

## **MST BOARD OF DIRECTORS**

Monterey Bay Unified Air Pollution Control District  
Board Room, 3<sup>rd</sup> Floor  
24580 Silver Cloud Ct., Monterey

**Minutes**  
April 11, 2016

### **1. CALL TO ORDER**

- 1-1. Roll Call.
- 1-2. Pledge of Allegiance.

In the absence of Chair Downey, Vice Chair Barrera called the meeting to order at 10:01 a.m. and roll call was taken. The pledge of allegiance followed.

- 1-3. Review Highlights of the agenda.

Mr. Sedoryk reviewed the highlights of the agenda.

|                 |                       |                                      |
|-----------------|-----------------------|--------------------------------------|
| <b>Present:</b> | Fernando Armenta      | County of Monterey                   |
|                 | Tony Barrera          | City of Salinas                      |
|                 | Robert Bonincontri    | City of Gonzales                     |
|                 | Ken Cuneo (Alternate) | City of Pacific Grove                |
|                 | Mike LeBarre          | City of King                         |
|                 | Frank O'Connell       | City of Marina                       |
|                 | David Pacheco         | City of Seaside                      |
|                 | David Pendergrass     | City of Sand City                    |
|                 | Leah Santibañez       | City of Greenfield                   |
|                 | Patricia Stephens     | City of Soledad                      |
| <b>Absent:</b>  | Victoria Beach        | City of Carmel-by-the-Sea            |
|                 | Kristin Clark         | City of Del Rey Oaks                 |
|                 | Libby Downey          | City of Monterey                     |
|                 | Dan Miller            | City of Pacific Grove                |
| <b>Staff:</b>   | Carl Sedoryk          | General Manager/CEO                  |
|                 | Hunter Harvath        | Asst. GM/Finance & Administration    |
|                 | Michael Hernandez     | Asst. GM/COO                         |
|                 | Kelly Halcon          | Director of HR & Risk Management     |
|                 | Lisa Rheinheimer      | Director of Planning and Development |
|                 | Andrea Williams       | General Accounting & Budget Manager  |
|                 | Mark Eccles           | Director of Information Technology   |
|                 | Robert Weber          | Director of Transportation Services  |
|                 | Carl Wulf             | Facilities Manager                   |

|                    |                                 |
|--------------------|---------------------------------|
| Zoë Shoats         | Marketing Manager               |
| Tom Hicks          | CTSA Manager                    |
| Sandra Amorim      | Purchasing Manager              |
| Deanna Smith       | Compliance Analyst              |
| Anita Flanagan     | Clerk to the Board              |
| Heidi Quinn        | De Lay & Laredo                 |
| Miriam Gutierrez   | Customer Service Representative |
| Michelle Overmeyer | Grants Analyst                  |

|                |                  |                               |
|----------------|------------------|-------------------------------|
| <b>Public:</b> | Fritz Conle      | Teamsters Local Union No. 890 |
|                | Corey Jensen     | NJPA                          |
|                | Joe Foster       | Blue Scope                    |
|                | Brian Aldrich    | Blue Scope                    |
|                | Ken Walker       | ATU                           |
|                | MacGregor Eddy   | Salinas <i>Californian</i>    |
|                | Herman Farley    | MV Transportation             |
|                | Don Parslow      | MV Transportation             |
|                | JR Berke         | MV Transportation             |
|                | Leon Ramirez     | Teamsters Local Union No. 890 |
|                | Juan Rovaces     | Teamsters Local Union No. 890 |
|                | Jorge Valeyrnela | Teamsters Local Union No. 890 |
|                | Erich Friedrich  | AMBAG                         |
|                | Lester Farley    | MV Transportation             |

*Apology is made for any misspelling of a name.*

## 2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

No public comment.

## 3. CONSENT AGENDA

- 3-1. Adopt Resolution 2016-22 recognizing Coach Operator Performance Excellence.
- 3-2. Adopt Resolution 2016-23 recognizing Ruben Cano, Coach Operator, as Employee of the Month for April 2016.
- 3-3. Adopt Resolution of Appreciation 2016-24 for services rendered by Victoria Beach.
- 3-4. Minutes of the regular meeting of March 7, 2016.
- 3-5. Minutes of the Legislative Committee March 7, 2016.
- 3-6. Minutes of the Measure Q Citizens Oversight Committee March 11, 2016.
- 3-7. Financial Report – February 2016.

- 3-8. Disposal of property left aboard buses.
- 3-9. Ratify the emergency purchase of one replacement medium bus from Creative Bus Sales.
- 3-10. Approve the disposition Accountable Property.
- 3-11. Receive report on the 2015 Community Stakeholder Survey.
- 3-12. Receive FY 2015 Comprehensive Annual Financial Report (CAFR) and receive opinion from Measure Q Citizens Oversight Committee that Measure Q funds were appropriately used during FY 2015.
- 3-13. Award contract to Moore & Associates in the amount of \$28,875.20 to conduct Onboard Passenger and Attitude and Awareness (Non-Rider) surveys.
- 3-14. Claim rejection – Ernesto Hernandez and Veronica Lopez.

Director Barrera requested to discuss items 3-9, 3-11, and 3-12 before approving consent.

Item 3-9:

Michael Hernandez requested that your Board ratify the purchase of one medium bus from Creative Bus Sales for \$90,580 to replace a medium bus that was in an accident and "totaled." An insurance claim with MV Transportation is in process.

Item 3-11:

Zoë Shoats provided information regarding the Community Stakeholder survey, which measures stakeholders' knowledge and opinions of MST services. Director Armenta suggested breaking down the survey into 12 cities and conducting a survey for MST employees.

Item 3-12:

Hunter Harvath noted that the CAFR auditors do not certify or provide opinions regarding the appropriateness of Measure Q funds expenditures; that is the responsibility of the Measure Q Oversight Committee, which recently met and approved the use of Measure Q funds for FY2015.

Regarding Item 3-13, the directors provided suggestions, which included using college students to provide surveying services, offer discounts to those who complete a survey, and conducting surveys at farmers' markets.

No public comment.

**Director Santibañez made a motion to approve the Consent Agenda, which was seconded by Director LeBarre. The motion passed unanimously.**

**4. RECOGNITION AND SPECIAL PRESENTATIONS**

4-1. April Employee of the Month – Ruben Cano.

4-2. Resolution of Appreciation - Victoria Beach, City of Carmel-by-the-Sea.

**5. PUBLIC HEARINGS**

**6. ACTION ITEMS**

6-1. Receive staff analysis regarding MV Transit employees' request for MST to fund negotiated wage and benefits, and encourage MV Transit management and bargaining representatives to continue towards a mutually acceptable labor agreement.

Carl Sedoryk and General Counsel explained the issues surrounding the request to provide financial assistance to MV's employees, which include violating the California Constitution's prohibition against gift of public funds and MST's procurement policy, and interference with good faith bargaining efforts. Mr. Sedoryk also noted that your Board has the authority, in future contracts of this nature, to include requirements regarding employee wages and benefits.

Public Comment:

Fritz Conley of Teamsters Local Union No. 890 expressed support for funding negotiated wage and benefits for MV transportation.

Close public comment.

Director Armenta made a motion for staff to request further information from MV Transportation and bring back to your board within 60 days. There was no second to this motion.

**Director O'Connell made a motion to receive this analysis and encourage MV Transit management and bargaining representatives to continue towards a mutually acceptable labor agreement. This motion was seconded by Director LeBarre. Director Armenta voted No, and the remaining 9 directors voted Yes.**

6-2. Approve revised MST Procurement Policies and Procedures.

Sandra Amorim noted that these minor proposed changes to the policy will allow MST to fully utilize the efficiencies of cooperative procurements.

No public comment.

**Director Stephens made a motion to approve the revised MST Procurement Policies and Procedures. This motion was seconded by Director LeBarre and passed unanimously.**

- 6-3. Authorize Participation in the National Joint Powers Alliance Cooperative and Approve Facility Design Coordination.

Mike Hernandez provided information to the board regarding the benefits of this participation, including a decreased construction timeline and other cost savings to this project.

No public comment.

**Director Cuneo made a motion to authorize participation in the National Joint Powers Alliance Cooperative and approve facility design coordination. The motion was seconded by Director Armenta and passed unanimously.**

- 6-4. Authorize Change Order for Design & Engineering Services.

Michael Hernandez noted that approval of this item will provide additional services for the remodel of MST's maintenance and operations facility and will be funded with the Proposition 1B funds.

No public comment.

**Director Armenta made a motion to authorize a change order for additional design/engineering and support services from AECOM for the remodel of MST's maintenance and operations facility, not to exceed \$102,730. Director LeBarre seconded the motion, which was passed unanimously.**

## **7. REPORTS & INFORMATION ITEMS**

- 7-1. General Manager/CEO Report – February 2016.
- 7-2. Washington, D.C. Lobby Report – March 2016.
- 7-3. State Legislative Advocacy Update – March 2016.
- 7-4. Staff Trip Reports.
- 7-5. Correspondence.

## **8. CLOSED SESSION**

No public comment.

General Counsel Heidi Quinn announced the items for discussion, and Vice-Chair Barrera moved to Closed Session.

8-1. Conference with Real Property Negotiators, Gov. Code § 54956.8.  
(Parcel # APN 026-521-031)

8-2. Conference with Real Property Negotiators, Gov. Code § 54956.8.  
(Parcel # APN 032-171-005)

**9. RETURN TO OPEN SESSION**

9-1. Report on Closed Session and possible action.

General Counsel reported that items 8-1 and 8-2 were discussed and no reportable action was taken.

No public comment.

**10. BOARD REPORTS, COMMENTS, AND REFERRALS**

10-1. Reports on meetings attended by board members at MST expense  
(AB 1234).

Director LeBarre noted that he attended the annual American Public Transportation Association (APTA) Legislative conference in Washington D.C. from March 12-15.

10-2. Board member comments and announcements.

10-3. Board member referrals for future agendas.

**11. ATTACHMENTS**

11-1. The detailed monthly Performance Statistics and Disbursement Journal for February 2016 can be viewed online within the GM Report at <http://mst.org/about-mst/board-of-directors/board-meetings/>

**12. ADJOURN**

There being no further business, Vice Chair Barrera adjourned the meeting at 11:57 a.m.

Prepared by:   
Deanna Smith, Deputy Secretary