

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

December 19, 2024

[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 as Attachment A.

**2. Public Comment**

Peter Zschiesche – Representing the United Taxi workers of San Diego, provided a verbal statement to the Board during the meeting. Peter talked about his collaborative relationship with MTS staff to resolve issues in the taxi industry.

Alex Wong – Provided a verbal statement to the Board during the meeting. Alex expressed dissatisfaction with the trolley to the airport concept.

**CONSENT ITEMS:**

**3. Approval of Minutes**

Action would approve the November 14, 2024 Board of Directors meeting minutes.

**4. CEO Report**

**5. Bridge Inspection Services – Work Order Agreement**

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA2497-CM23 under MTS Doc. No. G2497.0-21, with Jacobs Project Management Company (Jacobs), in the amount of \$1,020,332.06 to perform bridge inspection services for a period of twenty-one (21) months.

**6. Approve Fiscal Year (FY) 2024-25 State Transit Assistance (STA) Claim and STA Interest Claim**

Action would adopt Resolution No. 24-17 approving the FY 2024-25 STA claim.

**7. Orange Line Improvement Project Phase 1 – Train Control Wire and Cable – Contract Award**

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1687.0-25, with Balfour Beatty Infrastructure, Inc. (Balfour), for the purchase of Train Control Wire and Cable for the Orange Line Phase 1 of the Orange Line Improvement Project (Project) in the amount of \$394,629.29 (inclusive of 7.75% CA Sales Tax).

**8. Purchase of Tow Tractors – Contract Award**

Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0771.0-24, with Blue Angel International LLC (Blue Angel), a Small Business (SB), for the purchase of four (4) base tow tractors with two (2) optional tow tractors, in the amount of \$488,801.41 inclusive of 7.75% CA Sales Tax; and 2) Authorize the CEO to exercise the option quantities at CEOs discretion.

- 9. Americans with Disabilities Act (ADA) Bus Stop Upgrades Construction Services – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB415.0-25, with Fordyce Construction Inc., a Small Business (SB), for ADA upgrades to eight (8) bus stops, in the amount of \$255,805.50.
- 10. Wheel Truing Machine Removal Structural Design and Kearny Mesa Division (KMD) Parking Deck Structural Survey – Work Order Agreement**  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA352-AE-47 to MTS Doc No. PWL352.0-22, with HDR Engineering, Inc. (HDR), in the amount of \$251,534.57 for the Wheel Truing Machine Removal Design and KMD Parking Deck Structural Survey.
- 11. Revisions to MTS Board Policy No. 41, “Signature Authority”**  
Action would approve revisions to MTS Board Policy No. 41, “Signature Authority”.
- 12. San Diego State University (SDSU) Monitoring Services for Fire and Safety – Sole Source Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL423.0-25 with Johnson Controls Fire Protection, LP (JCI), in the amount of \$345,492.00 for monitoring, inspection, maintenance and as-needed repair services of the fire and safety equipment at the SDSU Trolley Station for a period of five (5) years.
- 13. Operations Budget Status Report for October 2024**
- 14. Municipal Separate Storm Sewer System (MS4) Support and As-Needed Best Management Practices (BMP) Repair and Consulting Services – Contract Amendment**  
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc. No. PWG367.0-23, with WSP USA (WSP), in the amount of \$241,340.35 for inspection, maintenance, and as-needed repair services of the drain insert BMPs at the Imperial Avenue Division (IAD) and Kearny Mesa Division (KMD) facilities as-needed repair and consulting services in accordance with Water Quality Order No. 2013-0001-DWQ for Storm Water Discharges from Small MS4s.
- 15. Enterprise Resource Planning (ERP) / Transit Asset Management (TAM) Software – Contract Amendment**  
Action would 1) Ratify Amendment Nos. 5 and 6 to MTS Doc. No. G1680.0-14, with SAP Public Services, Inc. (SAP), for the Calendar Year (CY) 2023-2024 contractual price increases based on Consumer Price Index (CPI) for a total amount of \$18,487.89; and 2) Execute Amendment No. 7 to MTS Doc. No. G1680.0-14, with SAP, for a two-year contract extension of perpetual SAP ERP and TAM licensing support in the amount of \$428,197.35.
- 16. PRONTO Fare Collection System – Contract Amendment**  
Action would 1) Ratify Amendment 18 to MTS Doc. No. G2091.0-18, with Innovations in Transportation, Inc. (INIT), in the amount of \$0; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment 19 to MTS Doc. No. G2091.0-18, with INIT, in the amount of \$1,439,125.00 (inclusive of 7.75% CA Sales Tax).

- 17. Purchase of Trackwork Turnouts for Yard A Track Improvements – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1686.0-25, with Progress Rail Services Corporation (Progress Rail), for the purchase of Trackwork Turnouts for Yard A Track Improvements in the amount of \$3,284,290.04 (inclusive of 7.75% CA Sales Tax).
- 18. San Diego Transit Corporation (SDTC) Pension Plan Investment Consulting Services – Contract Award**  
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc No. G2914.0-24, with RVK, Inc., to provide SDTC Pension Plan Investment Consulting Services in the amount of \$1,203,707.33 for five (5) base years with five (5) 1-year options for a total of 10 years; and 2) Authorize the CEO to exercise the five (5) 1-year options at the CEO's discretion.
- 19. Emergency Repairs: 69th Street Track and Subgrade Repairs – Contract Award**  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. PWL424.0-25, with Stacy and Witbeck, Inc. (Stacy and Witbeck), for the track and subgrade repairs at 69th Street in the amount of \$1,326,300.00; and 2) Authorize the CEO to execute change orders up to a 20% contingency in the amount of \$265,260.00 bringing the total expenditure authority to \$1,591,560.00.
- 20. 2025 State and Federal Legislative Program**  
Action would approve the 2025 State and Federal Legislative Program.

**Public Comment**

There were no Public Comments.

**Board Comment**

There were no Board Comments.

**Action on Recommended Consent Items 3-20**

Board Member Hall moved to approve Consent Agenda Item Nos. 3 to 20. Board Member McCann seconded the motion, and the vote was 12 to 0 in favor with Board Member Dillard, Board Member Elo-Rivera, and Alternate Board Member Pepin absent.

**DISCUSSION ITEMS:**

- 21. Senate Bill (SB) 434 Report (Stacie Bishop and Chris Tatham with ETC)**  
Stacie Bishop, MTS Manager of Marketing and Communications, along with Chris Tatham with ETC, presented on SB 434 Report. They outlined: the background, methodology, 10 findings, safety improvements suggested by riders and a summary.

**Public Comment**

There were no Public Comments.

### **Board Comment**

Vice Chair Goble stated that an analysis of trends over the past year, would be helpful for the Board to use as a comparison tool to analyze how people feel vs how things have changed.

Board Member Montgomery Steppe highlighted the balance between enforcement and community-oriented policing. She cited the approved additional security, and the goals associated with hire increases, she was particularly interested in homeless outreach. Tim Curran, Director of Transit Security and Passenger Safety stated that 35 members have been hired over the past year, two officers are assigned to homeless outreach. Board Member Montgomery Steppe asked if the change to address homelessness was to have more collaborative outreach with organizations rather than conducting outreach on the line. Mr. Curran replied that all Code Compliance Inspectors receive training to interact with unhoused members of the public and offer them materials to attain services. Board Member Montgomery Steppe stated that the agency has a lot of work to do to get resources to the community.

Board Member Elo-Rivera asked for additional context for the presented data so that the Board can have a comparison against other jurisdictions. In this way, the Board would be able to have comparable data to understand what mechanisms are successful.

Board Member Moreno asked about the cost to conduct the survey. Ms. Bishop replied that the survey was under \$150,000. Ms. Bishop added that the work that has been done is reimbursable by the state. Additional research in the new year would incur cost to MTS. Board Member Moreno asked how often the state mandates that MTS conduct this survey. Ms. Bishop replied that, currently, there are no requirements to make updates. This has been the first time it had been required, so it is yet to be determined if the state will institute this as a recurring requirement. Board Member Moreno asked if MTS proposed to continue the surveys. Ms. Cooney added that the agency conducts a comprehensive customer satisfaction survey, so some of this survey's questions can be incorporated into that survey. Board Member Moreno asked about the percentage of women riders. Ms. Bishop replied that the information would be available in January of 2025. Board Member Moreno asked for a recent statistic. Ms. Cooney replied that the best way to do so is through an on-board survey that SANDAG conducts, the last survey was done was approximately 6 years ago. Brent Boyd, Director of Planning and Scheduling, stated that there are slightly more women than men. He added that the latest SANDAG survey was delayed by the COVID-19 pandemic and that the SANDAG results will be received after the new year. Board Member Moreno asked staff to confirm that most riders were women. Mr. Boyd stated that staff would be able to give the Board a definite answer once the study was released. Karen Landers, MTS General Counsel referenced the study released in 2022 and noted a 46% female ridership. Board Member Moreno stated that several riders reported feeling less safe than others. She was curious about mechanisms that other transit agencies have utilized to make women feel safe.

Board Member Downey asked to see data on the route or line that riders are on while taking the survey. Ms. Bishop replied that the data was captured; however, it was limited in making useful statistical assumptions. Ms. Bishop stated that the data collected by line is available but safety by line will be assessed as part of the customer satisfaction findings.

Board Member Montgomery Steppe added that Circulate San Diego had made extensive research on women riders and the feeling of safety. Ms. Bishop added that the SELT project did fund several lighting programs.

### **Action Taken**

No action taken. Informational item only.

### **22. Project Labor Agreement (PLA) Monitoring (Samantha Leslie and Katie Rich, The Solis Group)**

Samantha Leslie, MTS Deputy General Counsel, and Katie Rich with The Solis Group, presented on PLA Monitoring. She discussed: the PLA facts, local hire goal, covered projects, roles and responsibilities, benefits, Euclid Grade Crossing and Abutment project and future efforts.

### **Public Comment**

There were no Public Comments.

### **Board Comment**

Board Member Elo-Rivera asked staff to explain why a shorter project would make it difficult to meet the agency's local hire goals. Ms. Rich replied that some work is so specialized that a contractor already has a set group of people on their payroll and core worker force that they want to work on the projects. There are times when the unions cannot provide the specialized workers, which poses an issue. If a contractor only has three days of work, they are only going to have one or two of their employees working, so they may not have to reach out to the local union for additional workers. Less time results in less opportunity for workers to perform hours, as it takes time to achieve 40%. Board Member Elo-Rivera asked if this was an obstacle because most of the unionized workforce were already doing work. Ms. Rich stated that with transit and emergency work, there is usually only a set number of contractors that can do the work that is required. She stated achieving the goal is dependent on the number of workers needed on these projects and the number of hours it takes to accomplish the work.

Board Member Montgomery Steppe continued to flag that local workforce is the most important benefit of a PLA. She did not believe that it was acceptable to lower the expectations for the PLA based on this project. She stated that the PLA's original framework was for the 40% local workforce goal. She stated she will continue to push the importance of local workforce, as it benefits families in the community. She suggests working more with pre-apprenticeship programs and develop a pipeline of workers for specialized work, instead of lowering the bar for PLAs. Ms. Rich added that The Solis Group was also disappointed with the way the prime contractor did not communicate after the initial pre-job. Consequently, the contractor is in the process of paying fines to the San Diego Union, because of the misunderstanding of emergency work. Ms. Rich agreed with Board Member Montgomery Steppe and assured the Board that they were also disappointed with the results.

Board Member Foster asked if emergency contracts are chosen from a pre-determined list. Ms. Leslie clarified that because this was an emergency contract, the agency did not solicit through a competitive bid process due to the nature of the quick turnaround. Instead, staff identified a qualified contractor who was able to meet the date and time frame to complete the work. Board Member Foster asked if there was a pre-qualified list to identify the contractor. Ms. Leslie replied that there was not. Heather Furey, Director of Capital Projects added that the contractor, DRS, has an active Job Order Contract (JOC) with MTS. She explained nuances of JOCs and stated

that due to the familiarity of the system, the agency asked them to take on the emergency repair work. Board Member Foster clarified that it was the JOC that allows task orders to be applied to the contract. Ms. Furey replied that a JOC is the current active contract that MTS has with DRS. However, for the emergency procurement, the agency issued a standalone agreement. Board Member Foster asked if this award process was typical for the agency. Ms. Furey stated that emergency work in 2024 had been at a uniquely high rate but typically, the agency attempts not to use JOCs for emergency work because those contracts have a capacity limitation on them. The most recent emergency procurement involved pre-qualified firms for another project. Ms. Landers added that the agency has experienced several key takeaways during the high usage of emergency procurements this year. She explained that the January 22, 2024 flood caused extensive damage throughout the system. Based on the necessary need, the agency evaluated the expertise and availability to mobilize immediately. Ms. Landers listed the agency's priorities to balance facilitating expeditious work while assuring the contractor abides by legal requirements. Board Member Foster asked for an MTS procurement briefing on delivery methods. He asked what electronic certified payroll system is used to monitor the projects. Ms. Rich stated that the organization accommodates to the system that the contractor is currently using, otherwise, The Solis Group has an in-house system that is available for the contractor to use. Board Member Foster asked if the in-house system was configured to capture all the necessary requirements of the PLA. Ms. Rich confirmed that it was and that the system is thorough and customizable to requirements.

Board Member Bush emphasized the importance of local hire in the PLA.

#### **Action Taken**

No action taken. Informational item only.

### **PUBLIC HEARING**

#### **23. 'Yield to Bus' Public Hearing and Implementation (Brent Boyd)**

Brent Boyd, MTS Director of Planning and Scheduling, presented on 'Yield to Bus' Public Hearing and Implementation. He outlined the following information: Assembly Bill 1904, California Vehicle Code 24617 and staff's recommendation.

#### **Public Comment**

There were no Public Comments.

#### **Board Comment**

Board Member Hall asked if there was an enforcement component. Mr. Boyd confirmed that the law would allow MTS to add the decal to the buses. No additional enforcement or legal penalty currently applies. Mr. Boyd noted anecdotal success stories from other agencies.

#### **Action Taken**

Board Member Hall moved to 1) Receive testimony, review, and comment on the implementation of California Vehicle Code (CVC) Section 24617 for MTS' bus fleet at a public hearing; and 2) Enact Resolution No. 24-18 to make CVC Section 24617 applicable to MTS and implement all the required actions of the code. Board Member McCann seconded the motion, and the vote was 14 to 0 in favor and Alternate Board Member Pepin absent.

OTHER ITEMS:

**24. Chair, Board Member and Chief Executive Officer's (CEO's) Communications**

Chair Whitburn prompted free rides on New Years free rides after 6pm both NCTD and MTS services.

Board Member Downey introduced Board Member Fleming as the Coronado alternate.

**25. Remainder of Public Comments Not on The Agenda**

There were no additional public comments.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

The Board convened to Closed Session at 10:19 a.m.

**26. Public Comment**

Nate Fairman - Representing the IBW Local 465 representing San Diego Utility Workers, provided a verbal statement to the Board during the meeting. Fairman advocated for the reinstatement of pension benefits for his constituents.

**27. Closed Session - Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6**

Agencies: San Diego Transit Corporation ("SDTC"), San Diego Trolley, Inc. ("SDTI")

Employee Organization: Amalgamated Transit Union, Local 1309 ("ATU")

Employee Organization: International Brotherhood of Electrical Workers, Local 465 ("IBEW")

Employee Organization: International Association of Sheet Metal, Air, Rail, And Transportation Workers ("SMART")

Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)

**28. Closed Session - Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6**

Agencies: San Diego Trolley, Inc. ("SDTI")

Employee Organization: Transit Enforcement Officers Association ("TEOA")

Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)

**Closed Session Reconvening**

The Board reconvened to Open Session at 10:41 a.m.

Ms. Landers, reported the following oral report of final actions taken in Closed Session:

27. The Board ratified the tentative agreements with each organization with 12 members in favor (Bush, Dillard, Elo-Rivera, Mendoza, Foster, Goble, Fernandez, Hall, McCann, Montgomery Steppe, Moreno and Whitburn) and 3 members absent (Downey, Leyva-Gonzalez, and Pepin)\*

*\*note that the City of Poway board member position was incorrectly identified as "vacant" during the General Counsel's report out of the closed session vote. It was later confirmed that alternate Board Member Pepin was still officially a member of the MTS*

*Board as of the December 19, 2024 meeting. The status was corrected to "absent" on the roll call vote sheet.*

28. The Board received a report and gave negotiating instructions to staff.

ADJOURNMENT

**29. Next Meeting Date**

The next regularly scheduled Board meeting is January 16, 2025 at 9 a.m.

**30. Adjournment**

The meeting was adjourned at 10:41 a.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: A. Roll Call Sheet



SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): December 19, 2024 CALL TO ORDER (TIME): 9:03 a.m.  
 RECESS: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 CLOSED SESSION: 10:19 a.m. RECONVENE: 10:41 a.m.  
 PUBLIC HEARING: 10:09 a.m. RECONVENE: 10:14 a.m.  
 ORDINANCES ADOPTED: \_\_\_\_\_ ADJOURN: 10:41 a.m.

JURISDICTION	BOARD MEMBER		ALTERNATE		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
City of Chula Vista	Fernandez	<input checked="" type="checkbox"/>	Preciado	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of Chula Vista	McCann	<input checked="" type="checkbox"/>	Preciado	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of Coronado	Downey	<input checked="" type="checkbox"/>	Fleming	<input type="checkbox"/>	9:03 a.m.	10:14 a.m.
County of San Diego	Montgomery Steppe	<input checked="" type="checkbox"/>	Vargas	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of El Cajon	Goble (Vice-Chair)	<input checked="" type="checkbox"/>	Ortiz	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of Imperial Beach	Leyba-Gonzalez	<input checked="" type="checkbox"/>	Aguirre	<input type="checkbox"/>	9:03 a.m.	10:14 a.m.
City of La Mesa	Dillard	<input checked="" type="checkbox"/>	Arapostathis	<input type="checkbox"/>	9:13 a.m.	10:41 a.m.
City of Lemon Grove	VACANT	<input type="checkbox"/>	Mendoza	<input checked="" type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of National City	Bush	<input checked="" type="checkbox"/>	Rodriguez	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of Poway	VACANT	<input type="checkbox"/>	VACANT	<input type="checkbox"/>	VACANT	VACANT
City of San Diego	Moreno	<input checked="" type="checkbox"/>	Campbell	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of San Diego	Elo-Rivera	<input checked="" type="checkbox"/>	LaCava	<input type="checkbox"/>	9:12 a.m.	10:41 a.m.
City of San Diego	Gloria	<input type="checkbox"/>	Foster	<input checked="" type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of San Diego	Whitburn (Chair)	<input checked="" type="checkbox"/>	Lee	<input type="checkbox"/>	9:03 a.m.	10:41 a.m.
City of Santee	Hall	<input checked="" type="checkbox"/>	Koval Minto	<input type="checkbox"/> <input type="checkbox"/>	9:03 a.m.	10:41 a.m.

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