

# MINUTES

## MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

November 3, 2022

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased.]

1. Roll Call

Vice Chair Sotelo-Solis called the Executive Committee meeting to order at 9:49 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 October 6, 2022, MTS Executive Committee meeting. Board Member Sandke seconded the motion, and the vote was 4 to 0 in favor with Chair Fletcher, Board Member Moreno and Board Member Salas absent.

3. Public Comments

There were no Public Comments.

### COMMITTEE DISCUSSION ITEMS

4. Fiscal Year (FY) 2022 Final Budget Comparison (Gordon Meyer)

Gordon Meyer, MTS Operating Budget Supervisor presented on FY 2022 Final Budget Comparison. He outlined the following information: total operating revenues, expenses, activities, subsidy revenue category descriptions, total non-operating revenues and expenses, less expenses, contingency reserve balance, and staff's recommendation.

### PUBLIC COMMENT

*Corinna Contreras* – Representing Climate Action Campaign made a verbal statement to the Board during the meeting. Contreras acknowledged the bus operator shortage as a continuous issue to meet current and projected ridership demands. Contreras suggested a bus operator comprehensive benefit package incentive for affordable housing with terms of service limits. Contreras also appreciated the Social Equity Tour as a quick build strategy.

### COMMITTEE COMMENT

Board Member Sandke acknowledged the deficit as an improvement, but stated that the surplus was an overallocation of budgeted money. He cautioned the Board to look at the long-term financial goals. He recognized the public speaker that talked about the bus operator shortage and suggested that the three million dollars facilitate quick win projects.

Vice Chair Sotelo-Solis agreed with Board Member Sandke's remarks.

Action Taken

Board Member Sandke moved to receive the MTS operations budget status report for FY 2022 and forward a recommendation to the Board of Directors to approve staff recommendations for programming excess revenues less expenses. Board Member Hall seconded the motion, and the vote was 4 to 0 in favor with Chair Fletcher, Board Member Moreno and Board Member Salas absent.

5. El Cajon Transit Station Transit-Oriented Development (Sean Myott)

Sean Myott, MTS Manager of Real Estate and Karen Landers, MTS General Counsel, presented on El Cajon Transit Station Transit-Oriented Development. They presented on: current use and continuing transit needs, ECTC transit center, MTS and City TOD proposals, Chelsea affordable, market & transit parking, USA maximum housing / minimum parking, MTS and City decision making rationale, next steps and staff recommendation.

Board Member Hall asked if Board Member Goble was advised about the project. Ms. Landers confirmed that she had spoken to the Councilmember about the project and noted his support. Board Member Hall supported the project.

Board Member Elo-Rivera asked about how the Surplus Land Act and the agency's communication with California Department of Housing and Community Development (HCD) informed the process and criteria utilized in the decision making to recommend the project for the Exclusive Negotiating Agreement (ENA). Ms. Landers replied that in conversations with HCD about this particular project, the agency does not have to follow the surplus land process for evaluating the competing development proposal. Under AB 1486, the agency made Surplus Land Act findings in July of 2020, and issued notices in August of 2020, but did not receive any proposals within the time period that was required. With confirmation from HCD, she noted that the agency has complied and is able to continue the development process under Policy 18. She noted that there is no required HCD involvement in the evaluation of the competing proposals. Board Member Elo-Rivera acknowledged the City of San Diego's consequences with lack of compliance and appreciated Ms. Landers communication with HCD. He also asked about the ENA process and asked what additional opportunities there will be for the City of El Cajon and the Board to lay out additional criteria for any DDA presented. Ms. Landers replied that staff takes direction from Policy 18 and that the agency has worked in conjunction with the City of El Cajon to assure consistency. If the Board asks for additional direction outside of the policy priorities, staff could take suggestions now or at a later date. Board Member Elo-Rivera asked that the development include public restroom access, additionally he asked staff to leverage federal or state legislation to ensure as much solar and clean energy on this project. Ms. Landers clarified that at the bus transit center A-Mart, there is a restroom and the project would not displace the amenity. He advocated for consistent, if not expanded restroom access that riders feel comfortable using.

Vice Chair Sotelo-Solis agreed and supported with Board Member Elo-Rivera's priorities.

Action Taken

Board Member Hall moved to authorize the Chief Executive Officer to execute an Exclusive Negotiation Agreement (ENA) with Chelsea Investment Corporation (Chelsea) for a El Cajon Transit Center Transit-Oriented Development Project. Board Member Sandke seconded the motion, and the vote was 4 to 0 in favor with Chair Fletcher, Board Member Moreno and Board Member Salas absent.

6. E Street Transit Center City of Chula Vista and MTS Joint Transit-Oriented Development (Karen Landers and Sean Myott)

Ms. Landers and Mr. Myott presented on E Street Transit Center City of Chula Vista and MTS Joint Transit-Oriented Development. They outlined the following information: MTS and City of Chula Vista partnership, MTS E St Transit Center, Surplus Land Act & amendment, Affirmed – residential, medical office & retail, Bayview – housing towers, hotel, retail & office, MTS and City decision making rationale, next steps and recommendation.

Sharon Cooney, MTS Chief Executive Officer stated that this project was developed in conjunction with the City of Chula Vista with their former Public Works Yard as part of the proposed development site. She noted the large transit center, surface parking lots and coffee and bathroom amenities.

PUBLIC COMMENT

*Rebecca Satrom* – An MTS bus driver made a verbal statement to the Board during the meeting. Satrom asked that driver-only access restroom and breakrooms be integrated as part of the design plans for the site.

COMMITTEE COMMENTS

Board Member Elo-Rivera asked if failure to complete the 2024 DDA and 2026 construction deadlines would trigger the Surplus Land Act being applicable, and the project needing to start anew. Ms. Landers acknowledged the aggressive timeline, once in negotiations, the agency would make sure the project is scoped in a way to meet the deadlines along with clear timeline definition of the deadlines from HCD. She acknowledged that the agency would need to receive a legislative amendment to extend the deadlines or the project would need to be restarted altogether. He also asked about the process to add amenities for driver restroom and breakroom spaces for these sites. Ms. Landers replied that the agency will work with transit operations staff to confirm where and how they structure break space. She noted the public restrooms at the site, which would be included in the new development scope, and stated that the agency would keep in mind the other requests. He also asked about opportunities for MTS employees to rent or lease apartments, through an exclusive pre-leasing offer. Ms. Landers replied that currently staff is researching the option to understand project funding sources and term limitations, if any. Board Member Elo-Rivera asked that staff agendaize the item so that the Board has the ability to comment on the project, if wanted. Ms. Cooney agreed with his comments and said that the item would be placed on consent.

Board Member Hall asked that driver restroom and break room availability be incorporated into the El Cajon site. Ms. Landers noted that they will communicate this request to any transit operations team at all future Transit Oriented Development projects.

Vice Chair Sotelo-Solis thanked the public speaker for their participation that had offered the Board advocacy guidance on this topic.

Action Taken

Board Member Elo-Rivera moved to recommend the Board authorize the CEO to execute a three-party Exclusive Negotiation Agreement with the City of Chula Vista (City) and Bayview Point, LLC (Developer) for an E Street Transit-Oriented Development Project (ENA). Board Member Sandke seconded the motion, and the vote was 4 to 0 in favor with Chair Fletcher, Board Member Moreno and Board Member Salas absent.

OTHER ITEMS

7. REVIEW OF DRAFT NOVEMBER 10, 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. Janitorial Services (E Street Restroom, Fashion Valley Restroom & San Diego Metropolitan Transit System (MTS) Mills Building 8th, 9th & 10th Floor Appliances) – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2621.0-22 with Nova Commercial Co. Inc. (Nova), for the provision of janitorial services for the E Street Restroom (Group 1), Fashion Valley Restroom (Group 2), and MTS Mills Building 8th, 9th, and 10th Floor (Group 3) Appliances for six (6) years in the amount of \$200,064.00.
8. Roadway Worker Protection (RWP) Safety Training Services – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1622.0-22 with Jacobs Engineering Group (“Jacobs”), for RWP Safety Training Services for five (5) years.
9. Background Investigation Services – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. G2646.0-22 with Kristy Investigative Services Inc. for Background Investigation Services for five (5) base years and five (5) 1-year options for a total cost of \$358,500.00; and 2) Exercise each option year at the CEO’s discretion.
10. Procurement Thresholds and Signature Authority Levels – Policy Revisions  
Action would 1) Adopt the revisions to MTS Board Policy No. 52, “Procurement of Goods and Services”; 2) Authorize the Chief Executive Officer (CEO) to modify MTS Board Policy No. 52 Exhibit A relating to MTS’s Statutory and Regulatory Requirements; 3) Adopt the revisions to MTS Board Policy No. 41, “Signature Authority”; and 4) Adopt the revisions to MTS Board Policy No. 64, “Inventory Controls and Signature Authority Policy”
11. Board Policy No. 30, Investment Policy – Policy Revision  
Action would approve and adopt the updated Board Policy No. 30, “Investment Policy.”

12. Quarter Ending September 30, 2022 – Investment Report
13. ACE Parking Lot Improvements – Work Order  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC347-03 to MTS Doc. No. PWG347.0-22 with ABC General Contractor, Inc. (ABCGC) in the amount of \$140,183.26 for the upgrade of fencing, gates, lighting, striping, card reader, and cameras at the parking lot located at 1341 National Avenue, San Diego, CA (ACE Parking Lot).
14. Adoption of 2022 Conflict of Interest Code – Amendment  
Action would 1) Adopt Resolution No. 22-16 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; 2) Adopt the amended 2022 MTS Conflict of Interest Code; and 3) Forward the amended 2022 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).
15. Adoption of the 2023 San Diego Metropolitan Transit System (MTS) Executive Committee and Board of Directors Meeting Schedule  
Action would adopt the 2023 Executive Committee and Board of Directors meeting schedule.
16. San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at Its Meeting on October 27, 2022  
Action would 1) Receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line quarterly reports for information; and 2) Ratify actions taken by the SD&AE Board of Directors.
17. Davra Networks Ruban Software Support and Licenses – Contract Amendment
18. Fire Alarm Monitoring and Maintenance Services – Contract Amendment
19. Uninterruptible Power Supply (UPS) Maintenance and Battery Refresh – Contract Amendment  
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 5 to MTS Doc. No. G2009.0-17, with Schneider Electric Information Technology (IT) Corporation (Schneider Electric), increasing the contract value in the amount of \$386,612.35, bringing the contract total to \$1,418,263.76.
20. Gas Service Provider – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. G2627.0-22 with Clean Energy Renewable Fuels, LLC for Gas Service Provider (GSP) services for a six (6) year base period with one (1) 4-year option period; and 2) Exercise the option years at the CEO's discretion.

8. Other Staff Communications and Business

There was no Other Staff Communications and Business discussion.

9. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

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10. Next Meeting Date

The next Executive Committee meeting is scheduled for December 1, 2022, at 9:00 a.m.

11. Adjournment

The meeting was adjourned at 10:57am.

/S/ Nathan Fletcher

Chairperson

San Diego Metropolitan Transit System

/S/ Dalia Gonzalez

Clerk of the Board

San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
EXECUTIVE COMMITTEE

ROLL CALL

MEETING OF (DATE):	CALL TO ORDER (TIME):
<u>November 3, 2022</u>	<u>9:49am</u>
RECESS:	RECONVENE:
CLOSED SESSION:	RECONVENE:
PUBLIC HEARING:	RECONVENE:
ORDINANCES ADOPTED:	ADJOURN:
	<u>10:57am</u>

REPRESENTING	BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
County Chair	FLETCHER	<input type="checkbox"/> (Vargas) <input type="checkbox"/>	ABSENT	ABSENT
Vice Chair	SOTELO-SOLIS	<input checked="" type="checkbox"/> (no alternate) <input type="checkbox"/>	9:49am	10:57am
City of San Diego	ELO-RIVERA	<input checked="" type="checkbox"/> (Montgomery Steppe) <input type="checkbox"/>	9:49am	10:57am
East County	HALL	<input checked="" type="checkbox"/> (Frank) <input type="checkbox"/>	9:49am	10:57am
SANDAG Transportation Committee	MORENO	<input type="checkbox"/> (Aguirre) <input type="checkbox"/>	ABSENT	ABSENT
Chair Pro Tem	SALAS	<input type="checkbox"/> (no alternate) <input type="checkbox"/>	ABSENT	ABSENT
South Bay	SANDKE	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:49am	10:57am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez