

MST BOARD OF DIRECTORS
Monterey Bay Unified Air Pollution Control District
24580 Silver Cloud Ct., Monterey

Minutes
September 14, 2015

1. CALL TO ORDER

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

Chair Downey called the meeting to order at 10:02 a.m., and roll call was taken. Director Bonincontri led the Pledge of Allegiance.

- 1-3. Review Highlights of the agenda.

Mr. Sedoryk reviewed the highlights of the agenda.

Present:	Fernando Armenta	County of Monterey
	Tony Barrera	City of Salinas
	Victoria Beach	City of Carmel-by-the-Sea
	Robert Bonincontri	City of Gonzales
	Libby Downey	City of Monterey
	Mike LeBarre	City of King
	Pat Lintell (alt)	City of Del Rey Oaks
	Dan Miller	City of Pacific Grove
	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

Absent:

Staff:	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. GM/Finance & Administration
	Michael Hernandez	Asst. GM/COO
	Kelly Halcon	Director of HR & Risk Management
	Robert Weber	Director of Transportation Services
	Lisa Rheinheimer	Director of Planning and Development
	Andrea Williams	General Accounting & Budget Manager
	Mark Eccles	Director of Information Technology
	Tom Hicks	CTSA Manager
	Carl Wulf	Facilities Manager
	Zoe Shoats	Marketing Manager
	Deanna Smith	Executive Assistant/Clerk to the Board
	Dave Laredo	De Lay & Laredo
	Isamar Velazquez	MST Customer Service Representative

Public:	Alberto Villa Corona	MST Rider
	Mary Ann Jackson	MV Transportation
	Ken Walker	ATU
	Bob Parks	ATU
	Claude Hoover	Veritas Realty
	Percy Bryant	MST Rider
	Michael Salerno	Keep Ft. Ord Wild

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Alberto Villa Corona stated that he is an MST RIDES customer and he is concerned that too many people are being scheduled for RIDES service at the same time. He lives in Salinas, and the traffic is often slow resulting in missed medical appointments. Mary Ann Jackson of MV Transportation met with Mr. Salerno personally to discuss his concerns.

3. CLOSED SESSION

Public Comment

Michael Salerno of Keep Ft. Ord Wild stated that he would like to see the negotiating parties clearly indicated. He also stated that the parcel numbers beginning with the letter “L” are properties under consideration by the Monterey Downs project. If MST is negotiating the purchase of the other listed parcels, they are for sale and located between CSUMB and the National Monument.

Director Armenta asked if staff had any idea how long the Closed Session would be. Mr. Sedoryk stated that the Board should be in Closed Session approximately 20 minutes.

Close Public Comment

MST General Counsel announced the items for discussion, and Chairperson Downey moved to Closed Session at 10:10 a.m.

- 3-1. Conference with Property Negotiators. (Parcel # APN 026-521-031, 259-011-067, 003-171-024, 026-3510-036-000, 002-248-009-010, 259-184-004-000, 259-184-001, 032-171-005, 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)
- 3-2. Conference with Labor Negotiators – Monterey-Salinas Transit Employees Union (MSTEA), and MST (§54957.6).
(D. Laredo, K. Halcon)
- 3-3. General Manager Performance Evaluation, Gov. Code (§54957(b)).
(No enclosure) (K. Halcon)

4. RETURN TO OPEN SESSION

4-1. Report on Closed Session and possible action.

The Board returned from Closed Session at 11:04 a.m.

MST General Counsel, Dave Laredo, stated that the Board unanimously authorized by roll call, with Director Beach submitting the motion and Director O'Connell seconding, MST staff to make an offer on property parcel 026-521-031 at a note not to exceed \$470,500. The offer is subject to: 1) an appraisal to confirm the price; 2) MST to secure financing; 3) General Counsel review of offer documents and conditions.

The Board unanimously approved by roll call, with Director Beach submitting the motion and Director Pacheco seconding, authorizing the MSTEAs employee incentive based on a base salary allocation of 2.5%, or \$91,826, with an 88 percent payout.

The Board discussed items under consideration in 3-3 but no reportable action was taken.

5. CONSENT AGENDA

- 5-1. Adopt Resolution 2016-07 recognizing Steve Colburn, Coach Operator, as Employee of the Month for August 2015.
- 5-2. Adopt Resolution 2016-08 recognizing Kim Moore, Intermediate Mechanic, as Employee of the Month for September 2015.
- 5-3. Minutes of the Regular Meeting of July, 2015.
- 5-4. Minutes of the Facilities Committee – July, 2015.
- 5-5. Minutes of the MQ Oversight Committee – July 2015.
- 5-6. Financial Report – June and July 2015.
- 5-7. Disposal of property left aboard buses.
- 5-8. Appoint Aimee Fuller-Cuda to the Mobility Advisory Committee.
- 5-9. Appoint Laurie Crosby to the Measure Q Oversight Committee.
- 5-10. Authorize the purchase of one medium bus from Creative Bus Sales.
- 5-11. Authorize the disposal of retired MST vehicles and approve the modification of Disposal of Surplus Property policy.
- 5-12. Approve FY 2015 Performance Incentive Pool for MSTEAs and Confidential Unit.

Chairperson Downey pulled item 5-6.

Director Le Barre made a motion to approve the Consent Agenda excepting item 5-6 and was seconded by Director Pacheco. The motion passed unanimously.

Andrea Williams, General Accounting & Budget answered questions on MST's 5307 account. Chairperson Downey referred to information on page 32, noting that the City of Monterey does not fully fund the Monterey Trolley. She requested information on garnishments and how MST's accounting system displays credit balances.

Public Comment – none.

Director Armenta made a motion to approve item 5-6 of the Consent Agenda and was seconded by Director Le Barre.

6. SPECIAL PRESENTATIONS

6-1. August Employee of the Month – Steve Colburn.

Robert Weber recognized Steve Colburn as the August Employee of the Month for his outstanding service to MST and the entire community.

6-2. September Employee of the Month – Kim Moore.

Kim Moore was not present for the presentation.

7. MAJOR PROCUREMENTS

7-1 Approve the purchase of passenger shelters from Tolar Manufacturing Company.

Mike Hernandez reviewed the staff recommendation to approve the shelter purchase from Tolar Manufacturing and the allocation of shelter locations based on boarding requirements of 5,000 or more annual boardings per location.

Staff will purchase shelters that provide the greatest protection from graffiti and other forms of vandalism.

Director Armenta requested consideration of a shelter at Laurel Drive and Madera in Salinas.

Director Beach requested that MST staff provide a notice to MST Board members prior to shelter choices being decided on by city staff as she would like the elected officials to be able to weigh in on shelter style choices.

Director Barrera asked about a recent shelter request in the City of Salinas. Mr. Wulf, MST facilities manager, stated that MST has been waiting six months for the

encroachment permit and asked for Mr. Barrera's assistance in speeding up the process.

Public Comment – none.

Director Le Barre made a motion to authorize the purchase of up to 26 shelters from Tolar Manufacturing Company and was seconded by Director Armenta. The motion passed unanimously.

7-2 Award Contract for MST General Legal Counsel and Contract Labor Negotiations to Delay & Laredo.

Mr. Sedoryk reviewed the staff recommendation to award a one-year contract to the law firm of De Lay & Laredo and to authorize MST staff to extend the contract for up to nine one-year extensions under the same terms, conditions, and priced provided the supplier has delivered satisfactory service.

Chairperson Downey asked Mr. Laredo if he would leave the room while the Board discussed the item.

Director Miller stated that the rate provided was much less than was negotiated by the City of Pacific Grove.

Director Downey felt that providing staff the authority to approve nine one-year contract extensions was not advisable. She would like to see the approval request come before the board.

Director Armenta suggested a short, one-page performance appraisal be provided to the board with the item being placed on Consent Agenda each year after the appraisals are reviewed and confirmed.

Public Comment – none.

Director Beach made a motion to award a one-year contract to the law firm of De Lay & Laredo under the terms and costs provided to the board, and to provide the board with a General Counsel performance appraisal each year for nine years, after which the request to authorize a one-year contract extension will be placed for board consideration under the Consent Agenda. The motion was seconded by Director Le Barre and the motion passed unanimously.

Mr. Laredo was invited back into the room.

8. **PUBLIC HEARINGS**

9. **UNFINISHED BUSINESS**

10. **NEW BUSINESS**

10-1. Authorize increased funding level for CSUMB transit services.

Mr. Harvath reported that there has been an increase in revenue from CSUMB of \$100,000 for the current academic year. This partnership with CSUMB provides alternative transportation for students as well as an increase to overall ridership on the lines that serve the university.

Director Le Barre is please to see MST foster these community partnerships.

Public Comment – none.

Director Le Barre made a motion to accept a total of \$840,158 from CSUMB to expand and enhance transit services for the 2015-2016 academic year and was seconded by Director Pacheco. The motion passed unanimously.

11. REPORTS & INFORMATION ITEMS

11-1. General Manager/CEO Report – June and July 2015.

Mr. Sedoryk provided the highlights of the GM Report and the Washington, D.C. and State legislative updates. He encouraged all board members to thank Congressman Sam Farr for his continued advocacy on behalf of public transportation. He has been advocating diligently for transportation funding and a final resolution on the PEPRA issue.

11-2. Washington D. C. Lobbyist Report – July and August 2015.

11-3. State Legislative Advocacy Update – July and August 2015.

11-4. TAMC Highlights – August 2015.

11-5. Staff Trip Reports.

11-6. Correspondence.

11-7. Staff Announcements.

11-7.1 APTA Annual Meeting – San Francisco, CA

Mr. Sedoyrk stated that Directors Barrera and Le Barre will be attending the APTA Annual Meeting with MST staff.

11-7-2 CTA Fall Conference & EXPO Pasadena, CA

Mr. Sedoryk announced the November 18-24 CTA Fall Conference & EXPO and requested that board members submit their interest in attending to Chairperson Downey.

12. COMMENTS BY BOARD MEMBERS

12-1. Reports on meetings attended by board members at MST expense (AB1234).

Chairperson Downey reported on her attendance at the APTA Board Member Seminar in July.

12-2. Board member Comments and Announcements.

Director Le Barre announced that he will not be able to attend the October board meeting.

12-3. Board member Referrals for future agendas.

Director Barrera requested board discussion on reformatting the order of business of MST's board meetings to enhance accommodating the public.

Director Armenta requested more information on when it is appropriate for a board member to recuse oneself.

Chairperson Downey requested that a meeting or phone conference be set up for board members to confer on the General Manager's performance evaluation.

13. ATTACHMENTS

13-1. Detailed monthly Performance Statistics and Disbursement Journal, June and July 2015. *(This item is located online within the GM Report at: <http://www.mst.org/about-mst/board-of-directors/board-meetings/>)*

14. ADJOURN

There being no further business, Chairperson Downey adjourned the meeting at 12:05 p.m.

Prepared by


Deanna Smith, Deputy Secretary