

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

February 16, 2023

[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

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

2. Public Comment

Elva Gibson – An MTS Access rider yielded time to Christine Moore.

Christine Moore – Made a verbal statement to the Board during the meeting. Moore explained to the Board the experience Ms. Gibson has had with the Access program and was concerned that the program had little cognitive impairment awareness. Moore asked to be connected to the MTS Accessible Services Advisory Committee and asked for more understanding of the training Taxicab drivers receive.

Alex Wong – Provided a verbal statement to the Board during the meeting. Wong advocated for increased frequency along the Green and Blue Line.

CONSENT ITEMS:

3. Approval of Minutes

Action would approve the January 26, 2023 Board of Director meeting minutes.

4. Kearny Mesa Division (KMD) Zero Emission Bus (ZEB) Overhead Charging System Layout and Design – Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA356-AE-05 under MTS Doc No. PWL356.0-22 with Pacific Railway Enterprises, Inc. (PRE), a Disadvantaged Business Enterprise (DBE), in the amount of \$354,742.55 to provide engineering planning services for the KMD ZEB master planning.

5. Adoption of 2022 Conflict of Interest Code – Amendment

Action would 1) Adopt Resolution No. 23-01 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; 2) Adopt the amended 2023 MTS Conflict of Interest Code; and 3) Forward the amended 2023 MTS Conflict of Interest Code to the County of San Diego, the designated code-reviewing body, (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

6. Purchase of 24 Class C Propane Powered Medium Duty Minibuses - Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0744.0-22, with Creative Bus Sales (CBS), for the purchase of up to twenty-four (24) propane powered Class C Minibuses in the amount of \$5,028,360.24.

7. MTS Excess Liability Insurance Renewals

Action authorize the Chief Executive Officer (CEO) to purchase an Excess Liability Insurance Program, effective March 1, 2023, that results in a not to exceed amount of \$3,196,218 based on the expiring coverage structure of \$70M excess of a \$5M Self Insured Retention (SIR).

8. Investment Report – Quarter Ending December 31, 2022

9. Printing Timetables – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2686.0-23 with Neyenesch Printers, Inc., (Neyenesch), a certified Small Business (SB), for the provision of printing timetables for a period of three (3) years, in the amount of \$375,731.09.

10. Hazardous and Universal Waste Management and Trauma Scene Clean-Up Services for San Diego Trolley, Inc. (SDTI) & San Diego Transit Corporation (SDTC) – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2676.0-23 with Clean Harbors Environmental Services, Inc. (“Clean Harbors”) for the provision of Hazardous Waste and Trauma Scene Clean-Up Services for five (5) years for up to \$1,912,145.96.

11. C Street & Broadway Wye Sicas S7 And Wheel Counter Replacement - Work Order

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTS Doc. No. PWL355.0-22, WOA355-AE-11, with Psomas, in the amount of \$299,610.15 to provide engineering design review for the C Street and Broadway Wye – Sicas S7 and wheel counter replacement.

12. Security Services – Contract Amendment

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2359.5-20, with Inter-Con Security Services (Inter-Con), in the amount of \$5,273,494 for Inter-Con contracted employee wage increases for the provision of security services through December 31, 2026.

Committee Comment for Item 12

Board Member Montgomery Steppe thanked staff for the oversight of the item and thanked officers and supporting personnel for monitoring passenger safety on the system. She acknowledged the competitive living wage increases with retention and recruiting, which is why she supported the item. She asked if all contracted personnel positions were filled and if there were any projected vacancies. Al Stiehler, MTS Director of Transit Security and Passenger Safety, replied that positions are overfilled to anticipate abrupt resignations. She asked if the contractor has had an issue with the current process. Mr. Stiehler replied that the agency has maintained officers in the past six months; however, this is a constant struggle since the job market and current pay rates are competitive. Sharon Cooney, MTS Chief Executive Officer, replied that Inter-Con has been paying more than what they are contractually required to pay; however, they are not willing to continue doing so, since it is not a sustainable business model. Board Member Montgomery Steppe referenced the optional two years of the contract where MTS staff recommends future options to include in-house staff. Ms. Cooney added that would be brought to the Public Security Committee for discussion. She replied that this was a recommendation change from the peer review committee as a task for the committee to

consider. Board Member Montgomery Steppe applauded the employee shift evaluation surveys along with infrastructure requests adopted to improve safety and security for community through environmental design. She also hoped to see social workers that could assist officers with the unsheltered population.

Action on Recommended Consent Items

Board Member Montgomery Steppe moved to approve Consent Agenda Item Nos. 3 to 12. Board Member McCann seconded the motion, and the vote was 14 to 0 in favor with Chair Fletcher absent.

DISCUSSION ITEMS AND REPORT ITEMS:

13. San Diego Transit Corporation (SDTC) Pension Investment Status (Jeremy Miller, Representative with RVK Inc. and Larry Marinesi)

Jeremy Miller, Representative with RVK Inc. and Larry Marinesi, MTS Chief Financial Officer, presented on the SDTC pension investment status. Mr. Miller outlined: the background and status of SDTC pension plan, investment structure as of 6/30/2022, investment details as of 6/30/2022, FY 2022 performance, long term performance details, and investment structure summary.

Action Taken

Informational item only. No action taken.

14. San Diego Transit Corporation (SDTC) Employee Retirement Plan's Actuarial Valuation as Of July 1, 2022 (Anne Harper With Cheiron Inc. And Larry Marinesi)

Anne Harper with Cheiron Inc. and Larry Marinesi, MTS Chief Financial Officer, presented on SDTC employee retirement plan's actuarial valuation as of July 1, 2022. Ms. Harper presented on: pension plan management, pension plan contributions, plan cost changes, plan history contributions and funding, membership composition, projected total contributions, projected funded ratio and staff's recommendation.

Committee Comment

Board Member Gastil commended Ms. Harper's explanation of public pensions.

Board Member Moreno advocated to lower the agency's assumed rate of return. She noted returns under 5% over the past 10 years, all lower than the current assumed rate of return which is 6%. She encouraged the agency to further lower this percentage, especially in good years until it reached 4% to 5%. She was also troubled that MTS's defined benefit pension through CalPERS was only for management with no defined benefit pensions to its blue-collar employees of SDTC. She stated this was unfair and it is only a matter of time until MTS will need to restore pension benefits to SDTC workers. She asked staff to present an analysis of the cost benefit for this change to the Budget Development Committee (BDC). She asked staff for a timeline of this report. Ms. Cooney replied that a broad report could be brought to the upcoming BDC.

Action Taken

Board Member Moreno moved to receive the SDTC Employee Retirement Plan's (Plan) Actuarial Valuation as of July 1, 2022, and adopt the pension contribution amount of

\$18,946,198 for fiscal year 2024. Board Member Hall seconded the motion, and the vote was 14 to 0 in favor with Chair Fletcher absent.

15. City of San Diego Planned Closure of Fifth Avenue (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on City of San Diego Planned Closure of Fifth Avenue. He presented on: Gaslamp Promenade Project, Project at Buildout, Street Access, Challenge for Transit Operations with the Project, impact on rider's experience, alternatives, and staff's recommendation.

Public Comment

Jesse O'Sullivan – Representing Circulate San Diego made a written statement to the Board prior to the meeting. The written comment is provided in the [February 16, 2023 Final Meeting Packet](#).

Michel Trimble and Betsy Brennan – Stakeholders in the Gaslamp made a written statement to the Board prior to the meeting. The written comment is provided in the [February 16, 2023 Final Meeting Packet](#).

Todd Gloria – City of San Diego Mayor made a written statement to the Board prior to the meeting. The written comment is provided in the [February 16, 2023 Final Meeting Packet](#).

Josh Coyne – A representative of the San Diego Downtown Partnership made a verbal statement to the Board during the meeting. Coyne supported the implementation of the promenade and encouraged a collaborative solution that works for everyone.

Dion Akers – A representative for the Mayor's Office made a verbal statement to the Board during the meeting. Akers urged the Board to support the City's promenade project in the Gaslamp quarter and listed various community and governmental support to enhance the area.

Michael Trimble – A representative of the Gaslamp Quarter Association made a verbal statement to the Board during the meeting. Trimble asked the Board to support the closure of 5th Avenue and the City's Promenade Project.

Emran Javadov – A storefront owner in the Gaslamp area made a verbal statement to the Board during the meeting. Javadov advocated for the promenade project.

Stephen Bayley Sherman – Provided a verbal statement to the Board during the meeting. Sherman expressed support for the promenade project.

Anar – A resident of District 9 provided a verbal statement to the Board during the meeting. Anar expressed support for the promenade project.

Manny Rodriguez – Provided a verbal statement to the Board during the meeting. Rodriguez expressed support for the promenade project.

Jon Anderson – A resident of District 9 provided a verbal statement to the Board during the meeting. Anderson expressed support for the promenade project.

Lucy Burni – a Gaslamp property owner, provided a verbal statement to the Board during the meeting. Burni expressed support for the promenade project.

Jason – Provided a verbal statement to the Board during the meeting. Jason expressed support for the promenade project.

Aron Langelier – a Gaslamp property owner provided a verbal statement to the Board during the meeting. Langelier expressed support for the promenade project.

Katheryn Rhodes – Provided a verbal statement to the Board during the meeting. Rhodes provided potential alternatives for bus routes to accommodate this project.

Joe Santos – a Gaslamp property owner provided a verbal statement to the Board during the meeting. Santos expressed support for the promenade project.

Committee Comment

Ms. Cooney stated that she brought this item to the Board for discussion because the project will have some negative impacts for riders and the bus routes servicing this area. She noted MTS's support for the promenade, but highlighted the direct impacts to several bus routes. She clarified that MTS understands this decision is ultimately the City's choice.

Vice Chair Whitburn thanked staff for the presentation and also thanked public comment speakers. He noted resident and visitor excitement for the promenade along with the state and federal funding sources for the project. He acknowledged the issues for existing routes and noted the Board's and staff's commitment to making transit more convenient. He suggested that the Board ask the City of San Diego to create route adjustments to minimize operational impacts to MTS. He asked staff to confirm the City's willingness to assist MTS with physical modifications of the route. Mr. Desmond confirmed that the City was working towards re-routing modifications. Vice Chair Whitburn recommended a revised motion for MTS and the City of San Diego to collaborate to identify solutions to transit challenges resulting from the Gaslamp Promenade.

Board Member Donovan acknowledged that the topic was appropriate to be brought to the Board's attention. He acknowledged staff's original, advisory recommendation about the route service impacts. He assured City representatives that the Board wants to minimize negative affects and supported the revised motion. He noted that while it was the City of San Diego's right of way, it was proper for MTS to advise the Board on the impacts.

Board Member Goble acknowledged that the agency makes changes in service during special events and asked staff to explain operational impacts. Mr. Desmond explained that special events varied day by day and referenced a non-MTS sign that disclosed the temporary route changes. He highlighted the impact to Route 3. Board Member Goble asked if the route takes an extra two turns to accommodate event schedules. Mr. Desmond confirmed. Board Member Goble also asked how much paratransit service would be impacted by the promenade. Mr. Desmond explained that with the closure, the agency would not be able to serve residences on the closed portions of 5th Avenue. He noted that the agency is required to provide origin and destination service to the closest location the bus can physically access to fulfill paratransit obligations. Board Member Goble believed that cities should be able to do what they see fit within their jurisdiction. He believed that the promenade was a regional asset and that MTS should accommodate to the changes.

Board Member Montgomery Steppe asked that the Board be informed about the administrative history of these issues in advance. She acknowledged the points raised in the presentation as valid and acknowledged that this item was brought forth to advocate for disadvantaged

neighborhoods like the one she serves. She suggested various micro-mobility and technological solutions and supported the revised recommendation. She asked about the temporary permitting process with the understanding that this special event route would become permanent. She asked about the Title VI Equity Analysis. Mr. Desmond replied that this is a City permitting process and he was not able to answer that question. Board Member Montgomery Steppe asked to confirm that an analysis was not conducted, even during a temporary routing. Mr. Desmond replied that the agency would not be required to conduct an analysis unless it was a major service change under Policy 42, which this is not categorized as such. She asked staff to confirm that current changes would not trigger a Title VI Analysis. She asked if public input would be organized for this change. Ms. Cooney clarified that such initiative falls under the City of San Diego's discretion. Board Member Montgomery Steppe asked that in the future, MTS conduct an analysis to support claims of impacts to disadvantaged communities, or to at least mitigate impacts for permanent changes. She supported the revised motion and noted that the approach would need to be more balanced in the future.

Board Member Elo-Rivera was surprised to see the item on the agenda. He wished that the item would have been brought to the Executive Committee before it reached the Board level to have had the conversation earlier. He voiced that he did not wish to dismiss potential for impacts, but supported the promenade and hoped to have several more throughout the region. He stated it was necessary for existing infrastructure to be adaptable to the promenade. He stated that an analysis of impacted communities should be conducted when referencing low income communities.

Action Taken

Vice Chair Whitburn made a revised motion as follows: that the MTS Board of Directors requests the City of San Diego and MTS staff to collaborate and identify solutions to transit challenges resulting from the Gaslamp Promenade. Board Member Elo-Rivera seconded the motion, and the vote was 14 to 0 in favor with Chair Fletcher absent.

16. MTS Safety Performance Annual Review (Fabeann Soberg and Jared Garcia)

Fabeann Soberg, MTS System Safety Manager for Rail and Jared Garcia MTS Manager of Safety for Bus, presented on MTS Safety Performance Annual Review. They presented on: Public Transportation Agency Safety Plan (PTASP) update, bipartisan infrastructure law PTASP requirements, safety performance measures, statewide rail accidents CY 2022, system and vehicle familiarization outside agency personnel training & emergency drills, MTS video segment for electrical safety law enforcement series, bus performance targets, performance targets with fatalities CY 2022, preventability and type, fixed route preventable accidents as KPI and PIP goals, El Cajon Blvd bus only lane pilot, results, lane project mitigations, electronic mirror pilot begins April 2023, CHP annual terminal inspections, electric bus emergency responder training, bus employee training and recognition, employee safety committee changes and staff's recommendation.

Public Comment

Katheryn Rhodes – Made a verbal statement to the Board during the meeting. Rhodes spoke about active faulting and seismic safety on the tracks of the trolley. Rhodes recommended Caltrans advise the agency on seismic guidance.

Committee Comment

Vice Chair Whitburn asked about the trip time decrease and doubling of accident rate. He asked if those were regular statistics when bus only lanes were deployed or it was a site specific account. Mr. Garcia noted the pilot project allowed staff to analyze how the new infrastructure would perform. He noted most vehicles involved in an accident or near-accident experiences do not understand that they are allowed to occupy up to 200ft of a bus only lane. Due to these exceptions, he noted the technical change from a bus only lane to a bus priority lane.

Action Taken

Vice Chair Whitburn moved to approve updates to the Public Transportation Agency Safety Plan (PTASP). Board Member Montgomery Steppe seconded the motion, and the vote was 14 to 0 in favor with Chair Fletcher absent.

17. Operations Budget Status Report for December 2022 (Gordon Meyer)

Gordon Meyer, MTS Operating Budget Supervisor, presented the Operations Budget Status Report. He provided details on: comparison to budget December 30, 2022, total operating revenues, total operating expenses, and total operating activities.

Public Comment

Katheryn Rhodes – Made a verbal statement to the Board during the meeting. Rhodes claimed that the County had unclaimed American Rescue Plan Act funds and suggested that the County pay for youth opportunity pass funding.

Action Taken

No action taken. Informational item only.

OTHER ITEMS:

18. Chair Report

There was no Chair report.

19. Chief Executive Officer's Report

There was no Chief Executive Officer's Report.

20. Board Member Communications

There were no Board Member communications.

21. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

ADJOURNMENT

22. Next Meeting Date

The next regularly scheduled Board meeting is April 20, 2023 at 9am.

23. Adjournment

The meeting was adjourned at 11:08am.

/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