impacts liability and cost. He mentioned that mapping restrooms was a great resource however because they were managed by other jurisdictions, the reliability of the map may not always be up to date and proceeded to give an anecdote about multi jurisdiction obstacles. He suggested creating a standard Memorandum of Understanding (MOU) process to create joint agreements with jurisdictions in order to fasttrack implementation. He asked staff to explore the legal viability for riders to access the amenity with a fee. He encouraged the Board to be mindful of the maintenance cost to keep the bathroom opened.

Action Taken

No action taken. Informational item only.

46. Grants Administration Report (Julia Tuer And Kena Teon)

Julia Tuer, MTS Manager of Government Affairs, and Kena Teon, MTS Grants Administrator, presented on the Grants Administration Report. They outlined the following information: MTS grants team introduction, overview of grants administration, formula grants, competitive grants, sample of recent competitive grant awards (pre-2021), competitive grants, upcoming grant opportunities and projects, grant reporting and audits.

Chair Fletcher asked staff if there were public restroom grants available.

Ms. Tuer replied that they were not aware of any at the moment.

Ms. Cooney stated that the Affordable Housing Sustainable Communities Grant may offer a grant opportunity.

Action Taken

No action taken. Informational item only.

OTHER ITEMS

60. Chair Report

Chair Fletcher noted that conversations with the San Diego Association of Governments (SANDAG) are ongoing on the trolley to the airport project. He replied that both agencies continue to have thorough assessments of multiple feasible options to induce ridership to the airport.

61. Chief Executive Officer's Report

Ms. Cooney provided preliminary data on the Youth Opportunity Pass (YOP) from May 1 – 8. She noted that weekday ridership increased by 20%, and she was eager to see these new riders tapping to ride. She listed various areas and routes that saw an increase in YOP riders. She acknowledged the upcoming Federal Transit Administration Triennial Review and the recent launch of the re-vamped MTS website.

62. Board Member Communications

Board Member Sandke asked that the Board listen in to the transit to the airport item at the SANDAG meeting on Friday.

Board Member Moreno asked that staff provide a monthly YOP update to the Board.

Board Member Shu asked if staff turned away youth that did not have a pass. Ms. Cooney replied that currently the agency is conducting an educational campaign to encourage youth to attain a card or download the app. Board Member Shu stated that riders should not be turned away and if their youth status was apparent, they should be able to board the bus. Ms. Cooney replied that the agency cannot profile people or assume eligibility. He encouraged onboarding as many youth riders onto the system even without a PRONTO card in order to gain ridership.

Chair Fletcher reiterated the importance of attaining a PRONTO card.

Board Member Shu cited a 2019 study on gender equity and health. He noted the report acknowledged that 29% of women have experienced sexual harassment on mass transit. He encouraged the Board to keep the data in mind when creating decisions to improve 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 June 16, 2022 at 9:00 am.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

24. Closed Session Items

The Board convened to Closed Session at 11:00 a.m.

a) **CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to California Government Code Section 54956.9(d)(1)

One Case: Alfred J. Merritt v. San Diego Transit Corp., Workers Compensation Appeals  
Board Case No. ADJ11828554

The Board reconvened to Open Session at 11:07 a.m.



Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a) The Board receive a report from legal counsel and gave instructions.

65. Adjournment

The meeting was adjourned at 11:09am.

/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):	May 12, 2022	CALL TO ORDER (TIME):	9:02am
RECESS:		RECONVENE:	
CLOSED SESSION:	11:00am	RECONVENE:	11:07am
PUBLIC HEARING:		RECONVENE:	
ORDINANCES ADOPTED:		ADJOURN:	11:09am

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
FLETCHER	<input type="checkbox"/>	(Vargas)	<input type="checkbox"/>	9:02am	11:09am
SOTELO-SOLIS	<input checked="" type="checkbox"/>	(Bush)	<input type="checkbox"/>	9:06am	11:09am
AGUIRRE	<input checked="" type="checkbox"/>	(Leyba-Gonzalez)	<input type="checkbox"/>	9:02am	11:09am
ELO-RIVERA	<input checked="" type="checkbox"/>	(LaCava)	<input type="checkbox"/>	9:02am	11:09am
FRANK	<input type="checkbox"/>	(Mullin)	<input checked="" type="checkbox"/>	9:02am	11:09am
GALVEZ	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:02am	11:09am
GASTIL	<input checked="" type="checkbox"/>	(Mendoza)	<input type="checkbox"/>	9:02am	11:09am
GLORIA	<input type="checkbox"/>	(Whitburn)	<input checked="" type="checkbox"/>	9:02am	11:09am
GOBLE	<input checked="" type="checkbox"/>	(Ortiz)	<input type="checkbox"/>	9:02am	11:09am
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:02am	11:09am
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	(Von Wilpert)	<input type="checkbox"/>	9:02am	11:09am
MORENO	<input checked="" type="checkbox"/>	(Campillo)	<input type="checkbox"/>	9:02am	11:09am
SALAS	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:02am	11:09am
SANDKE	<input checked="" type="checkbox"/>	(Donovan)	<input type="checkbox"/>	9:02am	11:09am
SHU	<input checked="" type="checkbox"/>	(Arapostathis)	<input type="checkbox"/>	9:02am	11:09am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez