Board of Directors
Minutes of the Regular Meeting
Monterey-Salinas Transit
September 12, 2011

1. Call to Order

Chair Armenta called the meeting to order at 10:00 a.m. in the MST Conference Room and the Pledge of Allegiance followed.

Present: Fernando Armenta County of Monterey
         Alan Cohen City of Pacific Grove
         Jerry Edelen (alt) City of Del Rey Oaks
         Libby Downey City of Monterey
         John Huerta, Jr. City of Greenfield (arrived at 10:18 a.m.)
         Susan Kleber City of King
         Frank O’Connell City of Marina
         David Pendergrass City of Sand City
         Sergio Sanchez City of Salinas
         Karen Sharp City of Carmel-by-the-Sea
         Patricia Stephens City of Soledad

Absent: Alvin Edwards City of Seaside
         Maria Orozco City of Gonzales

Staff: Sonia Bannister Office Administrator/Marketing & Sales Specialist
       Mark Eccles Director of IT
       Kathy Williams General Budget & Accounting Manager
       Kelly Halcon Director of Human Resources
       Hunter Harvath Asst. General Manager/Finance & Administration
       Michael Hernandez Asst. General Manager/COO
       Carl Sedoryk General Manager/CEO
       Zoe Shoats Marketing Analyst
       Deanna Smith Executive Assistant to the GM/CEO
       Robert Weber Director of Transportation Services
       Rose Bayles HR Generalist

Others: David C. Laredo De Lay & Laredo
        Heidi Quinn De Lay & Laredo
        Jerry Laval Occlink
        Edward De Ocampo Andreini
        Bill Weigle Resident of Seaside
        Margaret Davis Friends of the Ft. Ord Workhorse
        Kay Cline Sustainable Seaside
        Jim Fink Public
        Amy White LandWatch
        Jason Campbell Seaside Resident
Apology is made for any misspelling of a name.

2. CONSENT AGENDA

The consent agenda items consisted of the following:

2-1 Review highlights of Agenda.

Mr. Sedoryk presented the highlights of the agenda.

2-2 Adopt Resolution 2012-04 recognizing Carl Wulf, Facilities Manager, as Employee of the Month for August, 2011.

2-3 Adopt Resolution 2012-05 recognizing Agustin Ruelas, Advanced Mechanic, as Employee of the Month for September, 2011.

2-4 Disposal of property left aboard buses.

2-5 Minutes of the regular meeting of July 11, 2011.


2-8 Claim Rejections—Tamayo, Ceiro.

2-9 Approve sale of 1957 GMC Bus.

2-10 General Manager/CEO’s Contract Renewal.

2-11 Fremont-Lighthouse BRT Contingency Budget and Modifications to Contract.

Director Downey requested Item 2-10 be pulled because she had not had time to read the handout. Mr. Laredo stated that there was no need to pull the item; three (3) options were available to the Board: 1) move the item to Closed Session to provide for in-depth comment; 2) remove from Consent Agenda; or 3) continue the item to the next Board meeting.

Director Downey asked if there were any increases to Mr. Sedoryk's benefit package. Mr. Sedoryk stated that there were no increases to his salary or benefits. The language regarding benefits had been changed to reference keeping his benefits comparable to those listed in the MSTEA employee contract. Director Downey stated she wanted to continue the item so the public and board had more time to view the draft contract.

Director Armenta moved the item to Closed Session for further discussion.
Public Comments - None.

Director Stephens made a motion to approve the Consent Agenda with the exception of Item 2-10 and was seconded by Director Kleber. The motion carried unanimously.

3. SPECIAL PRESENTATIONS

3-1 August Employee of the Month—Carl Wulf, Facilities Manager.

Mike Hernandez recognized Carl Wulf, Facilities Manager, as Employee of the Month for his positive contribution to the entire community and for his outstanding efforts on managing capital projects that have been instrumental in helping MST meet the needs of our community.

3-2 September Employee of the Month—Agustin Ruelas, Advanced Mechanic.

Mike Hernandez recognized Agustin Ruelas, Advanced Mechanic, as Employee of the Month for his positive contribution to MST and for being instrumental in the project to restore two Oklahoma City trolleys which helped MST complete the trolley project in time for summer service.

John Huerta, Jr. arrived at 10:18 a.m.

3-3 Board Resource Guide online presentation and Paperless Agenda Survey.

Mr. Sedoryk announced that in response to the goal of researching, implementing, and promoting policies and practices that encourage environmental sustainability and resource conservation within the Strategic Plan adopted in July 2010, staff is asking for input and a response to MST’s efforts to increase paperless distribution of monthly agendas. Up to $8,000 can be saved annually if agendas are prepared and distributed in PDF format. He will be following up with special districts and city councils to determine if there is an interest in a combined contribution toward the purchase of electronic readers for city council members. A Paperless Agenda Survey was distributed to gauge the Board's interest in promoting and taking part in this effort.

Deanna Smith, Executive Administrative Assistant to the General Manager/CEO, presented an online tutorial on navigating the online FY 2011 Board Resource Guide. This is MST’s first attempt at creating an electronic version of a document formerly available exclusively in print format.

Director Edelen warned of litigation involving a Brown Act violation surrounding the use of electronic readers during Board meetings.
Chair Armenta asked that the issue be researched and brought back to the Board for further discussion.

Director Huerta stated that he was favorable to the concept provided MST maintained fairness and equity in distributing agenda documents.

4. PUBLIC COMMENT

Amy White of LandWatch stated that they had successfully supported a petition drive to overturn the Board of Supervisor’s decision to approve MST’s Whispering Oaks facility. 10,000 signatures were required and volunteers obtained 18,000 signatures. She stated that the proposed site does not make sense with MST’s “green” legacy.

Jason Campbell, Seaside resident, asked the Board to respect the people and change the location for the new facility.

Margaret Davis with Friends of the Ft. Ord Warhorse read a letter that she distributed to the Board.

Jim Fink, member of the public, asked that it be formally recorded that he considers LandWatch’s petition efforts to be fraudulent. He accuses them of fraud, deceit, and gathering signatures on false pretense. He also asks that MST consider increasing fares instead of cutting services. He believes MST’s fares are not high enough.

Kay Cline of Sustainable Seaside provided statistics that state Seaside has only 1.7 acres of parkland per thousand residents. She asks the Board to choose another location.

Bill Weigle, resident of Seaside, stated that some members of the Board are not paying attention to public comments. He stated that he is primarily concerned with the destruction of 2,400 trees on the Whispering Oaks site.

Close Public Comment

5. COMMITTEE REPORTS AND PRESENTATIONS

5-1 Legislative Committee Minutes of July 11, 2011.

5-2 Revised Finance Committee Minutes of May 9, 2011.

5-3 Marketing Committee Minutes of August 29, 2011.

Public Comment – None.

6. BIDS/PROPOSALS
6-1 Exercise $96,000 option year three with Occlink for worker’s compensation employer-based management program.

Kelly Halcon, Director of Human Resources and Risk Management, requested the Board’s authorization to approve the third contract year with Occlink for MST’s Worker’s Compensation Employer Based Management Program. Over the last two (2) years, MST’s reserves have decreased from $2.2 million to $750,000, representing an 85% savings.

Public Comment – None.

**Director Downey made a motion to authorize the General Manager/CEO to exercise the option for year 3 of the Occlink contract and was seconded by Director Sanchez. The motion carried unanimously.**

7. **PUBLIC HEARINGS**

None.

8. **UNFINISHED BUSINESS**

None.

9. **NEW BUSINESS**

None.

10. **REPORTS & INFORMATION ITEMS**

10-1 General Manager/CEO Report.

10-2 TAMC Highlights of August, 2011.

10-3 Board Satisfaction Survey Results.

10-4 Federal Gas Tax Extension Update.


10-8 State Lobbyist Report.
10-9 Staff Trip Reports.

10-10 New Benefit Options.

10-11 Correspondence, Assembly Member Luis Alejo re: transit project bond sale.

Director Kleber asked staff to be careful dealing with Aflac, as she has had a negative experience with them.

Public Comment

Jim Fink stated that he ghost-wrote the California Seatbelt Law of 1986, but that the seatbelt requirement for school and public transit buses was removed from the law. He encourages the use of seatbelts on MST buses.

11. COMMENTS BY BOARD MEMBERS

11-1 Reports attended by Board Members at MST expense - None.

Director Downey asked that a detailed budget of Whispering Oaks expenses should go to all Board members. She asked for an update on the meeting between MST and the City of Marina. She stated that she would like to see questions regarding the RTA on the Board Satisfaction Survey. She also asked whether the horse trail was adjacent to the Whispering Oaks site or ran through it, and whether the $30 million grant funding could be transferred to another property.

Director Edelen requested that a visit to all of the proposed Administrative Facility locations be arranged for all Board members. He also stated that he felt the General Manager/CEO contract should be made public before being voted on.

Director Sanchez thanked Ms. Smith for her efforts at implementing paperless agendas. He asked that staff and Board members begin thinking about attracting new riders within the population, particularly youth.

Chair Armenta clarified that the General Manager’s contract should be available for the public to view and comment on, but that the public is not a part of the actual contract negotiations.

Director Pendergrass encouraged staff to present the Whispering Oaks budget expenses to date to the public, as he feels they do not have that information when they are considering opposing the project.

12. REFERRALS BY BOARD MEMBERS
12-1 Officer Term Limits.

Mr. Sedoryk asked if the Board would like to instruct the Nominating Committee to rotate officers by jurisdiction to ensure that all Board members have the opportunity for Board leadership or if a change to the Bylaws is desired. The consensus was that the Bylaws be amended to ensure that the policy is followed.

Director Edelen made a motion to amend the MST bylaws to mirror the TAMC bylaw example and encourage leadership among all Board Members and was seconded by Director Huerta. The motion carried unanimously.

12-2 90-Day Analysis of New Fare Structure.

Mr. Sedoryk stated that an analysis of the new fare structure revealed that passengers were impacted less than a nickel per fare equating to about a 3% increase, and the new technology resulted in less fraud and a 7% increase in total fares collected. He believes the 5 cent fare impact could be due to the fact that passengers are now using their Smart Cards to take advantage of the savings. MST also offers half-priced fares on Sunday and has realized a 25% increase in Sunday ridership.

Public Comment

Mr. Fink re-stated his request that fares be raised annually according to inflation and an analysis of wages.

13. ANNOUNCEMENTS

None.

14. ATTACHMENTS


15. CLOSED SESSION

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-Milius-Brown Act representative.

The Board moved to Closed Session at 11:26a.m.

15-1. Conference with Labor Negotiators – Monterey-Salinas Transit Employee Association (MSTEA) and MST (D. Laredo, K. Halcon) (§54957.6)

15-2. Conference with Legal Counsel-Litigation- Tabitha Stanislaw and James Conboy (§ 54956.9) (K. Halcon) (Enclosure)
15-3. General Manager Performance Evaluation – (K. Halcon) (§54957 (b)) (No enclosure)

15-4 Conference with property negotiators. (Parcel # APN 032-171-005, L.2.3, L.2.4.1, L.2.4.3, L.2.4.2, APN 031-011-056-000) (No enclosure) (Carl Sedoryk)

15-5 Conference with Legal Counsel-Litigation-LandWatch v. County of Monterey. (Monterey Superior Court Case No. M113552) (No enclosure) (Carl Sedoryk)

16. RETURN TO OPEN SESSION

16-1. Report on Closed Session and possible action – No reportable action taken.

17. ADJOURN

There being no further business, Chairperson Armenta adjourned the meeting at 12:35p.m.

Prepared by: Deanna Smith, Deputy Secretary