

MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

December 7, 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 9:01 a.m. A roll call sheet listing Executive Committee member attendance is attached.

2. Public Comment

Alex Wong – Provided a verbal statement to the Board during the meeting. Alex expressed support for the people mover airport connection concept and emphasized frequency as a priority.

3. Approval of Minutes

Board Member Hall moved to approve the minutes of the November 2, 2023, MTS Joint Meeting of the Executive and Budget Development Committee meeting. Vice Chair Goble seconded the motion, and the vote was 4 to 0 in favor with Board Member Elo-Rivera, Board Member Montgomery Steppe and Board Member Bush absent.

DISCUSSION ITEMS

4. 2024 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 the proposed 2024 Legislative Program. They outlined: legislative priorities, 2023 recap, 2024 proposals, state and federal legislative updates and staff recommendation.

Committee Comment

Board Member Elo-Rivera asked that there be language related to public restrooms. He asked that language be broadened to include direct funding for the operation of public restrooms and supporting cost recovery measures for public bathroom access. He did not think that the entire responsibility for providing public restroom access should fall on MTS and stated that the more municipalities are able to provide access, the more likely it is that a robust network is able to serve riders. Ms. Tuer stated that the language change would be added to the final recommendation presented to the Board. Sharon Cooney, MTS Chief Executive Officer, asked if similar language was included in the City's Legislative Program. Board Member Elo-Rivera confirmed it was.

Chair Whitburn asked Mr. Watts to clarify an earlier comment about SB 125 funding being vulnerable to reallocation by the state to address the deficit. Mr. Watts acknowledged a cautionary note that since Transit and Intercity Rail Capital Program (TRICP) was under a general fund and not protected like State Transit Assistance (STA) and Transportation Development Act (TDA) funds, there could be a chance that general fund allocations are re-directed or re-prioritized. He did not anticipate claimed funds to be reallocated, however unclaimed funds could be at risk.

Board Member Moreno asked Mr. Watts to clarify Senator Weiner's action noted in the presentation. Mr. Watts clarified that he conducted his select committee on Bay Area transit. He intended to assemble a Bay Area funding program, which would generate new tax revenues for transit purposes. Mr. Watts believed that if that initiative became a bill, it would not benefit other areas in the state, since the action would be specific to that region. Board Member Moreno noted her limited knowledge about the committee and stated she would ask additional questions to staff offline. Ms. Cooney added that Bay Area transit operators are in more dire straits compared to San Diego, and the intent of the proposal is to assist that region. Board Member Moreno stated that MTS should not be punished for managing the system correctly. Mr. Watts added that the select committee is a special type of committee that is designed to frame future potential legislation or regulatory changes and cannot adopt anything other than recommendations.

Action Taken

Board Member Hall moved to forward a recommendation to the Board of Directors to approve the 2024 Legislative Program with the inclusion of an amendment to item 20 in the Program to state: "Seek direct funding for the operation of public restrooms and support cost-recovery measures for public restroom access." Board Member Elo-Rivera seconded the motion, and the vote was 6 to 0 in favor, with Board Member Montgomery Steppe absent.

5. Senate Bill (SB) 125 Allocation Package (Denis Desmond)

Denis Desmond, MTS Director of Planning, presented on the proposed SB 125 Allocation Package. He outlined: state budget, legislative intent, social equity details, Zero Emission Transit Capital Program (ZETCP) proposed projects, Transit and Intercity Rail Capital Program (TIRCP) proposed projects, and staff's recommendation.

Public Comment

San Diego Transportation Equity Working Group (SDTEWG) – Representing CASA Familiar, Center on Policy Initiatives, City Heights CDC, Environmental Health Coalition, Mid-City CAN and San Diego 350 made a written statement to the Board prior to the meeting.

Carolina Martinez – Representing Environmental Health Coalition made a verbal statement to the Board during the meeting. Carolina requested that proposed frequency improvements and 24-hour bus service be implemented by FY25. Carolina noted the driver hiring and retention challenges and asked that the Board address hiring obstacles in preparation for the incorporation of additional services.

Committee Comment

Board Member Moreno noted that based on the previous presentation, transit funding may be in jeopardy. She highlighted the transparency requirements, noted MTS's equity efforts and thanked staff. Board Member Moreno noted that the sample package was not available during the SDTEWG meeting and stated that the attachment was not available the night before. She asked staff if the package was available to SDTEWG for the meeting. Mr. Desmond replied that the November sample package was available for the group's reference and that a detailed review of bus routes was not a talking point in the meeting. Based on community feedback, Board Member Moreno asked for the implementation of the overnight buses from Downtown to the Border to be accelerated to FY25. Mr. Desmond replied that the funding would be available, and that the agency does have flexibility to re-prioritize projects, although there are driver resource issue limitations. Board Member Moreno asked staff about their strategy to address

the ongoing driver shortage. Ms. Cooney noted aggressive recruiting strategies and additional recruiter positions slated for Board approval for additional HR staff. Ms. Cooney clarified that the shortage is a concern, but not as alarming as it once was. She also added that the overnight downtown service is new and will still need to go through the Federal process of public vetting and input period. Board Member Moreno asked about the timeline for the process, and staff replied that an aggressive timeline would take approximately six months. Board Member Moreno asked that an agenda item to explain the driver shortage be presented to the Board and that that public outreach and transparency at MTS will need to improve.

Chair Whitburn confirmed that an update on the driver shortage can be placed on the agenda at a future meeting for discussion.

Board Member Bush asked if the driver shortage discussion was intended to be part of the motion. Board Member Moreno stated that it was not necessary. He asked if the border to downtown bus line would effectively make the line 24-hour service. Mr. Desmond added that currently there is 24-hour service to the Border however, it is local service and the proposed service would mirror the trolley route. Board Member Bush asked that the bus line be advanced as much as possible and reiterated the importance of addressing the driver shortage.

Chair Whitburn thanked MTS staff for bringing the opportunity forward and Ms. Cooney for creating such an opportunity.

Board Member Elo-Rivera asked staff to clarify if Board Member Montgomery Steppe should be counted as absent. Ms. Cooney stated that Board Member Montgomery Steppe was appointed to the MTS Board of Directors concurrently with her appointment to the Board of Supervisors. Board Member Bush asked if she was part of the Executive Committee, and Ms. Cooney confirmed that under Policy 22, the County position has membership on the Executive Committee.

Action Taken

Board Member Moreno moved to forward a recommendation to the Board of Directors to approve the SB 125 Allocation Package. Board Member Bush seconded the motion, and the vote was 6 to 0 in favor with Board Member Montgomery Steppe absent.

OTHER ITEMS (TAKEN OUT OF ORDER):

8. Review of Draft December 14, 2023 Board Agenda

Recommended Consent Items

3. Approval of Minutes

Action would approve the November 9, 2023 Board of Directors meeting minutes.

4. San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors Meeting on October 17, 2023 – Report Update

Action would receive the reports to the SD&AE Board of Directors at its meeting on October 17, 2023 for the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line activities for information.

- 5. PRONTO Extend Pilot Program – Pilot Extension**
Action would approve a six-month extension of the PRONTO Extend Pilot Program, extending the pilot until June 30, 2024.
- 6. Approve the Fiscal Year (FY) 2023-24 State Transit Assistance (STA) Claim and STA Interest Claim**
Action would adopt Resolution No. 23-12 approving the FY 2023-24 STA claim.
- 7. Clean California Local Grant Program (Cycle 2) Beyer Blvd Pathway Beautification –Grant Project Funding Determination Project is Exempt from Environmental Review under the California Environmental Quality Act and approval of Project**
Action would approve Resolution No. 23-13 in order to: 1) Authorize the use of FY 2023-24 Clean California grant funding in the amount of, \$1,604,000 for the Beyer Blvd Pathway Beautification Project; and 2) Authorize \$535,000 in local match funding for the Beyer Blvd Pathway Beautification Project and 3) Determine that Project is exempt from environmental review under the California Environmental Quality Act; and 4) Approve the Project.
- 8. Clean California Local Grant Program (District Transit Partnership Program) South Bay Transit Beautification – Grant Project Funding**
Action would approve Resolution No. 23-14 in order to authorize the use of FY 2023-24 Clean California grant funding in the amount of \$1,001,000 for the South Bay Transit Beautification Project.
- 9. SD100 Light Rail Vehicle (LRV) Replacement Project – Funds Transfer**
Action would 1) Approve the transfer of Federal Transit Administration (FTA) Section 5337 funding in the amount of \$2,640,000 from the Downtown Parallel Cable Project to the SD100 LRV Replacement Project; and 2) Approve the transfer of FTA Section 5337 funding in the amount of \$851,766 from the A-Yard Catenary Replacement Project to the SD100 LRV Replacement Project to continue the 47 Siemens SD10 LRV vehicle replacement.
- 10. Amendments to County and MTS Sublease (Mills Building)**
Action would authorize the Chief Executive Officer (CEO) to execute an Amendment to Sublease between MTS and the County of San Diego (County) related to the Mills Building located at 1255 Imperial Avenue in San Diego.
- 11. Addition of Six (6) Full Time Equivalent Positions: Capital Projects, Procurement and Human Resources Departments – Additional Staffing**
Action would authorize the Chief Executive Officer (CEO) to add two (2) Project Managers, two (2) Procurement Specialists and two (2) Talent Acquisition Specialists to the position tables previously approved in the Fiscal Year 2024 budget.
- 12. Addition of One (1) Full Time Equivalent Position: Information Technology (IT) Department – Additional Staffing**
Action would authorize the Chief Executive Officer (CEO) to add one (1) ETL Developer to the position tables for the IT Department previously approved in the Fiscal Year 2024 budget.

13. Addition of Four (4) Full Time Equivalent Positions and Conversion of Five (5) Part Time Positions to Full Time Status: San Diego Trolley Inc. (MTS Rail Division) – Additional Staffing

Action would approve the creation of Four (4) Roadway Worker Supervisor positions and Conversion of Five (5) Part-Time Train Operator positions to Full-Time in the Rail Division position tables previously approved in the Fiscal Year 2024 budget.

14. Wheel Truing Machine – Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS PWL369.0-23, with NSH USA Corporation (NSH) for the purchase and installation of a Hegenscheidt U2000-150 Under-Floor Wheel-Truing Machine in the amount of \$2,152,578.00.

15. SD8 Power Axles Overhaul - Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. L1647.0-23 with Siemens Mobility, Inc. at \$15,477,856.50 (including sales tax), to overhaul two-hundred and sixty-nine (269) power axles on the entire fleet of SD8 vehicles, over the next seven (7) years; and 2) Approve a 20% Contingency of up to \$3,095,571.30 for any out of scope repair needs that are discovered during the overhaul process.

16. MTS Collateral Distribution Services – Contract Award

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. G2840.0-24, with Certified Folder Display Service, Inc. (Certified Folder), for Collateral Distribution Services for a four (4) year base period with two (2) 1-year options for a total cost of \$182,360.16; and 2) Exercise the option years at the CEO's discretion.

17. Non-Revenue Vehicles - Body Shop Repairs – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc No. G2758.0-23, with Carlos Guzman, Inc. (Guzman), a Disadvantage Business Enterprise (DBE), for the provision of non-revenue vehicles body shop repairs services for five (5) years, for a total of \$623,765.24.

18. A-Yard Asphalt Resurfacing and Repairs – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC347-27 under Job Order Contract (JOC) to MTS Doc. No. PWG347.0-22, with ABC General Contractor, Inc. (ABCGC), in the amount of \$578,092.38 for the resurfacing and repair of the asphalt at the San Diego Trolley Inc. (SDTI) Facilities Maintenance A-Yard (A-Yard).

19. Blue Line Right of Way Retaining Wall – Work Order Amendment

Action would authorize the Chief Executive Officer (CEO) to execute Change Order (CCO) 2 to Work Order No. MTSJOC348-01.02 under Job Order Contract (JOC) MTS Doc. No. PWG348.0-22 with Veterans Engineering Inc. (Veterans) in the amount of \$865,530.74 for the additional sheet pile depth and thickness required for the installation of 550 linear feet of a new sheet pile retaining wall near Switch 85 along the Blue Line Right of way.

- 20. Closed Circuit Television (CCTV) Maintenance Services – Contract Amendment**
Action would 1) Ratify Amendment 2 to MTS Doc. No. PWG335.0-21 with Electro Specialty Systems (ESS), a Small Business (SB), in the amount of \$125,000.00; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment 3 to MTS Doc. No. PWG335.0-21 with ESS, in the amount of \$1,526,933.47, for a total of \$1,651,933.47.
- 21. Mt. Soledad Radio Lease – Contract Amendment**
- 22. Janitorial Services Supplies – Contract Award**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. G2835.0-24 with Interboro Packaging Corporation (Interboro) to furnish janitorial supplies for five (5) years in the amount of \$17,305.15; 2) Execute MTS Doc. No. G2836.0-24 with Pacific Star Corporation (Pacific Star) to furnish janitorial supplies for five (5) years in the amount of \$61,020.06; 3) Execute MTS Doc. No. G2837.0-24 with Supply Solutions to furnish janitorial supplies for five (5) years in the amount of \$570,710.89; 4) Execute MTS Doc. No. G2838.0-24 with Waxie Sanitary Supply (Waxie) to furnish janitorial supplies for five (5) years in the amount of \$1,873,707.02; for a grand total of \$2,718,255.71.
- 23. Disadvantaged Business Enterprise (DBE) Awards and Payments – Semiannual Uniform Report**

STAFF COMMENTS

Ms. Cooney added that the Project Labor Agreement (PLA) contract would be part of the December Board Meeting. She asked if the PLA and legislative program items could be placed under consent. Karen Landers, MTS General Counsel, noted that there was clarifying language incorporated in the PLA contract, based on the Executive Committee's feedback in September. Ms. Cooney gave the committee a synopsis of the draft consent calendar and Ms. Landers noted the additional consent items that included the STA claim, opening of an investment account, and additional fixed-route and paratransit bus services salary adjustments.

9. Other Staff Communications and Business

There was no Other Staff Communications and Business discussion.

10. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

11. Next Meeting Date

The next Executive Committee meeting is scheduled for January 11, 2024, at 9:00 a.m.

CLOSED SESSION (TAKEN OUT OF ORDER):

The Committee convened to Closed Session at 10:59 a.m.

6. Conference with Legal Counsel—Anticipated Litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and (e)(5): (1 Potential Case)

7. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to California Government Code Section 54956.9(d)(1)

Grecia Figueroa v Nathan Fletcher, San Diego Metropolitan Transit System, et al.
San Diego Superior Court Case No. 37-2023-00012828-CU-OE-CTL

The Committee reconvened to Open Session at 11:53 a.m.

Karen Landers, General Counsel, reported the following oral report of final actions taken in Closed Session:

6. The Executive Committee received a report from legal counsel.

7. The Executive Committee received a report from legal counsel.

12. Adjournment

The meeting was adjourned at 11:56 a.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

ROLL CALL

MEETING OF (DATE):	<u>December 7, 2023</u>	CALL TO ORDER (TIME):	<u>9:01 a.m.</u>
RECESS:	<u> </u>	RECONVENE:	<u> </u>
CLOSED SESSION:	<u>10:59 a.m.</u>	RECONVENE:	<u>11:53 a.m.</u>
PUBLIC HEARING:	<u> </u>	RECONVENE:	<u> </u>
ORDINANCES ADOPTED:	<u> </u>	ADJOURN:	<u>11:56 a.m.</u>

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Chair	Whitburn <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:01 a.m.	11:54 a.m.
City of San Diego	Elo-Rivera <input checked="" type="checkbox"/>	Vacant <input type="checkbox"/>	9:06 a.m.	11:54 a.m.
County of San Diego	Montgomery Steppe <input type="checkbox"/>	Vargas <input type="checkbox"/>	ABSENT	ABSENT
East County	Hall <input checked="" type="checkbox"/>	Frank <input type="checkbox"/>	9:01 a.m.	11:54 a.m.
SANDAG Transportation Committee	Moreno <input checked="" type="checkbox"/>	Bush <input type="checkbox"/>	9:01 a.m.	11:54 a.m.
South Bay	Bush <input checked="" type="checkbox"/>	Leyba- Gonzalez <input type="checkbox"/>	9:06 a.m.	11:54 a.m.
Vice Chair	Goble <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:01 a.m.	11:54 a.m.

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