

# **MST BOARD OF DIRECTORS**

Monterey Bay Unified Air Pollution Control District  
24580 Silver Cloud Ct., Monterey

## **Minutes**

July 28, 2014

10:00 a.m.

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

1-1. Roll call

1-2. Pledge of Allegiance

**Mr. Fink raised a Point of Order, stating that the colors were not in the proper location. Director Barrera moved the colors to their proper location.**

**Chair Downey called the meeting to order at 10:05 a.m. Roll Call was taken and the Pledge followed. Chair Downey recognized Council member David Pacheco, alternate to the MST Board for the City of Seaside.**

<b>Present:</b>	Tony Barrera	City of Salinas
	Victoria Beach	City of Carmel-by-the-Sea
	Kristin Clark	City of Del Rey Oaks
	Alan Cohen	City of Pacific Grove
	Libby Downey	City of Monterey
	David Pacheco	City of Seaside (alternate)
	Frank O'Connell	City of Marina
	Maria Orozco	City of Gonzales
	David Pendergrass	City of Sand City
	Patricia Stephens	City of Soledad
<b>Absent:</b>	Fernando Armenta	County of Monterey
	Terry Hughes	City of King
	Randy Hurley	City of Greenfield
<b>Staff:</b>	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/COO
	Kelly Halcon	Director of Human Resources & Risk Management
	Mark Eccles	Director of Information Technology
	Andrea Williams	General Accounting & Budget Manager
	Robert Weber	Director of Transportation Services
	Tom Hicks	CTSA Manager
	Deanna Smith	Executive Assistant/Clerk to the Board
	Dave Laredo	De Lay & Laredo
	Miriam Gutierrez	MST Customer Service Representative
<b>Public:</b>	Jason Snow	MV Transportation
	Ariana Green	TAMC
	Wanda Jennings	

June Stein  
Jim Fink  
Mike Weaver  
Joe Viera

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

## **2. CONSENT AGENDA**

2-1. Review Highlights of the agenda.

Mr. Sedoryk provided the highlights of the agenda, and requested that Item 2-9 be postponed and brought back to the board at a later date.

2-2. Adopt Resolution 2015-01 recognizing Daniel Vohl, Coach Operator, as Employee of the Month for July 2014.

2-3. Disposal of Property left aboard buses.

2-4. Minutes of the regular meeting of June 9, 2014.

2-5. Financial Report – May 2014.

2-6. Adopt Resolution 2015-02 appointing MST staff to serve as representatives to the CalTIP Board of Directors.

2-7. Approve FY 2015 APTA dues.

2-8. Approve revised MST Procurement Policy and Procedures.

2-9. Review and adopt MST Policies.

2-10. Adopt Resolution 2015-03 in support of the TAMC Multimodal Corridor Alignment Plan.

2-11. Authorize the Purchase of Electronic Information Signs.

2-12. Adopt Resolution 2015-04 recognizing Maria Orozco for her service to Monterey-Salinas Transit.

Public Comment – none.

**Director Barrera made a motion to approve the Consent Agenda excepting Item 2-9, and was seconded by Director Clark. The motion carried unanimously.**

## **3. SPECIAL PRESENTATIONS**

3-1. July Employee of the Month – Daniel Vohl, Coach Operator.

Daniel Vohl was not present.

3-2. Resolution of Appreciation – Maria Orozco.

Mr. Sedoryk recognized Director Orozco for her service as Chairperson of the MST Board from July 2012 to June 2014, and for her service on the MST Board from January 2004 to January 2007 and from November 2008 to the present.

**4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Chris Chidlaw of Chidlaw Marketing apologized for authorizing a bus ad from Central Coast Media Recycling (CCMR) which advocated an issue rather than a product or service, per MST's Advertising Policy. He is working with MST to find an equitable solution that adheres to MST's marketing policies. A handout was provided that presented examples of potentially inflammatory bus advertising that can result from allowing issue or advocacy advertising on buses.

Chair Downey requested that MST's Advertising Policy be discussed on a future agenda.

Ms. Smith read a public comment on behalf of Wanda Jennings who, while present at the meeting, requested assistance. Ms. Jennings made suggestions on improving Line 55.

Mr. Fink thanked MST for assisting with a recent incident involving MV Transportation, Inc., and stated he was pleased with the resolution. He also stated that there are problems with VTA staff confusing the routes and providing incorrect schedules for Lines 55 and 81 out of San Jose Diridon Station.

June Stein stated that there was extreme bus overcrowding on Line 22 to Big Sur on June 10. She is concerned that the overcrowding puts passengers in danger, and she was not pleased with the response to her previous complaints to MST staff. Chair Downey asked MST staff to follow up with Ms. Stein to resolve the issue.

Mike Weaver commented that on Saturday, July 12, at 8:30a.m., an MST bus moving westbound on Highway 68 pulled in front of traffic to make a left-hand turn. He was forced to slam on his brakes.

Joe Viera commented that MST's new JAZZ shelters do not provide adequate shelter for riders.

Close Public Comment

**5. COMMITTEE REPORTS**

5-1. Human Resources Committee Minutes of June 9, 2014.

Public Comment – none.

**6. MAJOR PROCUREMENTS**

6-1 Authorize the purchase of one bus for South County service.

Director Orozco asked when the bus will be available for service. Mr. Hernandez stated that the goal is to have the bus in service by late 2014 or early 2015.

#### Public Comment

Mr. Fink requested that the bus provide service to San Ardo from San Lucas.

#### Close Public Comment

**Director Cohen made a motion to authorize the purchase of one medium bus from Creative Bus Sales for South County intercity service and was seconded by Director Orozco. The motion carried unanimously.**

## 7. UNFINISHED BUSINESS

### 7-1. Receive update on proposed MST Sales Tax.

Mr. Sedoryk reported that MST staff has continued to meet with various groups to inform them of the services MST provides to seniors, veterans, and persons with disabilities. To date, twelve of the thirteen MST jurisdictions have provided their concurrence to MST placing a dedicated sales tax measure on the 2014 ballot. Staff will request concurrence from the last of the thirteen jurisdictions, the County Board of Supervisors, on July 22. Mr. Sedoryk provided the board and the public with the recent "Independence" informational mailer sent to over 95,000 Monterey County households.

Mr. Sedoryk introduced Ben Krompak, of Tulchin Research Consulting, who provided the latest results of a tracking poll administered to gauge the public's support on the proposed MST sales tax. Out of 500 likely voters polled, 72% responded either "definitely yes" or "probably yes" when presented with the proposed ballot language.

#### Public Comment

Mr. Weaver stated that he did not receive the Independence mailer until Saturday afternoon. He asked why MST spent so much money for such a late notice with so little information. He requested the specific amount of money spent to produce the mailer and the amount of money spent on MST's two consulting firms. He felt the mailer used scare tactics.

Mr. Sedoryk stated that postage for the mailer was approximately \$20,000 and that specific costs could be provided by MST staff upon request. Michael Levine with TBWB Consulting stated that the mailer was sent on July 2, 2014, and that MST began receiving comments on the mailer the next day. He cannot explain why some members of the public received their mailing late, but the US Postal Service does not guarantee bulk delivery dates.

Mr. Fink offered his wholehearted support and offered to be a spokesperson for the effort.

Mr. Viera concurred with Mr. Weaver's comments, stating that the mailer did not provide the location of the board meeting, nor was he able to receive information from MST's customer service line.

Ms. Stein commented that she lives in Pacific Grove and received her mailer on Friday, July 11. She felt the mailer should have included the board meeting location and believes they were too expensive to create.

Close Public Comment

## **8. PUBLIC HEARINGS**

- 8-1. Conduct a public hearing to consider adopting Resolution 2015-05, Ordinance 2015-01, and final ballot language authorizing the November 2014 Monterey-Salinas Transit Local Transit Funding for Senior Citizens, Veterans and People with Disabilities sales tax measure to be placed on the November 2014 ballot.

Chair Downey opened the public hearing for comments from Board members.

Director Barrera is concerned about Mr. Weaver's comments regarding MST using scare tactics in its mailer and would like further input. He acknowledged that MST is ultimately responsible for the timely delivery of the mailer and wants MST to follow through in the future. Director Downey invited Mr. Weaver and Mr. Viera to speak to MST staff or board members after the meeting regarding this issue.

Public Comment

Mr. Weaver stated that it is very difficult for the public to comment on the Ordinance or Resolution if they have not been provided the documents. He came to the meeting for a discussion, and was not informed that the board would be making a decision. He feels the mailer insinuates that seniors, veterans, and persons with disabilities will be left adrift if the sales tax does not pass, and he does not believe that is the case. He would like to obtain a copy of the ballot language and other documents.

Mr. Sedoryk stated that due to loss of funding, services are already being cut. Funding for the Senior Voucher Program has expired. Funding for other related programs have not been identified. The draft ballot language, ordinance, and resolution for the sales tax was presented to the board at MST's June meeting, and the text versions were included in the agenda, which has been available on the MST website since the first week in June.

Mr. Fink commented that he was not satisfied with the 15-year term of the sales tax and recommends a longer sunset clause.

Close Public Comment

Chair Downey stated that the board had received information that a sunset clause is very important to the voters.

Director Beach felt the ballot language was a bit wordy and questioned whether it was advisable to keep it to one sentence.

Dave Laredo stated that ballot language must be in the form of a question, answerable by “yes” or “no,” and must be limited to 75 words. There are specific guidelines as to how ballot language is counted. While the ballot language does not have to be limited to one sentence, MST has hired experts who have advised this language.

Director Beach asked if campaign materials would be produced by the same company. She felt that the mailer was nice, but not as effective as it could be. Mr. Sedoryk stated that the individuals who would be managing the campaign would make this decision.

Director Stephens felt the ballot language was indeed 75 words and a bit of a hard read for the average voter.

Dave Laredo stated that unless the board wanted to hold a special meeting, members are required to vote on the language as presented to place the measure on the November 2014 ballot.

Director Clark respects the opinions of her fellow directors, but believes the language is clear and contains all the elements necessary to properly inform the voters.

**Director Clark made a motion to adopt Resolution 2015-05, Ordinance 2015-01, and final ballot language, as presented, authorizing the November 2014 Monterey-Salinas Transit Local Transit Funding for Senior Citizens, Veterans and People with Disabilities sales tax measure to be placed on the November 2014 ballot. The motion was seconded by Director Cohen and passed unanimously.**

## **9. NEW BUSINESS**

9-1. Authorize the lease of office space in downtown Monterey.

Michael Hernandez stated that MST has identified space next to the Monterey Transit Plaza for use as an MST Customer Service Center. The identified location is an ideal location for customers, and would provide restrooms and a break room for MST coach operators. MST will continue to lease its current location at 150 Del Monte Avenue for MST RIDES and Mobility Management functions, and will consider subleasing the location in the future. There is three years remaining on the Del Monte facility lease.

Director Downey asked if restrooms would be available for the public. Mr. Hernandez replied that restrooms would be for MST employees only.

## Public Comment

Mr. Fink stated that it is a one-half block walk to the nearest public restroom, which is a hardship on some individuals with health conditions. He would like MST to provide restrooms at all of their locations and keep them open at all times. He would like restroom facilities installed at the Prunedale Park and Ride.

## Close Public Comment

**Director Cohen made a motion to authorize MST to execute a three-year lease for office space in downtown Monterey at 201 Pearl Street, at a total cost of \$114,840 over the three year lease period, and was seconded by Director Clark. The motion carried unanimously.**

9-2. Renew CSUMB Contract.

Director O'Connell requested that a copy of all contracts be included with reports if staff is requesting board authorization or approval.

Public Comment – none.

**Director Barrera made motion to authorize staff to sign a contract with CSUMB for the 2014-2015 academic year to continue the University Pass Program and was seconded by Director Stephens. The motion carried unanimously.**

## 10. REPORTS & INFORMATION ITEMS

10-1. General Manager/CEO Report – May 2014.

Mr. Sedoryk provided a summary of the status of federal and state transit transportation funding.

10-2. Washington D. C. Lobbyist Report – June 2014.

10-3. State Legislative Advocacy Update – June 2014.

10-4. Staff Trip Reports.

10-5. Correspondence.

10-6. Staff Announcements.

Director Downey asked if there was any explanation regarding the declining miles between preventable collisions in the RIDES program. MV Transportation's General Manager, Jason Snow, stated that he has been with MV for approximately four months and, during this time, he has taken action to implement four additional special project managers to assist with implementing their safety program and training drivers

properly. He says there has been immediate improvement in preventable accidents as a result of this effort.

#### Public Comment

Mr. Fink asked for information on which routes will be impacted by reductions in lines serving the Presidio of Monterey. Staff will provide assistance after the meeting.

#### Close Public Comment

Mr. Sedoryk announced that MST will not hold a board meeting in August. The next meeting is scheduled for September 8, 2014. Board members interested in attending the 2014 APTA Annual Meeting and EXPO should contact Mr. Sedoryk or Deanna Smith by Wednesday, July 16, at 4:00p.m.

### **11. COMMENTS BY BOARD MEMBERS**

11-1. Reports on meetings attended by board members at MST expense (AB1234).

11-2. Board member Comments and Announcements.

Director Barrera announced that he will not be able to attend the September board meeting, but his alternate, Salinas City Councilmember Jose Castaneda, will attend.

11-3. Board member Referrals for future agendas.

Chair Downey requested that a discussion regarding protocol for board comments prior to public comments be agendized for a future meeting. Mr. Laredo advised that the issue be addressed at the next meeting under approval of new MST policies.

Chair Downey requested that MST's Advertising Policy be discussed on a future agenda.

### **12. ATTACHMENTS**

12-1. Detailed monthly Performance Statistics and Disbursement Journal, May 2014.

### **13. CLOSED SESSION**

Chair Downey moved to Closed Session at 11:34a.m.

13-1. Conference with Legal Counsel – Litigation - Existing Litigation, (§54956.9(a)): Monterey County Superior Court Case No. M 122629 Cal Signal Corp. v. County of Monterey et al. (D. Laredo, C. Sedoryk)

- 13-2. Conference with Legal Counsel – Litigation - Existing Litigation, (§54956.9(a)): Monterey County Superior Court Case No. M 127189 Michael Miele v. MST & Raymundo Calimlin. (No enclosure) (D. Laredo, C. Sedoryk)
- 13-3. Conference with Legal Counsel – Litigation - Existing Litigation, (§54956.9(a)): Monterey County Superior Court Case No. M 12439 Mario Torabbagi and Mori Torabbeigi, dba Parnian Rug Gallery, v. Monterey-Salinas Transit District. (D. Laredo, C. Sedoryk)
- 13-4. Conference with property negotiators. (Parcel # APN 259-011-067, 259-11-060, 003-171-024, 003-171-027, 002-248-009-010, 013-312-015-000011-486-004, 032-171-005, 001-693-002-000, 013-313—002, 259-031-040, L.2.1, 1.2.4.3, L.2.4.2, L.2.2.1, L.2.2.2, L.2.3, L.2.4.1). (No enclosure) (C. Sedoryk)

#### **14. RETURN TO OPEN SESSION**

- 14-1. Report on Closed Session and possible action.

MST General Counsel, Dave Laredo, reported that a status update was provided for Item 13-1, but no reportable action was taken.

An update was provided for Item 13-2. Director Orozco made a motion to authorize dual representation of MST and MST coach operator, with a waiver of conflicts, and was seconded by Director Clark. The motion carried unanimously.

Status updates were provided for Items 13-3 and 13-4, but no reportable action was taken.

#### **15. ADJOURN**

There being no further business, Chair Downey adjourned the meeting at 11:46a.m.

Prepared by:

  
Deanna Smith, Deputy Secretary