

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

EXECUTIVE COMMITTEE

December 1, 2022

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

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

2. Approval of Minutes

Chair Fletcher moved to approve the minutes of the November 3, 2022, MTS Executive Committee meeting. Board Member Moreno seconded the motion, and the vote was 5 to 0 in favor with Board Member Salas and Board Member Sandke absent.

3. Public Comments

There were no Public Comments.

DISCUSSION ITEMS

4. 2023 State and Federal Legislative Program (Julia Tuer, Mark Watts, Peter Peyser)

Julia Tuer, MTS Manager of Government Affairs, Mark Watts, MTS State Legislative Representative and Peter Peyser, MTS Federal Legislative Representative presented on 2023 State and Federal Legislative Program. The presentation covered the following topics: 2023 state and federal legislative program, state and federal legislative priorities, passed legislation in 2022, legislative proposals, state & federal legislative updates, and staff's recommendation.

COMMITTEE COMMENTS

Board Member Elo-Rivera asked to formally support legislation for cost recovery for the operation of restrooms. He acknowledged that cost recovery is a current barrier, and wished to see the Board formally advocate for this issue, since he did not know of a state representative that was advocating for this issue. Chair Fletcher agreed that his request could be added into the recommendation. He also asked to include support for zoning and permitting that help to prioritize transit-oriented development projects. Sharon Cooney, Chief Executive Officer, noted that the current proposal does include such priorities and has historically advocated for it. He clarified that he wanted the agency to support zoning and permitting for those aspects of development, independent of available funding. Ms. Cooney confirmed that staff could incorporate the request.

Board Member Hall referenced the MTS Weekly Safety and Security report and asked about what the agency is doing to advocate for transit workers. Ms. Cooney replied that this was an effort that the California Transit Association (CTA) was spearheading and the agency would like to seek formal legislative support to disincentivize individuals from attacking workers. Board Member Hall was curious about how that legislation would be implemented. Ms. Tuer responded that was an ongoing conversation between CTA and other agencies across California.

PUBLIC COMMENT

Corinna Contreras – Representing Climate Action Campaign made a verbal statement to the Board during the meeting. Contreras supported any push for restroom amenities and asked if there was a way for the agency to receive matching funding for water bottle filling stations and the development of canopies to provide shade in order to make the stations more hospitable. Contreras also asked for active transportation as a priority.

Rebecca Satrom – An MTS bus driver made a verbal statement to the Board during the meeting. Satrom acknowledged a flooding issue in the Fashion Valley private worker restrooms during the winter. Satrom acknowledged the lack of temporary accommodations made for the drivers. Flooding and rust also posed safety obstacles at the site.

Action Taken

Chair Fletcher moved to forward a recommendation to the Board of Directors to approve the 2023 State and Federal Legislative Program and include the following additions: 1) support restroom recovery opportunities; and 2) support zoning and permitting that help to prioritize transit-oriented development projects. Board Member Hall seconded the motion, and the vote was 5 to 0 in favor with Board Member Salas and Board Member Sandke absent.

5. License Agreement for Gaslamp Quarter Trolley Station Digital Information Board Project; Determination That Project Is Statutorily and Categorically Exempt from Environmental Review Under the California Environmental Quality Act; And Approval of Project (Mark Olson)

Mark Olson, MTS Director of Marketing and Communications, Karen Landers, General Counsel and Bill Tagliaferri, representing Big Outdoor presented on the license agreement for Gaslamp Quarter Trolley Station Digital Information Board Project; determination that project is statutorily and categorically exempt from environmental review under the California Environmental Quality Act; and approval of project. They discussed: the background; digital information board discussions; Big Outdoor work samples; new opportunity at Gaslamp Trolley Station; License Agreement Research & Negotiations; License Agreement Key Terms; License Agreement – Project is Exempt from CEQA; additional findings in support of CEQA exemptions; key terms - advertising rules/waiver; key terms - revenue share; revenue share comparable; digital information board conceptual design; proximity to residential spaces; digital information board benefits and uses; next steps and staff recommendation.

COMMITTEE COMMENT

Board Member Hall asked if all the nearby residential and commercial stakeholders were supportive. Mr. Olson clarified that Big Outdoor and MTS reached out to a few constituents, coupled with talking with Board members who represent the area. He also asked if the agency could take over the billboard for emergency information services. Ms. Landers replied that the license agreement gives MTS the absolute right to 10% of the time, including emergency messages. She noted that Big Outdoor is a good partner and negotiating additional time in case of an emergency would not be an issue. Chair Fletcher added that staff could add standard language to the contract for emergency communication. Ms. Landers replied that staff could work with Big Outdoor on the issue.

Board Member Moreno commended staff on securing additional non-fare revenue. She was concerned that the agency was claiming an exemption from CEQA. She believed that courts intended to declare exemptions narrowly; potential litigation could delay the project and recommended that the agency proceed with a mitigated negative declaration (MND), rather than

claim an exception. She was wary to support the claim that the billboard was a transit wayfinding sign. She added that an MND would allow the agency to study the impacts of possible light pollution in the surrounding areas. She also questioned why MTS should move forward on the project in partnership with Big Outdoor. The construction cost of a digital display is minimal compared with the 35% – 45% revenue stream the agency would receive for all advertisement revenue. She suggested the agency independently construct the sign and partner with another contractor to administer the sign. She asked if the suggestion was previously considered. Chair Fletcher replied that her comments were more relevant to be made during a closed session portion of the Board agenda since the comment directly addressed potential litigation. This discussion would be docketed to be addressed in the closed session portion of the meeting on December 8, 2022. Mr. Olson replied that in this industry, there will always be a revenue split. She also asked what additional added value did Big Outdoor bring to the agreement. Mr. Olson replied that they were able to secure advertisers and maintain structure, be agile in the technology and maintenance. She did not agree that the project was exempt from CEQA and stated that she would be voting against the motion.

PUBLIC COMMENT

Corry Briggs – Provided a written statement to the Board prior to the meeting. The written comment is provided in the [December 1, 2022 Final Meeting Packet](#).

Action Taken

Chair Fletcher moved to forward a recommendation to the MTS Board of Directors to: 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. G2702.0-23 with Big Outdoor Investments, LLC, a Texas limited liability company (Big Outdoor) for a license agreement to construct and operate a digital information board at the Gaslamp Trolley Station (“Project”) for a base period of 20 years and two (2) five (5)-year options; 2) Waive the prohibition on alcohol advertising in MTS Board Policy 21.3(j) as it relates to this Project only; 3) Determine that the Project is statutorily and categorically exempt from environmental review under the California Environmental Quality Act pursuant to Public Resources Code sections 21080.25 and 21080(b)(11) and Title 14 of the California Code Regulations, sections 15275, 15303, 15311, and 15332; and 4) Certify that the Project will be completed by a skilled and trained workforce consistent with the criteria in Public Resources Code section 21080.25. Board Member Hall seconded the motion, and the vote was 3 to 2 in favor with Board Member Moreno and Board Member Sotelo-Solis voting no, and Board Member Salas and Board Member Sandke absent.

6. Naming Rights Program Services – Contract Award (Mark Olson)

Mark Olson and Kyle Cantor with Superlative presented on the naming rights program services. The presentation included the following topics: the background, naming rights agreements success, seeking new naming rights partners, scope of work, solicitation process, Superlative key contract terms, Superlative introduction, next steps, and staff’s recommendation.

COMMITTEE COMMENTS

Board Member Elo-Rivera recognized the Board’s push to expand service and programs in the middle of a structural deficit. He recognized staff for their efforts to balance the two concerns. He noted Youth Opportunity Passes and commented that perhaps a naming rights deal could be a means of funding the passes and other programs for young adults to acquire lifelong riders. He asked to have conversations amongst Board Members and community-based organizations to list out a wish list of programs that the agency would strive for, once funding was available.

Action Taken

Board Member Elo-Rivera moved to 1) Execute MTS Doc. G2623.0-22 (in substantially the same format as Attachment A), with The Superlative Group, Inc. (Superlative), for Naming Rights Program services for a three (3) base year period and five (5) 1-year options; and 2) Exercise the option years at the CEO's discretion. Chair Fletcher seconded the motion, and the vote was 5 to 0 in favor with Board Member Salas and Board Member Sandke absent.

OTHER ITEMS

7. REVIEW OF DRAFT DECEMBER 8, 2022 BOARD AGENDA

Recommended Consent Items

6. Clean Natural Gas (CNG) Fueling Station Equipment Replacement – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0729.1-21 (in substantially the same format as Attachment A), with Trillium USA Company, LLC (Trillium), in the amount of \$207,072.90.
7. Closed Circuit Television (CCTV) Services – Contract Amendment
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1, MTS Doc. No. PWG335.1-21 with Electro Specialty Systems (ESS), a Small Business (SB), for CCTV services for \$1,907,402.08.
8. Janitorial Services for San Diego Trolley, Inc. (SDTI) & San Diego Transit Corporation (SDTC) Facilities – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2613.0-22 with NMS Management, Inc. ("NMS"), a Disadvantaged Business Enterprise (DBE), for the provision of Janitorial Services for six (6) years for \$9,813,452.97.
9. San Diego State University (SDSU) Tunnel Safety Equipment Maintenance – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL360.0-23 with Comfort Mechanical, Inc. (Comfort), a Small Business (SB), for maintenance and as-needed repair of the tunnel safety equipment at SDSU, in the amount of \$707,341.00 for preventive maintenance, and \$100,000.00 for as-needed repairs, for a total amount of \$807,341.00, for a period of five (5) years commencing on January 1, 2023.
10. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments
11. Amaya Trolley Station Asphalt Repairs – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC347-04 to MTS Doc. No. PWG347.0-22, with ABC General Contractor, Inc. (ABCGC), in the amount of \$302,856.55 for the mill and overlay of asphalt at the Amaya Trolley Station parking lot.
12. FY23 Americans With Disabilities Act (ADA) Bus Stop Design Services – Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA356-AE-03 under MTS Doc. No. PWL356.0-22 with Pacific Railway Enterprises (PRE), a Disadvantaged Business Enterprise (DBE), in the amount of \$151,845.16 to provide design services for upgrading ten (10) existing bus stops to meet current ADA standards for access to the bus stop and bus doors.

13. Orange Line Improvement Project – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA356-AE-06 under MTS Doc. No. PWL356.0-22, with Pacific Railway Enterprises, Inc. (PRE), a Disadvantaged Business Enterprise (DBE), in the amount of \$1,411,503.63 to prepare plans, specifications, and estimate (PS&E) for the Orange Line Improvement Project.
14. Las Chollas Creek Bridge Repair – Engineering Design Services – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA354-AE-13 under MTS Doc. No. PWG354.0-22, with Mott MacDonald (MM) in the amount of \$274,457.89 to provide design services for the Las Chollas Bridge scour remediation.
15. San Diego Metropolitan Transit System (MTS) Ordinance No. 11 – Ordinance Revisions
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 to the proposed amendments, grant the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.
16. Approve the Fiscal Year (FY) 2022-23 State Transit Assistance (STA) Claim and STA Interest Claim
Action would adopt Resolution No. 22-17 approving the FY 2022-23 STA claim.
17. Naming Rights Program Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. G2623.0-22, with The Superlative Group, Inc. (Superlative), for Naming Rights Program services for a three (3) base year period and five (5) 1-year options; and 2) Exercise the option years at the CEO’s discretion.

COMMITTEE COMMENT

Ms. Cooney added that Agenda Item 6, Naming Rights Program Services, was slated to be put on the consent calendar for the Board and asked the Chair if the Board would rather have that item as a discussion item.

Board Member Elo-Rivera did not believe the item needed to be taken as a discussion item, but requested that Board members had an opportunity to engage with staff to add input on these projects. Ms. Cooney agreed.

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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.

10. Next Meeting Date

The next Executive Committee meeting is scheduled for January 19, 2023, at 9:00 a.m.

11. Adjournment

The meeting was adjourned at 10:26am.

/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): December 1, 2022 CALL TO ORDER (TIME): 9:02am
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: _____ RECONVENE: _____
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 10:26am

REPRESENTING	BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
County Chair	FLETCHER	<input checked="" type="checkbox"/> (Vargas) <input type="checkbox"/>	9:02am	10:26am
Vice Chair	SOTELO-SOLIS	<input checked="" type="checkbox"/> (no alternate) <input type="checkbox"/>	9:02am	10:26am
Chair Pro Tem	SALAS	<input type="checkbox"/> (no alternate) <input type="checkbox"/>	ABSENT	ABSENT
City of San Diego	ELO-RIVERA	<input checked="" type="checkbox"/> (Montgomery Steppe) <input type="checkbox"/>	9:02am	10:26am
East County	HALL	<input checked="" type="checkbox"/> (Frank) <input type="checkbox"/>	9:02am	10:26am
SANDAG Transportation Committee	MORENO	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:02am	10:26am
South Bay	SANDKE	<input type="checkbox"/> (Aguirre) <input type="checkbox"/>	ABSENT	ABSENT

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez