

MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

June 8, 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

Chair Whitburn called the Executive Committee meeting to order at 11:55 a.m. A roll call sheet listing Executive Committee member attendance is attached.

2. Public Comment

Jason Brown – An East County Bus Driver made a verbal statement to the Board during the meeting. Brown expressed pride in being a driver along with schedule, wage and amenity hardship.

Rebecca Satrom – A Union Representative for ATU 1309 made a verbal statement to the Board during the meeting. Satrom explained the similar difficulties drivers in East County endure, similar to the South Bay. Satrom explained health insurance as the biggest issue drivers in this division face. Satrom advocated for across the board driver similar pay and the termination of the contract.

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra expressed frustration with MTS on the strike

3. Approval of Minutes

Board Member Hall moved to approve the minutes of the May 11, 2023, MTS Executive Committee meeting. Chair Whitburn seconded the motion, and the vote was 5 to 0 in favor with Board Member Vargas, and Board Member Moreno absent.

DISCUSSION ITEMS

4. Revisions to MTS Board Policy No. 21, "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise" (Mark Olson)

Mark Olson, MTS Director of Marketing and Communication, presented on revisions to MTS Board Policy No. 21, "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise". He provided details on: Background, recommended revisions, purpose, opportunities, responsible advertising, peer review case studies, promotional event ideas and the recommended action.

Public Comment

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra cautioned the Board about promoting alcohol advertising as alcohol consumption encouragement.

Leif Gensert – Provided a verbal statement to the Board during the meeting. Gensert supported a responsible drinking advertisement stipulation.

Patrick Grove – A resident of El Cajon made a verbal statement to the Board during the meeting. Grove expressed caution about the change in policy without critical parameters.

Committee Comment

Board Member Elo-Rivera acknowledged the revenue potential. He did not believe that responsibility for advertisement placement should be outsourced, but rather be included as part of MTS policy. He suggested that alcohol advertisements should not be placed on shelters or digital shelters within 500 feet from, or intended to be read from the following: schools, public parks/playgrounds, church-recognized, established, or stand-alone places of worship, daycare/preschool, hospitals and cemetery/funeral homes.

Vice Chair Goble asked if cities have the ability to prohibit alcohol advertisements in their jurisdiction. Mr. Olson replied that current agreements with cities through Memorandums of Understanding (MOUs) could coordinate those exceptions through contractual amendments. Karen Landers, MTS General Counsel, clarified that the agency would be able to make such negotiations on shelter advertisements; however, due to practical reasons, the agency would not be able to limit bus advertisements.

Board Member Elo-Rivera clarified that his proposed recommendation language would only apply to bus shelters.

Vice Chair Goble expressed more concern for bus advertisements traveling through low income communities, where alcohol advertisement may not be welcomed. He urged the Board to not solely focus on events that host craft beer or alcohol, but rather, promote several other community events.

Board Member Bush was also concerned about public comment apprehensions and alcohol advertisement to low income communities. He suggested only including the promotion of safe drinking messages and believed that using transit as an alternative mode of transportation to driving was a beneficial public message. Board Member Bush also asked if there was an active prohibition against cannabis advertisement. Mr. Olson confirmed there was. Board Member Bush encouraged the Board to consider cannabis advertisement. Sharon Cooney, MTS Chief Executive Officer, added that the agency does not participate in cannabis advertisements, because agency assets are purchased with federal money. Currently, cannabis continues to be an illegal federal substance. Ms. Landers replied that across the industry, there are consistent advertisements banning on cannabis, firearms and tobacco. Ms. Landers requested that the alcohol advertisements discussion and action be separate from the cannabis discussion for now. Board Member Bush agreed with Ms. Landers.

Board Member Hall asked if the agency had spoken to Karl Strauss about the policy change. Mr. Olson replied that the local brewery had expressed interest in the change. He also agreed that the amendment to include alcohol advertisement should be separate from a potential cannabis advertisement discussion.

Vice Chair Goble was concerned that alcohol companies could monopolize bus advertisement slots. He asked that alcohol advertisement percentages be limited.

Action Taken

Board Member Elo-Rivera moved to 1) Approve the proposed revisions to MTS Board Policy No. 21, "MTS Revenue-Generating Display Advertising, Concessions, and Merchandise" (Attachment A) to remove the alcohol advertising prohibition on transit vehicles, trolley stations, and transit centers; and 2) Direct staff to work with City of San Diego on amendments to applicable policies to allow alcohol advertising on bus shelters and benches within the City of San Diego. 3) Include language that reads: alcohol advertisements shall not be placed on

shelters or digital shelters within 500 feet from, or intended to be read from the following: schools, public parks/playgrounds, church-recognized, established, or stand-alone places of worship, daycare/preschool, hospitals and cemetery/funeral homes. Board Member Bush seconded the motion, and the vote was 5 to 0 in favor with Board Member Vargas, and Board Member Moreno absent.

5. Master Concessionaire Services – Contract Award (Mark Olson)

Mark Olson, MTS Director of Marketing and Communication, presented on Master Concessionaire services contract award. He outlined: background, master concessionaire success, scope of work, solicitation process, contract term, revenue contract terms, total revenue projections, continuity of contract duties, presence in South Bay/San Ysidro, on property beverage sales, advertising investing in current locations, advertising investing in new opportunities, and recommended action.

Public Comment

The Original Dra – Provided a verbal statement to the Board during the meeting. The Original Dra expressed concern with advertisement oversight and advocated for restroom implementation and advertisement as another form of revenue.

Committee Comment

Ms. Cooney asked members of the Committee if this item could be placed on the consent calendar for the June 15, 2023 Board of Directors meeting. The Committee agreed.

Action Taken

Board Member Hall moved to forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to: 1) Execute MTS No. G2653.0-23 (in substantially the same format as Attachment A), with BriceHouse Station LLC (BriceHouse), for Master Concessionaire Services for a six (6) year base period and two (2) 3-year options for a total of twelve (12) years; and 2) Exercise the option years at the CEO's discretion. 3) Chair Whitburn seconded the motion, and the vote was 4 to 0 in favor with Board Member Vargas, Board Member Moreno and Board Member Bush absent.

6. Gaslamp Quarter Trolley Station Digital Information Board Update (Mark Olson)

Mark Olson, MTS Director of Marketing and Communication, presented on Gaslamp Quarter Trolley Station Digital Information Board update. He provided details on: digital information Board approval, license agreement key terms, revenue share key terms, digital information specification, renderings and conceptual design, point of contact design architect, stakeholder outreach and digital information board benefits/uses.

Public Comment

The Original Dra – Provided a verbal statement to the Board during the meeting about a no-cost agreement to provide and maintain restrooms.

Action Taken

Informational item only. No action taken.

OTHER ITEMS

7. **Review of Draft June 15, 2023 Board Agenda**

Recommended Consent Items

3. **Approval of Minutes**

Action would approve the May 18, 2023 Board of Director meeting minutes.

4. **Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments**

5. **Operations Budget Status Report for April 2023**

6. **Rio Vista/Morena Wall Buttress Project Design – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA353-AE-09 under MTS Doc. No. PWL353.0-22 with Dokken Engineering (Dokken), in the amount of \$570,845.89 for design services for the Rio Vista/Morena Wall Buttress.

7. **America Plaza Pedestrian Enhancements Project – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA354-AE-23 to MTS Doc. No. PWL354.0-22 with Mott MacDonald, LLC (Mott) in the amount of \$555,542.74 for final design services, bid support, and Design Support During Construction (DSDC) for the America Plaza Pedestrian Enhancements Project.

8. **Regional Transit Management System (RTMS) Hardware/Software Support Agreement – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0754.0-23, with Conduent Transport Solutions, Inc., (Conduent), for the provision of RTMS software and vehicle hardware support services for a five-year base period, and two (2) one-year options, in the amount of \$6,393,823.

9. **Janitorial Services – Contract Amendment**

Action would 1) Ratify Amendment 1 to MTS Doc. No. G2613.0-22 with NMS Management Inc. (NMS), a Disadvantaged Business Enterprise (DBE), in the amount of \$84,761.88; 2) Ratify Amendment 2 to MTS Doc. No. G2613.0-22 with NMS, in the amount of \$63,238.90; and 3) Authorize the Chief Executive Officer (CEO) to execute Amendment 3 to MTS Doc. No. G2613.0-22 with NMS, in the amount of \$2,636,508.60, for a total of \$2,784,509.38.

10. **Imperial Avenue Division (IAD) and Kearny Mesa Division (KMD) Restroom Rehabilitation – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-28 under Job Order Contract (JOC) MTS Doc. No. PWG324.0-21 with ABC General Contracting, Inc. (ABCGC), in the amount of \$331,654.98, for rehabilitation of restrooms located at both the IAD and KMD.

11. **Trolley Track Improvements – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute the Base, Add Alternate 1 and Add Alternate 2 to MTS Doc. No. PWL366.0-23, with Balfour Beatty Infrastructure Inc. for Trolley Track Improvements in the amount of \$8,884,454.00; 2) Authorize the CEO to execute amendments or change orders up to a 20% contingency for this construction contract, bringing total expenditure authority to \$10,661,344.80.

- 12. Copley Park Division (CPD) Planning and Utilities Study - Work Order Agreement**
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA355-AE-16 under MTS Doc. No. PWL355.0-22 with Psomas in the amount of \$204,221.31 to perform a site planning study and a utilities study at the CPD.
- 13. Fiscal Year 2024 Transportation Development Act Claim**
Action would adopt Resolution Nos. 23-06, 23-07, and 23-08 approving Fiscal Year (FY) 2024 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.
- 14. Armored Transport and Cash Handling Services – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. G2711.0-23, with Sectran Security, Inc. (Sectran), for Armored Transport and Cash Handling Services for a five (5) base year period in the amount of \$693,288, and three (3) 1-year options; and 2) Exercise the option years at the CEO's discretion.
- 15. 2023 Transit and Intercity Rail Capital Program (TIRCP): Zero Emission Transit Enhancement 2.0 Project – Grant Award**
Action would adopt Resolution No. 23-05 authorizing the following: 1) Acceptance of the 2023 TIRCP Grant Award for the Zero Emission Transit Enhancement 2.0 Project, which includes the Orange Line Track Improvement Project and the Electrification of the Kearny Mesa Division (KMD) Project; 2) Determination that both projects are exempt from environmental review under the California Environmental Quality Act ("CEQA"); and 3) Approval of the Orange Line Track Improvement Project and the Electrification of the KMD Project.
- 16. Microsoft Volume Licensing Agreement (VLA) – Contract Award**
Action authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2740.0-23 with Softchoice Corporation (Softchoice), in the amount of \$1,190,453.58 for the provision of Microsoft software subscription licensing, estimated Azure overages and as-needed licensing for three (3) years.
- 17. Salary Survey Services – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2730.0-23, with The Segal Company (Western States), Inc. (Segal), for Salary Survey Services for a six (6) base year period in the amount of \$518,028.45.

Committee Comments

Ms. Cooney asked if the amendment to the fixed-route bus services agenda item could be placed on the consent calendar for the June 15, 2023 Board of Directors meeting. The Committee agreed to put the item on consent.

Ms. Landers noted that the San Diego Foundation Collaboration Agreement agenda item would be a new addition to the consent calendar. She also noted three anticipated Closed Session Items on the agenda.

Ms. Cooney added that the Master Concessionaire Services contract award would also be placed on the consent calendar for the June 15, 2023 Board of Directors meeting.

8. Other Staff Communications and Business

Ms. Cooney announced that the agency would be acknowledging Juan Hidalgo for his 50 years of service at the upcoming Board Meeting.

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 July 13, 2023, at 9:00 a.m.

11. Adjournment

The meeting was adjourned at 1:00 p.m.

/S/ Stephen Whitburn
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): June 8, 2023 CALL TO ORDER (TIME): 11:55 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: _____ RECONVENE: _____
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 1: 00.m.

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Chair	Whitburn <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	11:55 a.m.	1:00 p.m.
City of San Diego	Elo-Rivera <input checked="" type="checkbox"/>	Montgomery Steppe <input type="checkbox"/>	11:55 a.m.	12:50 p.m.
County of San Diego	Vacant <input type="checkbox"/>	Vargas <input type="checkbox"/>	ABSENT	ABSENT
East County	Hall <input checked="" type="checkbox"/>	Frank <input type="checkbox"/>	11:55 a.m.	1:00 p.m.
SANDAG Transportation Committee	Moreno <input checked="" type="checkbox"/>	Bush <input type="checkbox"/>	ABSENT	ABSENT
South Bay	Bush <input type="checkbox"/>	Leyba- Gonzalez <input type="checkbox"/>	11:55 a.m.	12:36 p.m.
Vice Chair	Goble <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	11:55 a.m.	1:00 p.m.

SIGNED BY THE CLERK OF THE BOARD: /S/ Dalia Gonzalez