BOARD OF DIRECTORS
MINUTES OF THE REGULAR MEETING
Monterey-Salinas Transit
March 4, 2013

1. CALL TO ORDER

1-1. Roll call.

1-2. Pledge of Allegiance.

Chair Orozco called the meeting to order at 10:01 a.m. Roll call was taken and the pledge of allegiance followed.

Present: Tony Barrera 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
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

Absent: Fernando Armenta County of Monterey

Staff: Carl Sedoryk General Manager/CEO
Hunter Harvath Asst. General Manager/Finance & Administration
Deanna Smith Executive Assistant/Clerk to the Board
Michael Hernandez Asst. General Manager/COO
Kelly Halcon Director of Human Resources & Risk Management
Robert Weber Director of Transportation Services
Mark Eccles Director of IT
Carl Wulf Facilities Manager
Tom Hicks CTSA Manager
Mike Gallant Business Development Planner
Michelle Overmeyer Grants and Compliance Analyst
Zoe Shoats Marketing Analyst
Dave Laredo General Counsel/De Lay & Laredo

Others: Dave Pacheco City of Seaside
Jim Fink MST Rider
Derik Calhoun MVT
Greg Findley CT
2. CONSENT AGENDA

2-1. Review highlights of Agenda.

Mr. Sedoryk provided the highlights of the agenda.

2-2. Adopt Resolution 2013-20 recognizing Frank Soliz, Inventory Clerk, as Employee of the Month for March, 2013.

2-3. Disposal of property left aboard buses.


2-9. Receive BRT project status update and approve contingency budget.

2-10. Authorize staff to negotiate a contract with Nancy Whelan Consulting in an amount not to exceed $70,000 for financial consulting assistance.

Mr. Fink asked that Item # 2-9 be pulled from the Consent Agenda. He requested information on the BRT stops at Fremont and Aguajito and at Via Lavandera at Monterey Peninsula College (MPC). Mr. Sedoryk clarified that MST will begin operating the stop in the next couple of weeks, as soon as MST implements the traffic signal coordination. Mr. Harvath clarified that the JAZZ B line will be moved from internal service within MPC onto Fremont Street, east and west bound, and the JAZZ A line will serve the top of MPS and the Via Lavandera stops.

Public Comment – none.

Director Edwards made a motion to approve the Consent Agenda and was seconded by Director Downey. The motion carried unanimously.
3. SPECIAL PRESENTATIONS

3-1. March Employee of the Month – Frank Soliz, Inventory Clerk.

Sandra Amorim recognized Frank Soliz, Inventory Clerk as the March Employee of the Month. Mr. Soliz was nominated by MST Maintenance Supervisors, and in FY 2012, was responsible for saving MST over $43,000.


Mr. Harvath introduced Thomas Whitman of Nelson-Nygaard, MST consultant, to present recommendations for implementing an emergency service reduction plan to address the potential withholding of nearly $7 million per year of federal operating funds as a result of the Amalgamated Transit Union’s dispute over the State of California’s recently enacted Public Employee Pension Reform Act (PEPRA).

Mr. Whitman handed out maps and other descriptive materials and provided a PowerPoint presentation on all recommendations, noting that all MST lines were affected, although core services were spared as much as possible.

The Board compared the benefits and drawbacks of service reduction options, the cost difference to riders between options, and whether MST fares would be adjusted.

Mr. Whitman explained that all options were trade-offs and a preference for one over the other would be individual to each rider’s preferences or needs.

Mr. Harvath stated that staff has not yet addressed how the service reductions would affect fares or transfer fees, but that it must be addressed in the near future.

Recommendations to increase public participation included:

1. Presentations made at Public Hearings include as many graphic explanations as possible, including maps.
2. Presentations should be made at City Council meetings
3. Provide handouts to large employers and purchasers of group passes
4. Provide handouts and comment sheets directly to MST riders on buses

Mr. Sedoryk stated that staff is also planning to use the bus voice system to deliver bilingual messages regarding service reductions and public hearings and to post the presentation in video format on YouTube.

Public Comment

Mr. Fink is aware of the financial hardship facing all transit operators in California. He believes riders should pay higher fares.

Margaret Osborne understands that it is difficult to get the word out and volunteered to hand out information.
Ruth Saunders thanked MST for improving the wheelchair ramp at Canyon Del Rey and Burger King.

Close Public Comment

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Mr. Fink likes the new Line 78 Santa Cruz Express. He asked that adjustments be made to improve connections for those trying to access the beaches.

5. COMMITTEE REPORTS


5-2. CTSA Advisory Committee Minutes of November 28, 2012.

Public Comment – none.

6. BIDS/PROPOSALS

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

8-1. Receive update on Amalgamated Transit Union, Int. (ATU) objections to Federal Grants.

Mr. Sedoryk stated that staff continues to advocate for a resolution to the ATU objections to federal grants. MST is in the discussion stage with ATU and the DOL regarding MST’s grant funding for the Electric Trolley project. It is unknown whether ATU will object to the next operating grant, and $5 million for new buses is also at risk. Assemblymember Alejo has introduced AB 160 to exempt federal transit workers from the PEPRA law. MST has sent a letter of support to the ATU and DOL for AB 160, per agreement with the DOL.

Public Comment – none.

8-2. Receive Update on JAZZ Bus Rapid Transit stop and shelter at 599 Lighthouse Ave. and provide direction to staff.

Mr. Harvath provided an update on the JAZZ bust shelter at 599 Lighthouse Avenue, including a video displaying building visibility from a vehicle driving along Lighthouse Avenue. Presented were the following five alternatives for the shelter locations:

1) **Maintain Current Conditions:** (Cost -- $0)

2) **Clear Glass Alternative:** (Cost -- $2,500)

3) **Open Back Alternative:** (Cost -- $1,000)
4) **Remove the Shelter and Replace with a Totem:** (Cost – nearly $50,000, including $20,000 in additional costs for the totem and its installation plus $28,500 in lost investment with the original purchase of the shelter)

5) **Remove the Shelter:** (Cost – approximately $30,000, including $28,500 in lost investment with the original purchase of the shelter plus approximately $2,000 in civil work required to modify the shelter footings to make the area safe for pedestrians and bicyclists)

**Public Comment**

Jeffrey Condon, owner of the property at 599 Lighthouse, stated that he never received notice of construction and that Alternative #1 was unacceptable. As a result of the shelter placement, he has had to reduce his rent and is concerned about the safety of patrons due to the increase in the homeless population around the bus shelter. He offered to allow the electronic signage to be placed in the face of his building. He stated that riders could wait under the building awning which provides more protection from the rain. Mr. Condon stated that the MST Board has significant power, and if he was provided with water on his property, he might build something different.

Patrick Stafford of Mahoney and Associates, leasing agent, stated that close visual proximity is more important for retail businesses than visibility from autos. He passed out a photo of the shelter bench after a heavy rain to display that it gets too on which to sit.

Mori Torabbeigi, business owner at 599 Lighthouse Avenue stated that he is happy if the cars along Lighthouse block the view to his business, because they are potential customers. He needs the autos along Lighthouse Avenue to have full visibility.

Kathy Condon, property owner, passed out photos of the building improvements made by the owners of 599 Lighthouse to show that they intended full visibility of their front windows. She believes the shelter is a deterrent to business.

The Board discussed the costs to MST of all alternatives, whether the property and business owners are willing to pay to have the shelter relocated, and whether the Board should prioritize the stated negative impacts on the retail establishments or the benefit to MST riders by maintaining the shelter location.

Director Downey asked if the Deputy City Manager of Public Works for the City of Monterey, Hans Uslar, to speak to the question of why property owners were not notified of the BRT construction.

Mr. Uslar stated that the BRT project was an unusual project for any city as it touches large areas of many cities on the Monterey Peninsula. The City of Monterey procedures for a project such as the BRT do not provide for mandatory notification of property owners; however, a substantial outreach effort and meetings were held for business and property owners within the boundaries of the project through the local Business Improvement District (BID). Many business and property owners attended, and MST made every effort to assist those who attended and made comments. Apparently, the BID did not notify the Condons of the meetings.
Director Edwards made a motion to approve Alternative #2, replacing the back of the shelter with clear glass and was seconded by Director Downey.

The Board discussed further options to shelter alterations that would maintain the GPS system.

Director Stephens stated that the financial obligation for making any changes to the location or design of the shelter needs to be borne by the property owners, and recommended staff re-enter negotiations with the property owners to discuss their willingness to pay for requested changes.

**Director Edwards withdrew his motion.**

Director Hurley suggested another alternative that would eliminate the blockage at the back of the shelter and place the GPS information on the sides of the shelter, and requested that a cost estimate be researched. Mr. Harvath stated that he would find out the cost for this redesign.

**Director Beach made a motion to direct staff to negotiate further with the property and business owners of 599 Lighthouse Avenue to reach a mutually agreeable solution to the design of the shelter that: maintains the current GPS system but does not relocate the shelter to a private building; reduces blockage at the back of the shelter; is financed by the property and/or business owners, and excludes Alternatives #4 and #5. The motion was seconded by Director Clark. The motion carried unanimously.**

9. **NEW BUSINESS**

10. **REPORTS & INFORMATION ITEMS**


10-4. Staff trip reports.

10-5. Correspondence.

11. **COMMENTS BY BOARD MEMBERS**

11-1. Reports on meetings attended by Board Members at MST expense (AB1234).

11-2. Board Member Comments and Announcements.
Director Edwards asked for information on recent drug-related arrests at the Monterey Transit Plaza. Mr. Sedoryk stated that there was recently a coordinated drug sting that resulted in multiple arrests at the transit plaza. The property is not owned by MST but by the City of Monterey, who conducted the sting operation. MST cooperates with all local police authorities providing security video when requested to assist investigations.

11-3. Board Member Referrals for future agendas.

12. ATTACHMENTS


13. CLOSED SESSION

13-1 Conference with Legal Counsel – Litigation, Existing Litigation, Gov. Code § 54956.9(c). Monterey-Salinas Transit v. County of Monterey. (No enclosure) (Carl Sedoryk)

13-2 Conference with property negotiators. (Parcel # APN 259-011-067, 259-011-060, 003-171-024, 003-171-027, 002-248-009-010, 011-486-004, 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) (Carl Sedoryk)

The Board moved to Closed Session at 11:43 a.m.

14. RETURN TO OPEN SESSION

14-1. Report on Closed Session and possible action.

Regarding Item 13-1, the Board received a status report from staff.

Regarding Item 13-2, the Board received a status report from staff and provided general direction. The Board approved, by unanimous vote, to authorize a proposal letter be sent to the County of Monterey.

15. ADJOURN

There being no further business, the Board adjourned the meeting at 12:03 p.m.

Prepared by: Deanna Smith, Deputy Secretary