

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

December 14, 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 Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

2. Public Comment

Chair Whitburn announced that, due to the number of items on the agenda and limited time available, public comment would be reduced to one minute for all public commenting periods.

Henry Agnew – Provided a written and verbal statement to the Board both during and prior to the meeting. The written comment is provided in the December 14, 2023 Final Meeting Packet. Henry asked that SANDAG and MTS prioritize the Trolley to the airport connection and referenced a potential route idea.

Louis Pruitt – Provided a verbal statement to the Board during the meeting. Louis asked the Board to incorporate a 901 Express with Monday through Friday service, from 7:00 a.m. to 5:00 p.m.

Valerie Hightower – Provided a verbal statement to the Board during the meeting. Valerie believed that drivers were disrespectful, asked for additional security and restrooms.

Alex Wong – Provided a verbal statement to the Board during the meeting. Alex supported the Automated People Mover to the airport due to frequency benefits.

Truth – Provided a verbal statement to the Board during the meeting. Truth stated an anecdotal account of security concerns.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with the one-minute public comment time allocation, lack of bathrooms and security.

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. Regional Transit Management System (RTMS) Mt. Soledad Radio Tower – Site Lease Amendment**
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0513.7-09, with the Department of the Navy, in the amount of \$537,793.13, to exercise the final 5-year option of the Mt. Soledad Signal Station radio tower lease.
- 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**
- 24. Fixed-Route and Paratransit Bus Services – Transdev Contract Amendments**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute Amendment No. 5 to MTS Doc, No. B0708.0-20 with Transdev Services, Inc., (Transdev) for fixed-route bus services to authorize \$439,946 to be allocated to additional wages and benefits provided to the East County division bus operators and South Bay division road supervisors and dispatchers represented by ATU 1309; and 2) Execute Amendment No. 11 to MTS Doc. B0703.0-19 with Transdev (as successor-in-interest to First Transit, Inc.) for fixed-route minibuss and ADA paratransit bus services, to authorize \$750,000 to be allocated to additional wages and benefits provided to the Copley Park division bus and paratransit operators represented by Teamsters Local 542.
- 25. Approve the Fiscal Year (FY) 2022-23 State Transit Assistance (STA) Claim Amendment**
Action would adopt Resolution No. 23-13 approving the FY 2022-23 STA claim amendment.
- 26. Open County of San Diego Investment Account**
Action would adopt Resolution No. 23-16 (Attachment A) and authorize the Chief Executive Officer (CEO) to add an MTS-owned County of San Diego investment account which will support Senate Bill (SB) 125 specific funded projects.
- 27. Project Labor Agreement (PLA) and Monitoring Support Services**
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute the negotiated PLA between MTS and the San Diego County Building and Construction Trades Council (Building Trades); 2) Authorize the CEO to award and execute MTS Doc. G2540.0-22 with TSG Enterprises, Inc. dba The Solis Group (TSG), a Disadvantaged Business Enterprise (DBE), for PLA Monitoring Support Services for a three (3) year-base period with two (2) optional 1-year extensions in the amount of \$1,593,484.02; and 3) At the CEO's discretion, exercise the option years in MTS Doc. No. G2540.0-22.

28. 2024 Legislative Program

Action would approve the 2024 Legislative Program.

Public Comment for item 24

Jose Puga – Representing Teamsters 683 made a verbal statement to the Board during the meeting. Jose noted Transdev's contract extension tendencies with other agencies throughout the nation.

Ayanna Mayfield – A Bus Operator made a verbal statement to the Board during the meeting. Ayanna expressed difficulty with restroom availability on 13th and Broadway, Old Town, and Iris Ave stations. Ayanna discussed some issues including encampments near the facilities and poor restroom cleanliness.

Public Comment for item 27

Associated Contractors of America – Provided a written statement to the Board prior to the meeting. The written comment is provided in the December 14, 2023, Final Meeting Packet.

Carol Kim – Representing the San Diego County Building and Construction Trades Council made a verbal statement to the Board during the meeting. Carol supported the item and looked forward to the partnership the PLA contract would create with MTS.

Dustin Steiner – Representing Associated General Contractors of San Diego made a verbal statement to the Board during the meeting. Dustin opposed the item and referenced a PLA project that SANDAG awarded.

Cori Shumacher – Representing IBEW 569 made a verbal statement to the Board during the meeting. Cori supported the item for the financial and physical safety that is fostered in local communities.

Kelvin Barrios – Representing Local 89 made a verbal statement to the Board during the meeting. Kelvin supported the item and believed that the contract was beneficial for the local workforce.

Public Comment for Other Consent Items

Truth – Provided a verbal statement to the Board during the meeting. Truth commented on items 5, 6, 25, 11, 12, 13, 23, 27, 28 and expressed dissatisfaction with (5) youth receiving free transit rather than seniors, (6 and 25) transit funding allocation, (11-13) additional MTS staff, (18) the cost of a retaining wall, (22) cleanliness of the station, (23) concern about artificial intelligence taking jobs, (24) cost of inflation adjustment increases, (27) PLA contract costs and TSG Enterprise consultant cost, (28) the agency's lack of fare box recovery and personal identifiable information.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed frustration with the one-minute public comment time allocation and believed that legislative priorities should focus on restroom access for the public and employees.

Jarrold Caswell – A resident of Imperial Beach made a verbal statement to the Board during the meeting. Jarrold expressed dissatisfaction with Route 227's Imperial Beach service area and asked staff to consider an alternative route.

Board Comment

Board Member Elo-Rivera expressed appreciation for the PRONTO Extend and Youth Opportunity Pass Program.

Action on Recommended consent item 27

Board Member Dillard moved to approve Consent Agenda Item No. 27. Board Member Elo-Rivera seconded the motion, and the vote passed with 7 in favor (Board Member Chavez, Board Member Montgomery Steppe, Board Member Dillard, Board Member Mendoza, Board Member Bush, Board Member Elo-Rivera and Chair Whitburn), 3 opposed (Board Member Frank, Board Member Hall, Board Member Donovan), 1 recusal from Board Member Leyba-Gonzalez, and Board Member Gonzalez, Vice Chair Goble, Board Member Moreno and Board Member Gloria absent.

Action on Recommended Consent Items, Excluding Consent Item 27

Board Member Dillard moved to approve Consent Agenda Item Nos. 3 to 28, excluding item 27. Board Member Elo-Rivera seconded the motion, and the vote was 10 to 0 in favor, with Board Member Gonzalez, Vice Chair Goble, Board Member Moreno, Board Member Leyba-Gonzalez, and Board Member Gloria absent.

DISCUSSION ITEMS AND REPORT ITEMS (ITEMS TAKEN OUT OF ORDER):

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

Denis Desmond, MTS Director of Planning, presented on the SB 125 Allocation Package. He outlined: the 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

Billingsley Alfreda – Provided a verbal statement to the Board prior to the meeting. The written comment is provided in the December 14, 2023, Final Meeting Packet.

Dave Nearing – Provided a verbal statement to the Board prior to the meeting. The written comment is provided in the December 14, 2023, Final Meeting Packet.

Adian Chowdhury - Provided a verbal statement to the Board prior to the meeting. The written comment is provided in the December 14, 2023, Final Meeting Packet.

Katrine Field - Provided a verbal statement to the Board prior to the meeting. The written comment is provided in the December 14, 2023, Final Meeting Packet.

Rosa Sanchez – A resident of City Heights made a verbal statement to the Board during the meeting. Rosa expressed support for the implementation of the Border to Downtown bus by FY 2025.

Fany Esquivel – A resident of City Heights made a verbal statement to the Board during the meeting. Fany requested additional service on Route 235 by FY 2025.

Mayra Valadez – A resident of City Heights made a verbal statement to the Board during the meeting. Mayra requested additional frequency and equal weekend service on Route 10 by FY 2025.

Carolina Martinez – Representing Environmental Health Coalition made a verbal statement to the Board during the meeting. Carolina supported the proposed frequency improvements and advocated that the Border to Downtown route be implemented by FY 2025.

Vanessa Lopez – A resident of City Heights made a verbal statement to the Board during the meeting. Vanessa advocated for 24-hour service for the Blue Line within FY 25.

Truth – Provided a verbal statement to the Board during the meeting. Truth expressed support for higher service frequency and dissatisfaction with operation costs, security, and cleanliness on the system.

The Original DRA – Provided a verbal statement to the Board during the meeting. The Original DRA expressed health and safety concerns with lithium battery powered buses.

Board Comments

Board Member Moreno expressed concern with the agency's ability to provide additional overnight downtown to the Border service due to the ongoing driver shortage. Sharon Cooney, MTS Chief Executive Officer, replied that while the agency continues to have a driver shortage, it is feasible to support the service. Mr. Desmond added that with strategic planning and the necessary board approvals, the agency can plan to prioritize the route, once funding resources are available. Board Member Moreno asked for an item to be brought to the Board at the beginning of 2024 to discuss the bus driver shortage, explaining the cause and proposed strategies. She hoped that by solving the driver shortage, the agency could accelerate the implementation of the Border to Downtown bus route to FY 25.

Board Member Bush made an amendment to the motion to accelerate bus frequencies and implementation of the Border to Downtown bus route to FY 25. He noted that if there continued to be impending driver shortages, that staff can adjust accordingly and believed the new route was important. Board Member Moreno asked staff to clarify if this acceleration request was feasible. Mr. Desmond confirmed that it was feasible. He stated that the agency aims to do service restoration and additional service improvements and noted that there was some prioritization flexibility. Board Member Moreno accepted the amendment. Ms. Cooney asked if the motion would be to prioritize the Border to Downtown route over other route improvements. He clarified that his intent was not to prioritize over other projects but would like advancements to bus frequencies and the Border to Downtown bus route to FY 25. Ms. Cooney noted that the prioritization would be based on driver retention and hiring. Ms. Cooney added that while this could be done, prioritizing the proposed amendment would delay the restoration of other routes. Board Member Moreno noted that because staff stated that the prioritization was possible, she would support the amendment to advocate for the service to be implemented. Karen Landers, MTS General Counsel, noted two issues at hand, 1) a plan document that was pending submittal to the state for funding consideration, and 2) project acceleration of the two proposed projects. She asked Mr. Desmond to clarify if any of the direction from the Board to accelerate projects require changes to the Allocation Package application. Staff confirmed that changes would need to be made to the Allocation Package to reflect the motion. Mr. Desmond clarified that it is also possible to amend the plan once it has been submitted to include the timeline changes proposed by Board Member Bush. Ms. Landers provided a proposed solution for the

Board to consider in which the plan could be approved as is today, and the Board could create a separate direction for staff to accelerate the implementation of bus frequencies and implementation of the Border to Downtown bus route to FY 25 and bring back any applicable Allocation Package changes at a future date. Board Member Hall commented that the application submission should be prioritized, and agreed that project prioritization could be amended at a later date. Ms. Cooney suggested that the Board make two motions, one to approve the staff recommendation and one to direct staff to return with a plan to expedite the requested services. Chair Whitburn noted that because there was not a second to Board Member Bush's original motion, the Board would move forward with acting on the original staff recommendation and then make a separate motion directing on future service adjustments.

Board Member Chavez supported the package being submitted as soon as possible. She reiterated the importance of frequency enhancements for the benefit of the community. She also supported 24-hour service or, at a minimum, extending hours to support riders.

Board Member Montgomery Steppe supported fleet electrification, and increasing trolley frequencies, particularly the Orange Line. She noted her continued advocacy for East County trolley frequency proposed in the current plan. She also advocated for more reliability for Route 961 and encouraged the ideas and projects generated by Elevate SD to be incorporated in the SB 125 discussions.

Board Member Bush made a substitute motion to approve the staff recommendation and include the change to advance the 24-hour Border to Downtown route to FY 25 and advance bus service frequencies to FY 25. Board Member Montgomery Steppe expressed concerns about the impacts that may have on the frequencies for the Orange Line. Board Member Bush stated that his expectation with the substitute motion is for staff to return to the Board should there be any project displacement concerns. Ms. Cooney noted that if the substitute motion was approved, staff would have to change the allocation package, delaying its submission to the state. Board Member Bush acknowledged the submittal delay and retracted his substitute motion.

Actions Taken

Board Member Moreno moved to approve the SB 125 Allocation Package. Board Member Hall seconded the motion, and the vote was 12 to 0 in favor with Board Member Gonzalez, Board Member Goble and Board Member Gloria absent.

Board Member Bush moved to direct staff to come back to the Board with a plan or proposal to accelerate bus service enhancements and the overnight Border to Downtown services by FY 25. Board Member Elo-Rivera seconded the motion, and the vote was 12 to 0 in favor with Board Member Gonzalez, Board Member Goble and Board Member Gloria absent.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

The Board convened to Closed Session at 10:21 a.m.

33. Closed Session – Conference with Real Property Negotiators Pursuant to California Government Code Section 54956.8

5801 and 5805 Fairmount Ave, San Diego, CA (APNs 461-320-20 and 461-320-21)

Agency Negotiators: Sharon Cooney, Chief Executive Officer; Karen Landers, General Counsel; Heather Furey, Director of Capital Projects; Sean Myott, Manager of Real Estate Assets;

Negotiating Parties: Four D Properties, Inc.
Under Negotiation: Price and Terms of Payment

34. Closed Session – Conference with Real Property Negotiators Pursuant to California Government Code Section 54956.8

Northwest Corner Federal Boulevard and 47th Street, San Diego, CA (APN 541-611-27)
Agency Negotiators: Sharon Cooney, Chief Executive Officer; Karen Landers, General Counsel; Heather Furey, Director of Capital Projects; Sean Myott, Manager of Real Estate Assets; Chip Willett, Bender Rosenthal, Inc.; David Skinner, Meyers Nave
Negotiating Parties: Lone Oak – San Diego III, LLC
Under Negotiation: Price and Terms of Payment

35. 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)

36. 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 Board reconvened to Open Session at 12:32 p.m.

Public Comment

Truth - Provided a verbal statement to the Board during the meeting. Truth speculated about the discussion during closed session and opposed potential additional electric bus charging infrastructure.

The Original DRA - Provided a verbal statement to the Board during the meeting. The Original DRA expressed dissatisfaction with closed session conversations away from public participation.

Closed Session Reconvening

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

- 33. There was no reportable action.
- 34. There was no reportable action.
- 35. There was no reportable action.
- 36. There was no reportable action.

30. Palm Avenue Trolley Station Transit Oriented Development (TOD)– Palm City Transit Village (Karen Landers & Sean Myott)

Ms. Landers and Sean Myott, MTS Manager of Real Estate Assets, presented on Palm City Transit Village TOD. They provided details on: the site's background, Oct 2021 Disposition and Development (DDA) site plan, proposed site plan, transit operations and amenities, transit patron restroom operation discussion, CEQA compliance and staff's recommendation.

John Seymour, with National CORE, expressed reluctance to operate a restroom facility at the affordable housing site and noted additional developer concerns on operational cost expectations. He stated that a pro forma for the operational costs would exceed \$2 million over a 55-year public lender payback period, reduce the agency's ground lease payment by over \$200,000, and was unsure if the amenity would be covered through the IRS code. He also noted that the projected \$2 million would not be recirculated through the Housing Commission to be loaned to future affordable projects. He also noted mortgage debt would impact the developers by over \$300,000 and may impact already awarded public subsidies. He suggested that a coalition composed of other developers strategize through sustainable operational strategies.

Public Comment

Truth - Provided a verbal statement to the Board during the meeting. Truth expressed opposition for the staff recommendation and believed that MTS should fund restroom operations.

The Original DRA - Provided a verbal statement to the Board during the meeting. The Original DRA expressed opposition for the staff recommendation and believed that MTS should pay for restroom operations through partnerships.

Board Comments

Board Member Elo-Rivera asked if the development was a mixed used space. Ms. Landers clarified that there was a convenience store that would be built on the site. He asked if there were restrictions for customers to use the restrooms in commercial properties. Ms. Landers confirmed that there were no restrictions. Board Member Elo-Rivera asked staff to work with the developers on potential terms and solutions to make sure the restroom obligation is reasonable. He restated the Board's priority to provide additional restrooms on the system and expressed confidence that reasonable terms related to the developer's responsibilities for the restroom operations could be identified during the implementation process.

Board Member Moreno supported staff's recommendation and acknowledged the developer's operational concerns. She was comfortable asking MTS to absorb the maintenance cost of the restroom. She believed that the bathroom maintenance costs were small enough to find a funding solution.

Board Member Bush supported MTS's funding of public restrooms on the system. He suggested private financing, legislation, or a use fee as part of potential solutions.

Action Taken

Board Member Elo-Rivera moved to authorize the Chief Executive Officer to: 1) Amend the approved project scope and material terms of the ground lease for the Disposition and Development Agreement with National Community Renaissance of California, a California nonprofit public benefit corporation (National CORE) for the proposed affordable housing portions of Palm City Village Transit Oriented Development Project (National CORE DDA); and 2) Amend the approved project scope and material terms of the ground lease for the Disposition and Development Agreement with Malick Infill Corp, a California corporation (Malick Infill) for the moderate income housing portions of the Palm City Village Transit Oriented Development Project (Malick Infill DDA) and; 3) Determine that the modified Palm City Village Transit Oriented Development Project is exempt from environmental review under the California

Environmental Quality Act pursuant to Title 14 of the California Code of Regulations, sections 15268, 15378, and 15332. Board Member Moreno seconded the motion, and the vote was 8 to 0 in favor with Board Member Gonzalez, Board Member Donovan, Vice Chair Goble, Board Member Leyba-Gonzalez, Board Member Frank and Board Member Gloria and Board Member Hall absent.

OTHER ITEMS:

31. Chair, Board Member and Chief Executive Officer's (CEO's) Communications and CEO Report

The Board waived the staff report for this item.

32. Remainder of Public Comments Not on The Agenda

There were no additional public comments.

ADJOURNMENT

33. Next Meeting Date

The next regularly scheduled Board meeting is January 18, 2024 at 9:00 a.m.

34. Adjournment

The meeting was adjourned at 12:53 p.m.

/S/ Stephen Whitburn

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

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): December 14, 2023 CALL TO ORDER (TIME): 9:03 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 10:21 a.m. RECONVENE: 12:32 p.m.
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 12:53 p.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Gonzalez	<input type="checkbox"/>	Chavez	<input type="checkbox"/>	ABSENT	ABSENT
City of Chula Vista	McCann	<input type="checkbox"/>	Chavez	<input checked="" type="checkbox"/>	9:06 a.m.	12:53 p.m.
City of Coronado	Donovan	<input checked="" type="checkbox"/>	Duncan	<input type="checkbox"/>	9:03 a.m.	12:32 p.m.
County of San Diego	Montgomery Steppe	<input checked="" type="checkbox"/>	Vargas	<input type="checkbox"/>	9:03 a.m.	12:53 p.m.
City of El Cajon	Goble (Vice-Chair)	<input type="checkbox"/>	Ortiz	<input type="checkbox"/>	ABSENT	ABSENT
City of Imperial Beach	Leyba-Gonzalez	<input checked="" type="checkbox"/>	Aguirre	<input type="checkbox"/>	9:03 a.m.	12:32 p.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	9:03 a.m.	12:53 p.m.
City of Lemon Grove	Gastil	<input type="checkbox"/>	Mendoza	<input checked="" type="checkbox"/>	9:03 a.m.	12:53 p.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	9:03 a.m.	12:53 p.m.
City of Poway	Frank	<input checked="" type="checkbox"/>	Pepin	<input type="checkbox"/>	9:03 a.m.	12:32 p.m.
City of San Diego	Moreno	<input checked="" type="checkbox"/>	Campbell	<input type="checkbox"/>	9:34 a.m.	12:53 p.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	LaCava	<input type="checkbox"/>	9:18 a.m.	12:53 p.m.
City of San Diego	Gloria	<input type="checkbox"/>	Campillo	<input type="checkbox"/>	ABSENT	ABSENT
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Lee	<input type="checkbox"/>	9:03 a.m.	12:53 p.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval Minto	<input type="checkbox"/> <input type="checkbox"/>	9:03 a.m.	12:32 p.m.

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