



**Metropolitan  
Transit  
System**

**REVISED**

**Board of Directors  
Agenda**

April 20, 2023 at 8:00 a.m.

**In-Person Participation:** James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

**Teleconference Participation:** (669) 444-9171; Webinar ID: 982 8803 2362, <https://zoom.us/j/98288032362>

NO.	ITEM SUBJECT AND DESCRIPTION	ACTION
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1.	<b>Roll Call</b>	
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2.	<b>Public Comments</b>	
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This item is limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

**SPECIAL ITEM**

3.	<b>Chairperson and Board Leadership Nomination</b>	Elect
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Action would 1) Consider the Executive Committee recommendation to nominate Board Member Dillard as Chairperson for the remainder of the current term until December 31, 2023; 2) Consider the Executive Committee recommendation to nominate Board Member Goble as Chairperson for the remainder of the current term until December 31, 2023; 3) Consider the Executive Committee recommendation to nominate Board Member Whitburn as Chairperson for the remainder of the current term until December 31, 2023; 4) Consider the Ad Hoc Nominating recommendation to nominate Board Member Whitburn as Chairperson for the remainder of the current term until December 31, 2023; and 5) Elect other vacant Board Leadership positions, as necessary.

**CONSENT ITEMS**

4.	<b>Approval of Minutes</b>	Approve
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Action would approve the March 16, 2023 Board of Director meeting minutes and the April 6, 2023 Special Board of Director meeting minutes.



- 5. Fiscal Year (FY) 2022-2023 Low Carbon Transit Operations Program (LCTOP) Funding** Approve

Action would: 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 \$8,100,849 in Fiscal Year (FY) 2022-2023 LCTOP funding for the procurement of Battery Electric Buses (BEBs), 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.
  
- 6. San Diego Transit Enforcement (SDTE) Patio Upgrade – Work Order Agreement** Approve

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-27 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21 (in substantially the same format as Attachment A) with ABC General Contracting, Inc. (ABCGC), in the amount of \$149,913.51, for rehabilitating the patio area that is in use by SDTE officers adjacent to Building C.
  
- 7. Design Services for South Bay Maintenance Facility (SBMF) Electric Bus Charging Project – Work Order Agreement** Approve

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA353-AE-18 (in substantially the same format as Attachment A) under MTS Doc No. PWL353.0-22 with Dokken Engineering (Dokken) in the amount of \$16192.32, for the design of charging platforms, separate add alternate bid package, and additional design support during construction (DSDC) services.
  
- 8. Special Trackwork Replacement – Work Order Agreement** Approve

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA352-AE-12 under MTS Doc. No. PWL352.0-22 (in substantially the same format as Attachment A) with HDR Inc. (HDR), in the amount of \$413,230.03 for design services for special trackwork replacement at the Yard A track and Newton crossover.
  
- 9. Right-of-Entry Engineering Services – Work Order Agreement** Approve

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA355-AE-10 under MTS Doc. No. PWL355.0-22 (in substantially the same format as Attachment A) with Psomas in the amount of \$475,914.28 to perform right-of-entry (ROE) engineering review services for a period of one (1) year to support the MTS Land Management Department.

- 10. Declaration of Surplus Property and Authorization of Transfer** Approve
- Action would declare the property located at the eastern corner of Camino de la Plaza and Interstate 5 in San Ysidro, San Diego, California (Assessor’s Parcel Number 667-020-76-00) (Property) as “exempt surplus land” for purposes of Government code sections 54221, et seq, and approve the transfer of land to the United States Federal Government (USA).

DISCUSSION AND REPORT ITEMS

- 11. Fiscal Year (FY) 2024 Operating Budget Discussion (Mike Thompson)** Informational
- 12. Fiscal Year (FY) 2024 Capital Improvement Program (CIP) (Mike Thompson)** Approve
- Action would: 1) Approve the FY 2024 CIP with the estimated federal and nonfederal funding levels (Attachments A and B). As the federal appropriation figures are finalized and/or other project funding sources become available, allow the Chief Executive Officer (CEO) to identify and adjust projects for the adjusted funding levels; 2) Recommend that the San Diego Association of Governments (SANDAG) Board of Directors approve the submittal of Federal Section 5307, 5337, and 5339 applications for the MTS FY 2024 CIP (shown in Attachment A); and 3) Recommend that the SANDAG Board of Directors approve amendment number 3 of the 2023 Regional Transportation Improvement Program (RTIP) in accordance with the FY 2024 CIP recommendations.
- 13. Imperial Avenue Terminal (IMT) Transit Center Expansion and Joint Development Project – Exclusive Negotiation Agreement** Approve
- Action would authorize the Chief Executive Officer to enter into an Exclusive Negotiating Agreement with the San Diego Foundation for a potential joint development project at 1313 National Avenue and 1344 National Avenue.

OTHER ITEMS

- 14. Chair’s Report** Informational
- 15. Chief Executive Officer’s Report** Informational
- 16. Board Member Communications** Informational
- 17. Additional Public Comments Not on The Agenda**
- If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.

## CLOSED SESSION

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| <b>18.</b> | <b>Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)</b><br><i>Grecia Figueroa v Nathan Fletcher, San Diego Metropolitan Transit System, et al.</i> San Diego Superior Court Case No. 37-2023-00012828-CU-OE-CTL | Possible Action |
| <b>19.</b> | <b>Closed Session – Conference with Legal Counsel – Anticipated Litigation</b><br>Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Claimant: Veda Short; bus incident 3-19-2023)  | Possible Action |
| <b>20.</b> | <b>Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)</b><br>Adan Soto vs Metropolitan Transit System, et al.<br>San Diego Superior Court Case No. 37-2021-00027416-CU-PA-CTL                                     | Possible Action |

## ADJOURNMENT

- 21. Next Meeting Date**  
The next Board of Director’s meeting is scheduled for May 18, 2023 at 9:00am.
- 22. Adjournment**