

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

**Minutes**

January 27, 2014

9:00 a.m.

**1. CALL TO ORDER**

1-1 Roll call.

1-2 Pledge of Allegiance.

**Chair Orozco called the meeting to order at 9:00 a.m. Roll call was taken and Director Hurley led the Pledge of Allegiance.**

<b>Present:</b>	Fernando Armenta	County of Monterey
	Tony Barrera	City of Salinas
	Victoria Beach	City of Carmel-by-the-Sea (9:10 a.m.)
	Kristin Clark	City of Del Rey Oaks
	Alan Cohen	City of Pacific Grove
	Libby Downey	City of Monterey
	Alvin Edwards	City of Seaside (9:10 a.m.)
	Randy Hurley	City of Greenfield
	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>	Terry Hughes	City of King
<b>Staff:</b>	Carl Sedoryk	General Manager/CEO
	Hunter Harvath	Asst. General Manager/Finance & Administration
	Michael Hernandez	Asst. General Manager/COO
	Deanna Smith	Executive Assistant/Clerk to the Board
	Kelly Halcon	Director of Human Resources & Risk Management
	Robert Weber	Director of Transportation Services
	Mark Eccles	Director of IT
	Tom Hicks	CTSA Manager
	Zoe Shoats	Marketing Manager
	Michelle Overmeyer	Grants Analyst
	Sandra Amorim	Purchasing Manager
	Dave Laredo	De Lay & Laredo
	Miriam Gutierrez	Customer Service Representative
<b>Public:</b>	Kazuko Luessendorf	Interim Inc.
	Greg Findley	Cassidy Turley
	Melissa McKenzie	The Carmel Foundation
	Maureen McEachen	VNA Monterey
	Elizabeth Polk	MAC/CCCIL

Debbie Hale	TAMC
Arianna Greene	TAMC
Robert Jurado	Veteran's Transition Center
Ryan Bankston	Veteran's Transition Center
Roy Graham	TAC
Jim Fink	MST Rider

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

1-3. New Brown Act Requirement for 2014 – Dave Laredo.

Mr. Laredo provided an update on a new Brown Act requirement. Beginning on January 1, 2014, all decisions made by the Board of Directors must be recorded in the minutes as either unanimous or should specify the names of board members who dissent or abstain. A roll call is not required for all motions, but if the decision is unclear, a roll call should be taken to clarify dissents or abstentions. After the chair calls the question, the board chair should signify verbally whether the decision was unanimous or, in the case of a split vote, board members dissenting or abstaining should be named for the public record.

## 2. 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-Milias-Brown Act representative.*

- 2-1. Conference with Labor Negotiators – Amalgamated Transit Union (ATU), Local 1225, and MST. (No enclosure) (D. Laredo, K. Halcon) (§54957.6)
- 2-2. Conference with property negotiators. (Parcel # APN 259-011-067, 259-011-060, 003-171-024, 003-171-027, 002-248-009-010, 013-312-015-000 011-486-004, 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)

Directors Beach and Edwards arrived at 9:10 a.m.

## 3. RETURN TO OPEN SESSION

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

**A motion was made on Item 2-1 by Director Edwards to ratify the negotiated collective bargaining agreement between ATU and MST as presented, with a term beginning October 1, 2013 and ending September 30, 2016. The motion was seconded by Director Clark and carried unanimously.**

Item 2-2 was referred to the Facilities Committee for further consideration and recommendation to the full board.

#### **4. CONSENT AGENDA**

4-1. Review highlights of Agenda.

Carl Sedoryk provided the highlights of the agenda.

4-2. Adopt Resolution 2014-15 recognizing Gene Verba, Coach Operator, as Employee of the Month for January, 2014.

4-3. Adopt Resolution 2014-16 recognizing Tiziano Minelli, Coach Operator, as 2014 Employee of the Year.

4-4. Disposal of property left aboard buses.

4-5. Minutes of the Regular Meeting of December 9, 2013.

4-6. Financial Report – November, 2013.

4-7. Claim Rejection – Johnson, Francisca.

4-8. Support Local Transit Citation Enforcement Legislation.

4-9. Results of Federal Transit Administration Triennial Review.

4-10. Ratify General Manager Performance Incentive.

Director Downey pulled agenda item 4-9. Director Barrera pulled agenda items 4-7 and 4-8.

Director Barrera asked why staff recommends rejecting the claim made by Francisca Johnson while it is still under investigation. Mr. Laredo clarified that the board has a specific time frame within which to accept or reject a claim. This allows all parties to move forward with the legal process, which may include further investigation. MST makes its recommendations after a preliminary internal investigation.

Director Barrera asked for clarification on the current process for transit citations. Mr. Sedoryk stated that when an incident occurs, a MST supervisor is dispatched to the scene to evaluate whether the issue can be settled or requires the assistance of the local police department. This often results in delays. MST currently has no criminal enforcement powers, but legislation is moving forward that would allow the MST board to consider further training that would empower supervisors to issue their own citations. By supporting this legislation MST will be named as an interested party, but further action by the board would be required to set a policy and implement the process.

Director Barrera felt this could lead to additional problems.

Director Cohen asked if other transit districts have implemented this strategy successfully and if the training would incur an expense to MST. Mr. Sedoryk did not have information on the success of the enforcement in other districts. Chief Penko from

the City of Monterey and Chief McMillin from the City of Salinas both recommend training for supervisors, which would be an expense.

Director Downey asked for more detail on the Triennial Review findings regarding maintenance. Mr. Harvath explained that the FTA has requested stricter requirements for all MST owned and leased accessible taxis. The leases have been revised and have passed legal review. MST will now be meeting with cab companies to ensure all lessees are in compliance with the more stringent requirements. In the area of Satisfactory Continuing Control, the FTA had implemented new requirements during the review period and reviewed MST on the new requirements. MST has updated its control procedures to comply. FTA noted a deficiency on one sole source procurement; MST believes it was justified in its decision and is working to clarify this with the FTA.

Public Comment – none.

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

## **5. SPECIAL PRESENTATIONS**

5-1. January Employee of the Month – Gene Verba, Coach Operator.

Robert Weber recognized Gene Verba as the January Employee of the Month for his positive contribution to MST and the entire community.

5-2. 2013 Employee of the Year – Tiziano “Tim” Minelli, Coach Operator.

Mike Hernandez recognized Tim Minelli as the Employee of the Year for his positive contribution to MST and to the entire community.

5-3. General Manager’s Excellence Award – Carl Wulf, Facilities and Capital Projects Manager.

Carl Sedoryk recognized Carl Wulf with the General Manager’s Excellence Award for displaying extraordinary qualities of leadership and innovation.

5-4. 25 Years of Service – Carrol J. McCallon, Communication Systems Specialist.

Robert Weber recognized Carrol “Jaimey” McCallon for his 25 Years of Service with MST.

5-5. Marina-Salinas Multimodal Corridor Conceptual Plan.

Ariana Greene of the Transportation Agency of Monterey County (TAMC) provided a PowerPoint presentation on the status of the Multimodal Corridor Conceptual Plan.

Director Beach encouraged TAMC to aim high for integrating complete streets and encouraged bike paths as well as bike lanes. Debbie Hale stated that she and TAMC staff will take the recommendations under consideration.

Director Armenta encouraged TAMC to report on the Blanco Road bike lane in Salinas recently approved by the Board of Supervisors, and to research what other counties are doing successfully.

Director Barrera requested additional information on the Alisal Street corridor. Ariana stated that Alisal Street could accommodate the integration of pedestrian and bike lanes.

#### Public Comment

Jim Fink thanked MST Operations Supervisor Raul for picking him up in Sand City and transporting him to the board meeting. He asked if the TAMC project was at all related to MST's search for a new administrative facility. Mr. Sedoryk stated there was no relation between the two projects.

#### Close Public Comment

### **6. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Jim Fink stated that he was put on hold for twenty minutes this morning trying to get transportation to the board meeting after missing the shuttle. His cell phone died while he was waiting. He requested that the Prunedale bus stop at the Park and Ride be relocated to the Chevron station so bathroom facilities could be easily accessed. He stated that gang members are riding the Line 20 late at night and publicly discussing gang activity. He requested a text version of the TAMC presentation.

### **7. COMMITTEE REPORTS**

7-1. Legislative Committee Minutes from December 9, 2013.

7-2. Finance Committee Minutes from January 13, 2014.

7-3. Joint Finance Committee and TAMC Executive Committee Minutes from January 13, 2014.

The reports were received by the board, no action being required.

Public Comment – none.

### **8. MAJOR PROCUREMENTS**

### **9. PUBLIC HEARINGS**

### **10. UNFINISHED BUSINESS**

10-1. Extend Line of Credit with Rabobank.

**Director Barrera made a motion to approve the renewal of MST's existing line of credit with Rabobank, N.A., in the amount of \$1,000,000 for a term of April 1, 2014 through March 31, 2015, for operating expenditures to address short-term cash-flow difficulties. The motion was seconded by Director Cohen and passed unanimously.**

10-2 Receive Results of Likely Voter Survey and Provide Direction.

Mr. Sedoryk introduced Jared Boigon of TBWB Strategies. Jared provided background information on the survey and introduced Ben Tulchin of Tulchin Research Polling & Strategic Consulting to deliver a PowerPoint presentation on the survey results. An 1/8<sup>th</sup> of one cent sales tax, with a narrow focus of maintaining services for the elderly, disabled, veterans and disabled veterans received over the 66 2/3 majority required for a special tax. He advised keeping the tax amount low and the focus narrow to ensure a super-majority support.

Chair Orozco left the meeting and Vice Chair Downey led the meeting in her absence.

Jared Boigon presented recommendations for the next phase of outreach.

Director Barrera mentioned that the City of Salinas was also planning to place a sales tax measure on the November 2014 ballot and asked if this would be a problem for either measure. Mr. Boigon stated that a survey of ten years of ballot measures in the County of Monterey revealed that there was no correlation between the success of a ballot measure and the number of other tax measures on the ballot. He stated that voters make their decision based on three primary factors: the amount of tax being requested; the purpose of the tax; and the level of trust the public has in the agency requesting the tax.

Director Clark asked how much revenue the sales tax was expected to generate. Mr. Sedoryk stated the tax is expected to generate approximately \$5 million annually.

Director Cohen asked if this amount would cover what MST expects to lose in federal and state funding. Mr. Sedoryk stated that the \$5 million would be used to maintain the unfunded mandates for RIDES, paratransit, and senior shuttle and voucher programs. Having a dedicated sales tax would reduce the risk of MST having to cut fixed route services to cover these special services.

Director Edwards asked how much MST expects the campaign to cost. Mr. Sedoryk stated that a formula of \$2 per voter is a good estimate of the total cost for a campaign; given this formula, he expects the campaign to cost approximately \$200,000. Staff is requesting \$100,000 of budgeted MST funds to pay for the next phase of outreach including: consulting services; informational mailings; and the development of a stand-alone website. This phase is educational and informational in nature; therefore; MST can pay for all elements out of its budget. The second phase will include the actual campaign effort and costs for this phase must be raised by an outside campaign effort.

Director Armenta stated that the timetable should be moved up three months to be effective. He urged the board to move forward. Director Barrera concurred. Director Beach suggested a later poll to assess voter commitment if competing measures are on the ballot.

#### Public Comment

Melissa McKenzie, a member of the Mobility Advisory Committee (MAC) and representative of The Carmel Foundation urged the board to move forward with the measure as many seniors rely exclusively on MST for transport to and from medical appointments and other vital services.

Maureen McEachen, MAC member and representative from the Central Coast Visiting Nurse Association and Hospice Association (CCVNA) stated that 13% of Monterey County residents are seniors and MST's RIDES program is often their only mobility option. She urged the board to approve moving forward with the measure.

Kazuko Luessendorf of Interim, Inc. requested support for the sales tax measure. If transit services were reduced it would increase the trauma Interim customers already experience.

Elizabeth Polk, community organizer for the Central Coast Center for Independent Living (CCCIL) and MAC member, requested support for the sales tax measure.

Robert Jurado, representative from the Veteran's Transition Center (VTC) stated that as a veteran, he has relied on MST for his transit needs. As an employee of VTC he supports the sales tax measure and urged the board to move forward.

#### Close Public Comment

Vice Chair Downey stated that the purpose of the sales tax measure was as American as apple pie and Chevrolet and couldn't imagine a reason for not supporting it.

**Director Edwards made a motion to authorize the General Manager/CEO to procure consulting services for public information and outreach, produce and distribute informational mailings, and develop a website, not to exceed \$100,000. The motion was seconded by Director Armenta, with a request to amend the motion to include returning in one month to discuss moving up the recommended timeline. Director Edwards approved the amendment.**

General Counsel Laredo confirmed through the Vice Chair that the motion was to approve all three bullet points as outlined in agenda item 10-2 with corresponding costs. Director Edwards asked if MST funds would be used for these items or if this money would be raised. Mr. Sedoryk confirmed that the recommended actions were informational only and MST funds have been budgeted for these activities; if approved all expenses for approved items would be paid out of the MST general fund for FY 2014. A formal resolution to place the measure on the ballot will come before the board at a later time.

Director Beach thanked the members of the public for their input and encouraged them to volunteer for the campaign.

**Vice Chair Downey called the question and the motion passed unanimously with Chair Orozco absent for the vote.**

**Vice Chair Downey requested that the remainder of the agenda be continued to March 3, 2014 due to time constraints. Director Cohen made the motion and was seconded by Director Edwards. The motion carried unanimously with Chair Orozco absent for the vote.**

**11. NEW BUSINESS**

**12. REPORTS & INFORMATION ITEMS**

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

12-1. General Manager/CEO Report – November, 2013.

12-2. Washington D. C. Lobbyist report – December, 2013.

12-3. State Legislative Advocacy Update – December, 2013.

12-4. Staff trip reports.

12-5. Correspondence.

12-6. Staff Announcements – MST Logo Shirts.

**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. Detailed Monthly Performance Statistics and Disbursement Journal, November, 2013.

**15. ADJOURN**

The meeting adjourned at 11: 32 a.m.

Prepared by:

  
Deanna Smith, Deputy Secretary