1. Call to Order

1-1. Roll call.

1-2. Pledge of Allegiance.

Chair Orozco called the meeting to order at 10:09 a.m. Roll call was taken and the pledge of allegiance followed.

Chair Orozco conducted a Swearing in Ceremony for Terry Hughes, the new MST Board representative from The City of King.

Chair Orozco, at the approval of the Board, moved to Agenda Item #6, Public Comments.

Present: Fernando Armenta  County of Monterey
Tony Barrera (alt)  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
Alvin Edwards  City of Seaside
Terry Hughes  City of King
Frank O’Connell  City of Marina
Maria Orozco  City of Gonzales
David Pendergrass  City of Sand City
Patricia Stephens  City of Soledad

Absent: Yvette Gonzalez  City of Greenfield

Staff: Carl Sedoryk  General Manager/CEO
Zoe Shoats  Marketing Analyst
Michael Hernandez  Asst. General Manager/COO
Kelly Halcon  Director of Human Resources & Risk Management
Hunter Harvath  Asst. General Manager/Finance & Administration
Deanna Smith  Executive Assistant to the GM/CEO
Robert Weber  Director of Transportation Services
Dave Laredo  General Counsel/De Lay & Laredo
Michelle Overmeyer  Grants Analyst
Mark Eccles  Director of IT
Tom Hicks  CTSA Manager
Heidi Quinn  De Lay & Laredo
Others:
Margaret Osborne  Seaside
Phillip Soriano  Salinas
Claudia Hudson  ATU International
Cam Lu  ATU President Local 1225
Heller Chappel  Marina
Mike Rouse  Salinas
Jimmy Jimenez  Castroville
Eugene Dabrill  S.V.
Frederick Thompson  Salinas
Tony Valladares  Salinas
Albert Garcia  Salinas
Rich Deal  City of Monterey
Jim Fink  Del Rey Oaks
Mario Torabbeigi  Monterey
Mori Torabbeigi  Monterey

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

2. CLOSED SESSION

Dave Laredo, MST General Counsel, read the items to be discussed under Closed Session. Members of the public were advised that the Board would meet in Closed Session for approximately thirty (30) minutes.

2-1. Public Comment on Matters on Closed Session Agenda.

Claudia Hudson, representative from Amalgamated Transit Union (ATU) International, requested that MST not take the extreme measure of cutting service in response to the ATU’s objection to the certification of funds resulting from their opposition to the language of the Public Retirement Pension Reform Act of 2013 (PEPRA). She requested that MST disregard the law until the ATU, the Department of Labor (DOL), and the State of California negotiate and come to agreeable terms. She requested a copy of MST’s Comprehensive Annual Financial Report (CAFR).

2-2. General Manager/CEO Performance Evaluation, Gov. Code § 54957 (b). (No Enclosure) (Kelly Halcon)

2-3. Conference with Labor Negotiators, Gov. Code § 54957.6. Amalgamated Transit Union, Local 1225; Monterey-Salinas Transit Employee Association; MST. (No Enclosure) (D. Laredo, K. Halcon)


3. RETURN TO OPEN SESSION

3-1. Report on Closed Session and possible action.

Mr. Laredo stated that the Board discussed only Closed Session Item 2-3. No reportable action was taken.

Public Comment

None.

Close Public Comment

Chair Orozco moved to Agenda Item #11-2.

4. CONSENT AGENDA

4-1 Review highlights of Agenda. (Carl Sedoryk)

4-2 Adopt Resolution 2013-12 recognizing Michelle Overmeyer, Grants and Compliance Analyst, as Employee of the Month for December, 2012. (Hunter Harvath)

4-3 Disposal of property left aboard buses. (Sonia Bannister)

4-4 Minutes of the regular meeting of November 5, 2012. (Deanna Smith)


4-6 Adopt Resolution of Appreciation 2013-13 recognizing Susan Kleber. (Carl Sedoryk)

4-7 Adopt Resolution of Appreciation 2013-14 recognizing Sergio Sanchez. (Carl Sedoryk)

4-8 Receive 2013 Board Meeting Calendar and Committee Schedule. (Deanna Smith)

4-9 Adopt Resolution 2013-15 recognizing Phillip Soriano, Coach Operator, for 14 Years of Service. (Michael Hernandez)

4-10 Adopt Resolution 2013-16 recognizing Maureen McEachen, Mobility Advisory Committee member, for her distinguished service. (Tom Hicks)

4-11 Authorize staff to submit letter of interest in Ex officio membership to the Monterey County Commission on Disabilities. (Robert Weber)

Public Comment

None.
Close Public Comment

**Director Clark made a motion to approve the Consent Agenda and was seconded by Director Armenta. The motion carried unanimously.**

**5. SPECIAL PRESENTATIONS**

5-1  December Employee of the Month – Michelle Overmeyer, Grants and Compliance Analyst. (Hunter Harvath)

Hunter Harvath recognized Michelle Overmeyer as Employee of the Month.

5-2  Resolution of Appreciation – Susan Kleber, Board Member. (Carl Sedoryk)

Susan Kleber was not present.

5-3  Resolution of Appreciation – Sergio Sanchez, Board Member. (Carl Sedoryk)

Sergio Sanchez was not present.

5-4  Retirement- Phillip Soriano, Coach Operator. (Michael Hernandez)

Michael Hernandez recognized Phillip Soriano for his excellent service to MST and the entire community and for his fourteen (14) years of service with MST.

5-5  Distinguished Service – Maureen McEachen, Mobility Advisory Committee member. (Tom Hicks)

Maureen McEachen was not present.

5-6  Receive Bus Rapid Transit construction update and provide direction to staff. (Carl Wulf)

Carl Wulf presented and update on the Bus Rapid Transit construction project.

Hunter Harvath provided a PowerPoint presentation detailing a complaint received from the owners of a rug business about to open on Lighthouse Avenue in Monterey, in front of which a JAZZ bus shelter has been placed. The location is one of MST’s busiest bus stops and riders have requested a shelter at this location for many months. The shelter location was approved by the City of Monterey through its Architectural Review Commission during the project approval process.

Public Comment

Patrick Stafford of Mahoney and Associates stated that he helped the business owners obtain the property being discussed. He believes the shelter obstructs the view of the storefront and requests that another location be identified.
Mario Torabbeigi, one of the owners of the business under discussion, stated that he and his brother chose this building because of its good visibility. They believe the shelter impedes their building’s visibility; they also were not informed by the City of Monterey at the time they obtained their business license that a shelter was going to be installed.

Jeff Congden, the owner of the building under discussion, stated that the business owners would not have leased the property if the shelter had been in front of the building. He stated that he was not notified that a bus shelter was going to be installed in front of his property.

Close Public Comment

Director Armenta requested that the item be postponed and discussed at a future Board meeting. Mr. Sedoryk recommended moving forward with the shelter placement as originally approved, as MST has in its possession all necessary permits and has received many complaints from riders that they are exposed to the elements at this stop. If, at a future time, it is determined that MST must move the shelter they will do so.

Director Downey made a motion that the shelter not be placed in front of the business in question unless the business owners approve, and that a bench be installed in place of the shelter. There was no second to the motion and the motion failed.

Director Beach made a motion to re-establish the stop and install the JAZZ shelter while continuing to work with the business owners to establish possible design modifications that would be amenable to all parties, and that the results of this effort be presented at the January 14 Board meeting. The motion was seconded by Director Edwards. The motion passed 11-1 with Director Downey opposed.

6. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Jim Fink stated that sanitation facilities should be provided at all MST bus stations and at Park & Ride facilities. He stated that there is one MV driver who does not adhere to the posted schedule for Line 25.

There being no further comments, Chair Orozco moved to Agenda Item #2, Closed Session.

7. COMMITTEE REPORTS

No action required unless specifically noted.

7-1 Finance Committee Minutes from November 5, 2012. (Deanna Smith)

7-2 Mobility Advisory Committee Minutes from September 26, 2012. (Christy Sugabo)
8. BIDS/PROPOSALS

8-1 Authorize purchase of South County Radio and Data Range Expansion hardware and software. (Mark Eccles)

Director Stephens made a motion to approve the purchase of South County Radio and Data Range Expansion hardware and software and was seconded by Director Armenta. The motion carried unanimously.

8-2 Authorize Traffic Signal Priority System Purchase. (Mark Eccles)

Director Edwards made a motion to authorize the purchase of a Traffic Signal Priority System and was seconded by Director Armenta. The motion carried unanimously.

8-3 Award 5 Year Service Agreement to MV Public Transportation to provide MST RIDES ADA & Special Transportation Paratransit Services and other Fixed Route, On Call, & Trolley Services. (Robert Weber)

Robert Weber clarified that at this time, MST staff is not requesting the Board’s approval to award a contract to MV Public Transportation, but is rather requesting to negotiate with MV Public Transportation.

Director Stephens made a motion that the item be postponed and moved to the January 14 Board meeting and, at that time, that staff have specific data related to MV’s service and quality history over the term of its previous contract with MST for Board review. The motion was seconded by Director Clark and carried unanimously.

9. PUBLIC HEARINGS

9-1 Conduct Public Hearing and adopt the FY 2013 Program of Projects, authorizing the filing of grant applications with the Federal Transit Administration and Caltrans. (Michelle Overmeyer)

Michelle Overmeyer provided information on the FY 2013 Program of Projects.

Public Comment

None.
Director Edwards made a motion to adopt the FY 2013 Program of Projects and authorize the filing of appropriate grant applications with the Federal Transit Administration and Caltrans. The motion was seconded by Director Beach and carried unanimously.

10.UNFINISHED BUSINESS

10-1 Authorize MST Trolley Electrification Project. (Michael Hernandez)

Director Pendergrass made a motion to authorize MST to enter into a contract with Wireless Advanced Vehicle Electrification, Inc. for a wireless trolley electrification project and was seconded by Director Edwards. The motion carried unanimously.

10-2 Authorize staff to allocate accessible taxis to interested parties. (Tom Hicks)

Public Comment

Claudia Hudson requested information on whom the accessible taxis serve.

Close Public Comment

Tom Hicks stated that the vehicles are available to the general public and also serve customers of the Senior Voucher program and those with disabilities.

Director Armenta made a motion to authorize the General Manager/CEO to allocate accessible taxis to interested taxicab companies who have met the requirements of RFQ 13-04, and who are in compliance with RTA regulations and was seconded by Director Edwards. The motion carried unanimously.

10-3 Receive update on MST military partnerships and direct staff to modify service levels. (No Enclosure) (Hunter Harvath)

Hunter Harvath stated that since the agenda was mailed, MST has been able to secure funding to maintain all military lines with the exception of service reductions to Line 79 between Monterey to San Jose and Line 73 between Monterey and Prunedale.

11.NEW BUSINESS

11-1 Receive update on state and federal legislative issues and adopt MST 2013 Legislative Program. (Hunter Harvath)

Director Armenta made a motion to approve the 2013 Legislative Program with recommended changes and additions by the Legislative Committee:
Amend the language of Item 4S (b) to read: “Oppose efforts to mandate benefits or other specific working conditions that would increase MST’s costs and would be more appropriately addressed through the local collective bargaining process.”

Add to the State Legislative Program the following items:

1. The MST Legislative Committee shall meet quarterly to address legislative issues of particular importance to MST.
2. The MST Board shall participate more actively with CTA and APTA on legislative issues of particular importance to MST.
3. MST staff shall allocate necessary funds in the FY 2013 Budget to accommodate increased participation in CTA and APTA legislative meetings.
4. MST staff shall, within the next two months, request a proposal from John Arriaga of Arriaga and Associates to provide legislative advocacy services for MST, and the proposal shall be brought back to the MST Legislative Committee to consider recommending his services to be approved by the MST Board.

Director Armenta’s motion was seconded by Director Edwards and the motion carried unanimously.

11-2 Review possible service modifications that may be needed by reason of interruption of federal revenues due to objections raised by ATU to the U.S. Department of Labor’s processing of Section 13(c) certification. (No Enclosure) (Hunter Harvath)

Mr. Sedoryk stated that shortly after Thanksgiving, MST received notification that ATU International had filed an objection to MST’s application for federal operating funds in excess of $3 million. ATU is objecting to language within AB 340 (PEPRA), recently signed into law by the State of California and Governor Brown, which they believe limits their collective bargaining rights. As a result of this objection, the Department of Labor will not certify the funds for release to MST. The funds are used to operate MST’s system including coach operator wages, fuel, supplies and other critical operating needs. The funds are a reimbursement for funds already spent and represent approximately six (6) months of federal operating funds and approximately twenty-five to thirty percent of MST’s annual operating budget. Since notice of the objection, MST has had numerous meetings with ATU International and the federal DOL, acting in good faith to help resolve this issue. Without these funds, MST will not be able to provide its current level of transit services to the community and is proposing implementing its approved “Service Reduction Emergency Plan” to implement a Sunday level of service for all services on a daily basis beginning on January 5, 2013. This service level reduction would also result in a reduction in staff levels. MST staff remains hopeful they will be able to convince the DOL to release funds to MST, thereby averting the impending service and staff reductions.
Mr. Harvath stated that notices of impending service reductions will be immediately place in the Salinas Californian, El Sol, and Monterey County Herald newspapers, in card cards on all MST buses, and in Press Releases to media outlets throughout Monterey County. A series of Public Hearing will be held the first week of January. MST is also considering the possibility of needing long-term service reductions in the event that the dispute is not resolved in a timely manner.

Public Comment

Claudia Hudson requested that MST disregard PEPRA until federal and state governments resolve this issue.

Close Public Comment

Director Downey made a motion to authorize the General Manager/CEO to implement the proposed Emergency Sunday Schedule, if necessary, in response to the DOL’s refusal to certify grant funds for MST operations and was seconded by Director Clark.

Director Armenta requested that matters of this gravity be presented to the Board in advance of Board meetings. He requested adding to the motion that a summary report, detailing the ATU’s objection and all subsequent responses and actions taken, be prepared and submitted to the Board.

Director Pendergrass requested adding to the motion the Board’s direction to staff to continue working with MST’s lobbyists to help resolve the issue.

Directors Downey and Clark accepted the additions to the motion to read:

“The MST Board authorizes the General Manager/CEO to implement the proposed Emergency Sunday Schedule, if necessary, in response to the DOL’s refusal to certify grant funds for MST operations; requests that staff prepare a summary report, detailing the ATU’s objection and all subsequent responses and actions taken, and submit to the Board; and requests that staff to continue working with MST’s lobbyists to help resolve the issue.”

The motion carried unanimously.

11-3 Review, provide direction and take action regarding reductions in labor force (RIF) affecting ATU, MSTEA and/or unrepresented employees; Delegate to GM/CEO Sedoryk authority to meet & confer on the RIF and to issue layoff notices. (No Enclosure) (Dave Laredo)

General Counsel, Dave Laredo, reported that as a result of the proposed reductions in service, staff reductions will be necessary. He stated that MST should act
in good faith and notify affected employees of possible reductions in workforce as soon as possible.

    Director Downey stated that she expects administrative staff to be included in workforce reductions.

    Director Stephens requested that the Board be informed of progress throughout the week.

Public Comment

    Claudia Hudson requested that MST not comply with the PEPRA law, and instead wait until the issue is resolved at the federal and state level.

    Eric Petersen asked if MST could borrow the funds to cover their operations expenses.

Close Public Comment

    Dave Laredo stated that he does not advise MST to violate state law. Hunter Harvath stated that MST has no more borrowing power at this time.

    **Director Clark made a motion to authorize the General Manager/CEO to announce possible reductions in workforce as a result of proposed service reductions, and to meet and confer with representatives of ATU Local #1225 and MSTEA.** The motion was seconded by Director Edwards. The motion carried unanimously.

Chair Orozco moved to Agenda Item #4, Consent Agenda.

12. REPORTS & INFORMATION ITEMS

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

    12-4 Staff trip reports.
    12-5 Correspondence.

Public Comment

    None.
Close Public Comment

13. COMMENTS BY BOARD MEMBERS

13-1 Reports on meetings attended by Board Members at MST expense (AB1234).

13-2 Board Member Comments and Announcements.

13-3 Board Member Referrals for future agendas.

14. ATTACHMENTS

14-1 Disbursement Journal for October, 2012.

15. CONTINUED CLOSED SESSION

The Board of Directors may adjourn to Closed Session to consider matters listed under Agenda Items 2-2 through 2-5 that were continued to this time.

The Board did not meet in Closed Session to discuss Agenda Items 2-2 through 2-5.

16. ADJOURN

There being no further business, Chair Orozco adjourned the meeting at 12:59 p.m.