

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

April 27, 2007

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 27, 2007 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Tavantzis called the meeting to order at 9:01 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz (arrived after roll call)
Dene Bustichi
Donald Hagen
Michelle Hinkle
Kirby Nicol
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis
Ex-Officio Donna Blitzer (arrived after roll call)

DIRECTORS ABSENT

None

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angel Aitken, Finance Manager
Pat Aviles, Asst. HR Manager
Mark Dorfman, Assistant General Manager
Mary Ferrick, Base Superintendent
Terry Gale, IT Manager

Margaret Gallagher, District Counsel
Steve Paulson, Paratransit Administrator
Robyn Slater, Human Resources Manager
Tom Stickel, Maintenance Manager
Les White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT

Clay Kempf, Senior's Council
Dollye Lanagan, Former ParaCruz Operator
Bonnie Morr, UTU

Amy Weiss, Spanish Interpreter
Lou Wenzel, ParaCruz Customer
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

- | | | | |
|----|------------------------------------|-----|---|
| a. | Jeffrey D. Bukowski, Stevens & Lee | Re: | RTCC Minutes Corrections |
| b. | City of Capitola RDA | Re: | Public Hearing Notice |
| c. | A. John Daugherty, Chair, E&D TAC | Re: | Service Request |
| d. | R. Paul Marcelin-Sampson, MRU | Re: | Paratransit Recertification |
| e. | Bud Winslow, Chair, AAA | Re: | ParaCruz Eligibility & Appeals
Process |

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

CONSENT AGENDA

- 5-1. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2007**
- 5-2. **CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF BEN S. JONAS, CLAIM #07-0011**
- 5-3. **ACCEPT AND FILE METROBASE STATUS REPORT**
- 5-4. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 18, 2007 (No Minutes: no February or March meetings due to lack of quorum)**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2007**
- 5-6. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2007**
- 5-7. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JANUARY, FEBRUARY & MARCH 2007 MEETING(S)**
- 5-8. **ACCEPT AND FILE NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING CLAIM OF CARLOS CARRERA**
- 5-9. **CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve the Consent Agenda

Motion passed unanimously with Director Beautz being absent.

REGULAR AGENDA

7. **CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES**

Summary:

Margaret Gallagher reported that the Board is considering whether to reformat its regular meetings into two stand-alone meetings or some combination of the two and today's Agenda is based on previous input received from the Board.

VICE CHAIR BEAUTZ ARRIVED

The Board is also considering the conflict of interest issue and staff has provided broader language recommending that the bylaws should say that the Board will follow the law, as each instance will be analyzed on a case-by-case basis. Lastly, the Board is considering the passage of Resolutions and staff is recommending new language be adopted which will allow for passage of a Resolution by a motion if it proves unanimous, otherwise, a roll call vote will be taken.

Ms. Gallagher explained that she had not prepared a full Resolution modifying the Bylaws for approval at today's meeting because the Agenda formatting is still in flux. However, staff is asking for more input today and will bring a full Resolution to the Board next month.

Discussion:

Les White explained that today's Agenda has been modified to reflect suggestions made at the workshop meeting, specifically, that action items for the first meeting would be listed at the end of the Regular Agenda and be replaced by new items on the second Agenda. Also, all Consent Agenda items ready for the first meeting would be listed on the first Agenda, and any new items normally on Consent that were not ready for the first meeting would be added to the Regular Agenda for the second meeting, which is what you see on today's Agenda.

EX-OFFICIO DIRECTOR BLITZER ARRIVED

Items #10, #11, #12 and #13 would typically have appeared as Consent items on the first Agenda, had they been ready.

Today's Regular Agenda includes items that were available and included on the first Agenda as well as new items, which are not identified as new items. Nor are the action items from the first meeting noted as being "Deleted: action taken at the April 13th Board Meeting" rather, they are replaced with new items with no indication they are replacing previous items because this is a freestanding Agenda.

Vice Chair Beautz stated that new items could be added to the Consent Agenda for the second meeting, and other than that, today's Agenda seems to work well.

Directors Rotkin, Reilly and Chair Tavantzis spoke in favor of today's format, stating that Items #10 through #16 could have been added to the Consent Agenda, rather than the Regular Agenda.

Director Spence asked about making a reference to the attachment AR-1004, Directors Code of Ethics in the Bylaws and Margaret Gallagher offered to include language next month for the Board to consider.

Chair Tavantzis clarified for Director Stone, who was absent from the April 13th Board Meeting, that the Board had rejected the Agenda format of Attachment "A" at that meeting.

Margaret Gallagher asked for clarification on the first meeting Agenda format. Chair Tavantzis replied that the first meeting would continue to be a workshop session and that action items for the first meeting, either on the Consent or Regular Agenda, would be listed as such at the end and drop off and be replaced by new items on the second Agenda. Ms. Gallagher stated that Section 1.01b of the Bylaws may not need any modification after all.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Direct staff to bring a full Resolution back to the Board next month reflecting modifications to METRO's Bylaws as discussed and clarified today, including staff recommendations regarding Conflict-of-Interest and passage of Resolutions

Motion passed unanimously with all Directors present.

8. CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES

Summary:

Margaret Gallagher reported that staff is requesting that this item be continued to a subsequent Board Meeting in order to give MAC, E&D TAC and the public sufficient time to provide input and also to formalize a process for making modifications to this regulation.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Continue this item to a subsequent Board Meeting

Discussion:

Clay Kempf, Senior's Council, thanked staff for giving E&D TAC an opportunity to provide input and also expressed concern that the proposed modifications would eliminate temporary eligibility extensions. Mr. Kempf urged the Board to reconsider this issue and thanked the Board for continuing the item.

Bob Yount stated that he was speaking his own personal views although he is currently Chair of MAC and a former member of E&D TAC. Mr. Yount said he takes exception to the second paragraph of written correspondence Item #2-e from the AAA Advisory Council, which is not on letterhead and has no signature. The paragraph asserts that “METRO is once again changing rules without any notice or opportunity for comment from E&D TAC”. Mr. Yount reported that last summer and fall, when MAC reviewed Paratransit Users Guide, every member had read it and gave input. However, when E&D TAC had a chance to comment on the Paratransit Users Guide, not one member had even read it and they had no comments. Mr. Yount stated that because E&D TAC had an opportunity to comment and showed no interest whatsoever, he personally does not care what E&D TAC has to say now, and particularly Clay Kempf.

Motion passed unanimously with all Directors present.

9. CONSIDERATION OF DIRECTING STAFF TO IDENTIFY TRANSIT SYSTEMS INTERESTED IN ACQUIRING METRO’S RUBBER TIRED TROLLEY

Summary:

Les White reported that subsequent to the presentation of this Staff Report, MST has indicated their interest in acquiring the trolley through a federal asset transfer and secondly, the City of Capitola has indicated it is interested in exploring the use of the trolley to expanding its shuttle service.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Defer action on this item until there has been a determination as to whether or not the City of Capitola can step forward with a plan for the Board to consider; if not, authorize staff to continue discussions with MST. Staff to bring this issue back to the Board with a recommendation by June 2007

Motion passed unanimously with all Directors present.

ITEMS #10 - #16 WERE APPROVED IN ONE MOTION

- 10. CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF PAUL CROWLEY, CLAIM #07-0013**
- 11. APPROVE THE REGULAR BOARD MEETING MINUTES OF MARCH 9 & 23, 2007**
- 12. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR DECEMBER 2006
AND APPROVAL OF BUDGET TRANSFERS**
- 13. ACCEPT AND FILE MARCH 2007 RIDERSHIP REPORT**
- 14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A
CONTRACT FOR FINANCIAL AUDIT AND TAX SERVICES**

15. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH VEHICLE MAINTENANCE PROGRAM, INC. FOR BUS FILTERS**

16. **ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JANUARY, FEBRUARY & MARCH, 2007**

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Approve Items #10 - #16

Discussion:

Regarding Item #16, there was a discussion about missed Call Stop Announcements. Bonnie Morr, UTU, informed the Board that mechanical issues that cause missed calls are out of the operators' control.

Motion passed unanimously with all Directors present.

17. **CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES**

Summary:

Les White reported that staff is recommending that the Board approve the request from Leadership Santa Cruz County that METRO continue to be a sponsor of the program by providing a bus for a tour of various METRO facilities and a presentation by METRO of information about the system, services, facilities, and projects on May 11, 2007.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Approve METRO continuing to be a sponsor of the Leadership Santa Cruz County Program, providing information regarding public transit services and facilities to the class of Members, and providing a bus on May 11, 2007 for a tour of various facilities and activities

Discussion:

Director Spence suggested distributing MAC brochures as part of the presentation.

Motion passed unanimously with all Directors present.

18. **CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE RECEIVED FROM THE CITY OF WATSONVILLE**

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR ROTKIN

Authorize the General Manager to enter into an Agreement with the City of Watsonville to provide shuttle service between the Watsonville Transit Center and Palm Beach

Motion passed unanimously with all Directors present.

Chair Tavantzis clarified that Pajaro Dunes is paying for this shuttle, not the City of Watsonville.

19. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR SUPPLEMENTAL PARATRANSIT SERVICES

Summary:

Tom Stickel reported that two proposals were received, and the evaluation committee recommends that contracts be established with both of them.

Discussion:

Bonnie Morr, UTU, introduced former ParaCruz Operator, Dollye Lanagan, who told the Board how much she had enjoyed her job and hopes to be able to return to her employment with METRO as a ParaCruz Operator.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Authorize the General Manager to execute a contract for Supplemental Paratransit Service with Santa Cruz Transportation, LLC and Watsonville Transportation, Inc

Discussion:

Lou Wenzel, ParaCruz Customer, stated that he strongly backs Dollye's plea to return to ParaCruz as a driver because she went above and beyond his expectations when he was her passenger.

Motion passed unanimously with all Directors present.

Direction: Director Rotkin requested a Closed Session report on the circumstances and staff position regarding Ms. Lanagan's request.

20. CONSIDERATION OF REJECTING ALL BIDS RECEIVED FOR SUPPLY AND DELIVERY OF LIQUEFIED NATURAL GAS AND DIRECT THE PURCHASING AGENT TO RE-BID THE PROCUREMENT WITH REVISED AND ADDED SPECIFICATIONS

Summary:

Tom Stickel reported that protests were filed from two of the bidders on the District's intention to award the contract to the lowest responsive bidder. During the investigation of the protests, the

apparent low bidder did not meet all of the requirements. District staff has also concluded that the bid specifications need revision.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Reject all bids received for the supply and delivery of Liquefied Natural Gas (LNG) and direct the Purchasing Agent to process a new Invitation for Bids with revised specifications

Motion passed unanimously with all Directors present.

21. AUTHORIZE THE GENERAL MANAGER TO AMEND THE CONTRACT FOR THE PURCHASE OF THE TYPE 7 BUS TO REFLECT THE INCREASED COST

Summary:

Tom Stickel reported that the price quotation from Creative Bus Sales, Inc. inadvertently did not include floor modifications and five fold-away seats. The revised quotation will increase the price by \$6,059.08, to a new total amount of \$106,859.75.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a contract amendment for the purchase of one each Type 7 Paratransit medium duty bus with Creative Bus Sales, Inc. to reflect an increase in cost

Motion passed unanimously with all Directors present.

22. CONSIDERATION OF REMOVAL OF THE PAYROLL AND BENEFITS COORDINATOR CLASS SPECIFICATION TO CREATE THE NEW FINANCIAL ANALYST CLASS SPECIFICATION AND HOURLY SALARY RANGE

Summary:

Robyn Slater reported that the Payroll and Benefits Coordinator retired in December 2006 after over thirty years with METRO. An internal candidate was promoted to fill the position and voluntarily demoted after a short time. After reviewing the needs of the Finance department a decision was made to remove the vacant Payroll and Benefits Coordinator position and create a new class specification in it's place, which union representatives have reviewed and approved.

The position will be open as closed-promotional for 10 days before opening it up to the public.

ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR HINKLE

Approve the removal of the Payroll and Benefits Coordinator class specification to create the new Financial Analyst class specification and hourly salary range

Motion passed unanimously with all Directors present.

23. CONSIDERATION OF AMENDING THE MAC BYLAWS TO:

- 1) MODIFY SECTION 5.4 TO IDENTIFY A QUORUM FOR A MEETING AS A MAJORITY OF THE FILLED MEMBERSHIP POSITIONS WITH 4 MEMBERS BEING THE MINIMUM NUMBER FOR A QUORUM;**
 - 2) MODIFY SECTION 3.1 TO PROVIDE THAT EACH MAC MEMBER THAT ATTENDS THE MONTHLY MEETING WILL BE PROVIDED WITH 3 SYSTEM-WIDE DAY PASSES EACH MONTH;**
 - 3) MODIFY SECTION 2.2 TO ALLOW THE INSTALLATION OF MAC INFORMATIONAL SIGNS INSIDE OF METRO BUSES AND THE DISTRIBUTION OF AN INFORMATIONAL BROCHURE; AND**
- CONSIDERATION OF HOLDING A JOINT MEETING OF THE BOARD OF DIRECTORS AND THE MAC IN JUNE 2007**

Summary:

Les White reported that at the April 18, 2007 MAC meeting, MAC discussed the quorum deficiency issue and voted to recommend that the Board amend Section 5.4 of the MAC Bylaws regarding the definition of a quorum. MAC also voted to recommend that the Board amend Section 2.2 to provide an incentive for MAC members to attend monthly meetings, amend the same section to allow for MAC information to be posted inside of buses and to allow for direct distribution of an informational brochure; and finally, MAC would like to reinforce their connection to the Board by holding a joint meeting. Mr. White clarified that the amendment to Section 3.1 should actually be Section 2.2.

Discussion:

There was a discussion about MAC vacancies and the difficulty in filling them. Les White offered to bring a Staff Report to the Board next month clarifying the terms, appointments, and vacancies on MAC.

ACTION: MOTION: DIRECTOR HAGEN SECOND: DIRECTOR REILLY

Approve MAC recommendations to amend Sections 5.4 and 2.2 of the MAC Bylaws to modify quorum requirements, provide day passes to committee members, allow the placement of signs in buses, and allow the distribution of informational brochures. MAC materials are to be approved by the General Manager prior to distribution. Direct staff to schedule a joint Board/MAC meeting at the Workshop Meeting where the Wilbur Smith consulting firm presents their draft findings regarding service recommendations

Motion passed unanimously with all Directors present.

24. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 25, 2007 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA

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Chair Tavantzis reported that the May 25, 2007 Board Meeting would be held at the Capitola City Council Chambers, 420 Capitola Avenue in Capitola.

ADJOURN

There being no further business, Chair Tavantzis adjourned the meeting at 10:22 a.m.

Respectfully submitted,

CINDI THOMAS

Administrative Services Coordinator