

MEETING OF THE MST BOARD OF DIRECTORS

MEETING MINUTES

July 12, 2021

Present:	Jeff Baron	City of Carmel-by-the Sea
	John Gaglioti	City of Del Rey Oaks
	Lorraine Worthy	City of Gonzales
	Yanely Martinez	City of Greenfield
	Mike LeBarre	City of King
	David Burnett	City of Marina
	Dan Albert	City of Monterey
	Joe Amelio	City of Pacific Grove
	Orlando Osornio	City of Salinas (Alternate)
	Mary Ann Carbone	City of Sand City
	Dave Pacheco	City of Seaside
	Anna Velazquez	City Soledad
	Luis Alejo	County of Monterey
Absent:	Tony Barrera	City of Salinas
Staff:	Carl Sedoryk	General Manager/CEO
	Lisa Rheinheimer	Assistant General Manager
	Norman Tuitavuki	Chief Operating Officer
	Kelly Halcon	Director of HR and Risk Management
	Mark Eccles	Director of Information Technology
	Michelle Overmeyer	Director of Planning and Innovation
	Andrea Williams	General Accounting & Budget Manager
	Jeanette Alegar-Rocha	Deputy Secretary
	Marzette Henderson	Contract Services Manager
	Ikuyo Yoneda-Lopez	Marketing & Customer Service Manager
	Alvin Johnson	Transportation Manager
	Elena Grigorichina	Operations Analyst
	Matthew Deal	Grants Analyst
	Sloan Campi	Transit Planning Manager
	Emma Patel	Associate Planner
	Scott Taylor	IT Manager
	Ezequiel Rebollar	IT Technician
	Angelina Ruiz	HR Manager

Lisa Cox	Risk and Safety Manager
David Bielsker	Transit Scheduler
Kevin Allshouse	Mobility Coordinator
Jose Sanchez-Barajas	Mobility Specialist
Ruben Gomez	Mobility Specialist
Lesley Van Dalen	Mobility Specialist
Sandra Amorim	Procurement and Contracts Manager
Beronica Carriedo	Community Relations Coordinator
Tricia Ferrante	Trainer

Counsel:	David Laredo	General Counsel, De Lay & Laredo
	Michael D. Laredo	Associate Counsel, De Lay & Laredo

Public:	Douglas Thomsen	MV Transportation
	Debbie Hale	Transportation Agency for Monterey County
	Madilyn Jacobsen	Transportation Agency for Monterey County
	Peter Meyerhofer	Kimley-Horn
	Tad Stearn	Kimley-Horn
	Theresa Wright	Transportation Agency for Monterey County
	Todd Muck	Transportation Agency for Monterey County
	Kevin Dayton	Salinas Valley and Monterey Chambers of Commerce
	Molly Erickson	Stamp / Erickson Law
	Brian La Neve	California Native Plant Society
	Mike Weaver	Highway 68 Coalition
	Margaret Davis	Monterey Peninsula Resident

Apology is made for any misspelling of a name.

1. CALL TO ORDER

- 1-1. Roll Call.
- 1-2. Pledge of Allegiance.
- 1-3. Review Highlights of the agenda. (Carl Sedoryk)

Chair Albert called the meeting to order at 10:00 a.m. and led the pledge of allegiance. General Manager/CEO Carl Sedoryk reviewed the highlights of the agenda. Roll call was taken as the meeting was held via ZOOM teleconference. A quorum was established.

Legal Counsel Dave Laredo proposed an amendment to the closed session agenda based on a letter dated July 12, 2021 received the morning of the Board meeting. Recommendation by Counsel was to add the new item for review by a super majority vote.

Public Comments-

Kevin Dayton from Salinas Valley and Monterey Peninsula Chambers of Commerce in response to the additional item received for closed session 3-1, spoke in support of the SURF! Project.

Mike Weaver, asked to confirm receipt of his public comment letter related to project SURF! sent to the clerk@mst.org. MST staff will send an email to confirm receipt of the letter.

Director Gaglioti made the motion to amend the closed session agenda with a new item for review which was seconded by Director Worthy. A roll call vote was taken with 13 votes in favor; Albert, Alejo, Amelio, Baron, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, Worthy, and none against. The motion passed.

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Members of the public may address the Board on any matter related to the jurisdiction of MST District but not on the agenda. There is a time limit of not more than three minutes for each speaker. The Board will not take action or respond immediately to any public comments presented, but may choose to follow-up at a later time either individually, through staff, or on a subsequent agenda. (Please refer to page 1 of the agenda for instructions)

Public Comment – None

3. CLOSED SESSION

Members of the public may address the Board on any matter related to Closed Session. There is a time limit of not more than three minutes for each speaker. The Board will not take action or respond immediately to any public comments presented, but may choose to follow-up at a later time individually, through staff, or on a subsequent agenda. (Please refer to page 1 of the agenda for instructions)

As permitted by Government Code §64956 et seq. of the State of California, the Board of Directors may adjourn to Closed Session to consider specific matters dealing with personnel and/or pending possible litigation and/or conferring with the Board's Meyers-Milias-Brown Act representative.

- 3-1. Pursuant to Government Code Section 54956.9 (d)(2), the Board will confer with legal counsel regarding one matter of significant exposure to litigation as stated on June 28, 2021 by letter from Molly Erickson, STAMP | ERICKSON, Attorneys at Law that a failure of MST to act as demanded will result in judicial challenge.

- 3-2. Pursuant to Government Code Section 54956.9 (d)(2), the Board will confer with legal counsel regarding one new item related existing litigation: Keep Fort Ord Wild; The Open Monterey Project v. Monterey-Salinas Transit, Monterey County Superior Court, Case No. 21CV002192
- 3-3. Review General Manager/CEO Performance Evaluation Gov. Code § 54957.
- 3-4. Return from Closed Session and Report on Item.

General Counsel, Dave Laredo reported that Board was provided background by staff on all closed session items but no reportable action was taken.

4. CONSENT AGENDA

These items will be approved by a single motion. Anyone may request that an item be discussed and considered separately.

- 4-1. Adopt Resolution 2022-01 recognizing Reina Diaz Villanueva, Coach Operator as Employee of the Month for July 2021. (Alvin Johnson)
- 4-2. Receive Draft Minutes of the MST Board Operations Performance Committee Meeting on June 14, 2021. (Jeanette Alegar-Rocha)
- 4-3. Approve Minutes of the MST Board Meeting on June 14, 2021. (Jeanette Alegar-Rocha)
- 4-4. Receive Report on Lost and Found Items Left on MST Property for the Month of March 2021. (Sonia Wills)
- 4-5. Financial Reports – May 2021. (Lori Lee)
 - A. Accept report of May 2021 Cash Flow
 - B. Approve May 2021 Disbursements
 - C. Accept Report of May 2021 Treasury Transactions
- 4-6. Receive Draft Minutes of the MAC Committee on May 26, 2021. (Claudia Valencia)
- 4-7. Receive Update on the August 21st Service Change. (Sloan Campi)

End of Consent Agenda

Public Comment – None

Director Gaglioti made the motion to approve all items on the consent agenda which was seconded by Directed Velazquez. A roll call vote was taken with 13 votes in favor: Albert, Alejo, Amelio, Baron, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, Worthy, and none against. The motion passed.

1. RECOGNITIONS AND SPECIAL PRESENTATIONS

- 5-1. Employee of the Month, July 2021, Reina Diaz Villanueva (Alvin Johnson)
- 5-2. 20 Years of Service – Mark Eccles, Director of Information Technology. (Carl Sedoryk)
- 5-3. Receive Staff Report on Activities Related to the COVID-19 Pandemic Incident Response and Recovery Planning to Date and Provide Direction, If Needed. (Carl Sedoryk)

Public Comment - None

2. PUBLIC HEARINGS

None

3. ACTION ITEMS

- 7-1. Receive July 2021 Progress Update of the MST COVID-19 Recovery Plan. (Michelle Overmeyer)

Public Comment - None

- 7-2. Receive Updated Continuity of Operations Plan (COOP) for Disasters or Other Emergencies. (Norman Tuitavuki)

Public Comment - None

- 7-3. Receive Update on Renewed Academic Year 2021-2022 Partnerships and:
 - A. Authorize the General Manager/CEO to enter into contract with CSUMB for the Fall 2021 semester in an amount not to exceed \$487,500.
 - B. Authorize the General Manager/CEO to enter into contract with Hartnell College for the full 2021-2022 school year in an amount not to exceed \$214,000.
 - C. Authorize the General Manager/CEO to enter into contract with Monterey Peninsula College for the full 2021-2022 school year in an amount not to exceed \$72,000. (Michelle Overmeyer)

Public Comment - None

Director Gaglioti made the motion to approve agenda item 7-3 which was seconded by Directed Worthy. A roll call vote was taken with 13 votes in favor: Albert, Alejo, Amelio, Baron, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, Worthy, and none against. The motion passed.

- 7-4. SURF! Busway and Bus Rapid Transit Project
- A. Rescind Board Action of June 14th regarding the SURF! Busway and Bus Rapid Transit Project approving Resolution 2021-25; Rescission will have the following effect to nullify these actions:
 - 1. Approving findings (includes SB 288 statutory exemption) and adopting the final Initial Study/ Mitigated Negative Declaration; and
 - 2. Approving the Mitigation Monitoring and Reporting Program; and
 - 3. Approving the project.
 - B. Receive Public Comments
 - C. Approve Resolution 2022-02 finding the SURF! Busway and Bus Rapid Transit Project exempt from CEQA under the SB 288 statutory exemption.
 - D. Consider and Approve Resolution 2022-03 regarding the SURF! Busway and Bus Rapid Transit Project. This action will have the following effect:
 - 1. Approving findings and adopting the final Initial Study/ Mitigated Negative Declaration; and
 - 2. Approving the Mitigation Monitoring and Reporting Program; and
 - 3. Approving the project. (Michelle Overmeyer)

Director LeBarre made the motion to approve agenda items 7-4a and 7-4b as recommended by staff which was seconded by Directed Amelio. A roll call vote was taken with 13 votes in favor; Albert, Alejo, Amelio, Baron, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, Worthy, and none against. The motion passed.

Public Comments

Kevin Dayton on behalf of the Salinas Valley and Monterey Peninsula Chambers of Commerce supports the SURF! Project.

Bryan La Neve on behalf of the Monterey Bay Chapter of the California Native Plant Society expressed concerns related to environmental impacts to protected coastal zone habit and endangered plants.

Molly Erickson on behalf of her clients, Keep Fort Ord Wild and The Open Monterey Project commented that the proposed SURF! project would not have any favorable impact to traffic on Highway 1. Ms. Erickson added that MST should focus on the Comprehensive Operational Analysis project in progress.

Mike Weaver commented on the priority to protect the aesthetics of scenic Highway 1 and concerns about the cost of the project.

Margaret Davis commented on behalf of recreational and alternative trails of the Monterey County to rescind the approval of Project SURF!

Director Gaglioti made the motion to approve agenda item 7-4c as recommended by staff which was seconded by Directed Alejo. A roll call vote was taken with 13 votes in favor: Albert, Alejo, Amelio, Baron, Burnett, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, and Worthy. The motion passed unanimously.

Director LeBarre made the motion to approve agenda item 7-4d as recommended by staff which was seconded by Directed Gaglioti. A roll call vote was taken with 12 votes in favor: Albert, Alejo, Amelio, Baron, Carbone, Gaglioti, LeBarre, Martinez, Osornio, Pacheco, Velazquez, Worthy, and 1 abstention: Burnett. The motion passed.

4. REPORTS & INFORMATION ITEMS

The Board will receive and file these reports, which do not require action by the Board.

- 8-1. General Manager/CEO Report – May 2021
- 8-2. Federal Legislative Advocacy Report – June 2021
- 8-3. State Legislative Advocacy Update
- 8-4. Staff Trip Reports – None
- 8-5. Correspondence – None

5. BOARD REPORTS, COMMENTS, AND REFERRALS

- 9-1. Reports on Meetings Attended by Board Members at MST Expense. (AB 1234)
- 9-2. Board Member Comments and Announcements.
 - a) Return to In-Person Meeting in September- Board Meeting scheduled on September 13, 2021

9-3. Board Member Referrals for Future Agendas.

6. ATTACHMENTS

10-1. The Detailed Monthly Performance Statistics and Disbursement Journal for May 2021 can be viewed online within the GM Report at <http://mst.org/about-mst/board-of-directors/board-meetings/>

7. ADJOURN

With no further business to discuss, Chair Albert adjourned the meeting at 12:22 p.m. (Pacific)

PREPARED BY:  REVIEWED BY: 
Jeanette Alegar-Rocha Carl G. Sedoryk