

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**August 13, 2010**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, August 13, 2010 at the District's Administrative Office located at 110 Vernon Street in Santa Cruz, California.

Vice Chair Pirie called the meeting to order at 9:30 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Dene Bustichi  
Ron Graves  
Donald Hagen  
Michelle Hinkle  
John Leopold  
Ellen Pirie  
Lynn Robinson  
Mike Rotkin  
Ex-Officio Donna Blitzer  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Antonio Rivas  
Mark Stone

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Acting AGM/Finance Manager  
Bob Cotter, Maintenance Manager  
Frank Cheng, MB Project Manager  
Mary Ferrick, Fixed Route Superintendent

Margaret Gallagher, District Counsel  
Debbie Kinslow, Asst Finance Manager  
Robyn Slater, Human Resources Manager  
April Warnock, Paratransit Superintendent  
Les White, General Manager

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

Genevieve Bookwalter, Santa Cruz Sentinel  
Neal Coonerty, Board of Supervisors  
John Daugherty, SEA  
Carolyn Derwing, Schedule Analyst  
Erich Friedrich, Provisional Transit Planner

Manny Martinez, PSA  
Eduardo Montesino, UTU  
Bonnie Morr, UTU  
Will Regan, VMU  
Amy Weiss, Spanish Interpreter

**2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

Written:

None.

Oral:

None.

**3. LABOR ORGANIZATION COMMUNICATIONS**

John Daugherty, SEA, spoke about the 20<sup>th</sup> anniversary of the ADA that was in July. Mr. Daugherty commented that the Americans with Disabilities Act (ADA) is civil rights legislation which has been integrated into society. ADA paratransit allows people to move about who would otherwise not be able to use fixed route service. The Act is about integration and removing barriers of discrimination for people with disabilities.

**4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

None.

**CONSENT AGENDA**

- 5-1. APPROVE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MAY 2010
- 5-2. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR MAY 2010
- 5-3. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF NESLY PACHECO, #10-0019; REJECT THE CLAIM OF JOE BLAIR, #10-0020; REJECT THE CLAIM OF JOSE NIETO JUAREZ, #10-0021; REJECT THE CLAIM OF MARIO DE LA GRAZA, #10-0023
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) MINUTES OF FEBRUARY 17, 2010
- 5-5. ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR MAY 2010
- 5-6. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MAY 2010
- 5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ MONTHLY SERVICE REPORT FOR MAY 2010
- 5-8. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT
- 5-9. APPROVE REGULAR BOARD MEETING MINUTES OF JUNE 11 AND 25, 2010
- 5-10. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MAY 2010 MEETING(S)
- 5-11. CONSIDER APPROVAL OF RECLASSIFICATION OF MECHANIC SERIES OF CLASS SPECIFICATIONS
- 5-12. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH MAINTSTAR INC. FOR ADDITIONAL PROGRAMMING REQUIREMENTS, ADDITIONAL ON-SITE

- TRAINING, AND ONSITE TECHNICAL SUPPORT DURING SYSTEM STARTUP FOR AN AMOUNT NOT TO EXCEED \$21,176
- 5-13. CONSIDERATION OF A RESOLUTION AUTHORIZING SUBMITTAL OF A REVISED TRANSPORTATION DEVELOPMENT ACT (TDA)/STATE TRANSIT ASSISTANCE (STA) CLAIM FOR FY11 STA FUNDS
- 5-14. CONSIDERATION OF DISPOSAL OF ASSETS
- 5-15. RATIFY PAYMENT MADE FOR ANNUAL RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY11
- 5-16. CONSIDERATION OF DESIGNATING METRO'S HUMAN RESOURCES MANAGER AS METRO'S OFFICIAL REPRESENTATIVE TO THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) EXCESS INSURANCE AUTHORITY (EIA), THE AUTHORITY
- 5-17. NOTICE OF ACTION TAKEN IN CLOSED SESSION: CLAIM OF KEENAN & ASSOCIATES, #10-0010; CLAIMS OF PHYLLIS DIAS, #10-0008 AND #10-0009
- 5-18. CONSIDERATION OF REVIEW OF METRO'S CONFLICT OF INTEREST CODE TO DETERMINE IF ANY PROPOSED AMENDMENTS ARE NECESSARY
- 5-19. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH WEST BAY BUILDERS, INC. EXTENDING THE CONTRACT EXPIRATION DATE FOR THE METROBASE MAINTENANCE BUILDING TO DECEMBER 31, 2010, WHILE MAINTAINING THE CONSTRUCTION COMPLETION DATE OF AUGUST 30, 2009
- 5-20. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT OF RNL DESIGN, INC. IN THE AMOUNT OF \$12,228.00 FOR ENGINEERING SERVICES REQUESTED BY WEST BAY BUILDERS AND A DEDUCTIVE CHANGE ORDER TO WESTBAY BUILDERS CONTRACT IN THE AMOUNT OF \$12,228.00 FOR THE MAINTENANCE BUILDING COMPONENT OF THE METROBASE PROJECT
- 5-21. CONSIDERATION OF AMENDING CONTRACTS WITH CREATIVE BUS SALES, INC. FOR PURCHASE OF TWENTY-TWO RAISED-TOP PARATRANSIT VANS AND FIVE PARATRANSIT MINI-VANS TO ADD A FIRE TRACE AUTOMATIC FIRE SUPPRESSION SYSTEM, SYNERGY SEAT COVERS AND A TDSS UNDER SEAT TIE DOWN RETRACTOR SYSTEM FOR A TOTAL ADDITIONAL AMOUNT NOT TO EXCEED \$122,540

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR ROTKIN**

Approve the Consent Agenda. Item 5-18 from consent agenda to be moved to regular agenda as item 9.a.

Motion passed unanimously with Directors Rivas and Stone being absent.

#### **REGULAR AGENDA**

6. **PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

The following employees were acknowledged for their years of service:

**TEN YEARS**

John Thomas, Bus Operator  
Francisco Estrada, Bus Operator  
Edward Elliot, Bus Operator  
Terry Price, Mechanic II

**TWENTYFIVE YEARS**

Manny Martinez, Transit Supervisor  
Andrew Hill, Bus Operator  
Darryl Juan, Bus Operator

UTU Chair Bonnie Morr expressed that she would like the anniversaries for the months of February and March 2010 to be acknowledged some time in the near future. General Manager Les White responded that those anniversaries were missed but it has been looked into and METRO staff will get them on a regular agenda soon.

**7. CONSIDERATION OF ADOPTING METRO'S PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 2.12% FOR FEDERAL FISCAL YEAR 2011 (FFY11) AND THE METHODOLOGY USED TO SET THE GOAL**

**Summary:** Margaret Gallagher, District Council, discussed the methodology used to set the goal for the disadvantaged business enterprise (DBE) as the CalTrans methodology. Ms. Gallagher also mentioned that public hearings were held, notice was published in various publications, it was presented at E&D Tac and MAC. The purpose of the program is to level the playing field for minorities and women in competitive procurements.

**Discussion:** Mike Rotkin said that the goal was somewhat ridiculous and needs to be revised to a higher goal. However, he understands that if a goal is not met then sanctions will be placed on METRO and funding may be reduced or removed; so he ultimately supports the goal.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR LEOPOLD**

**Approve adopting METRO's proposed disadvantaged business enterprise goal of 2.12% for FY 2011.**

**Motion passed unanimously with Directors Rivas and Stone being absent.**

**8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR TRANSIT SERVICES WITH THE UNIVERSITY OF CALIFORNIA SANTA CRUZ**

**Summary:** Les White said that the current contract with UCSC is almost up and a continuation of that contract is being considered now. Mr. White said that section 4.01 of the proposed contract seemingly limits UCSC's request for supplemental service routes and that UCSC thinks that this is too restrictive. Mr. White said the clause was not intended to be restrictive to only three routes. Mr. White said that another issue is that UCSC does not want to pay for supervisory services when the supplemental service is not operating. Mr. White said he had spoken with Debbie

Kinslow, Assistant Finance Manager, about this issue and she said that UCSC is never billed unless service is actually provided, but it will be written into the contract so that it is clear. Larry Pageler, UCSC representative, noted that there is an increase in the bus hourly rate from \$70 to \$97, and said that he does not think UCSC will ask for anything else, but would like to leave that open. Mr. Pageler said that he appreciates the recommendations Mr. White made for the issues concerning the supervisors.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR HAGAN**

**Authorize the General Manager to execute a contract for transit services with University of California Santa Cruz to include the issues raised during the meeting.**

**Motion passed unanimously with Directors Rivas and Stone being absent.**

**9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO EXTEND THE CURRENT CONTRACT FOR TRANSIT SERVICES WITH CABRILLO COLLEGE**

**Summary:** Les White discussed how this contract is similar to with UCSC's contract for transit series except that Cabrillo College did not request supplemental services, but like the UCSC contract there was an increase in the bus hourly rate.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR PIRIE**

**Authorize the General Manager to execute an amendment to extend the current contract for transit services with Cabrillo College until August 31, 2011.**

**Motion passed unanimously with Directors Rivas and Stone being absent.**

**9.a. CONSIDERATION OF REVIEW OF METRO'S CONFLICT OF INTEREST CODE TO DETERMINE IF ANY PROPOSED AMENDMENTS ARE NECESSARY**

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROTKIN**

**Approve the determination that no amendments are necessary at this time to METRO's Conflict of Interest Code.**

**Motion passed unanimously with Directors Rivas and Stone being absent.**

**10. ORAL ANNOUNCEMENT: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD FRIDAY, AUGUST 27, 2010 AT 9:00 A.M. AT THE WATSONVILLE CITY COUNCIL CHAMBERS, 275 MAIN STREET, 4<sup>TH</sup> FLOOR, IN WATSONVILLE.**

**11. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION:**

Margaret Gallagher reported that the Board would have a conference with its Legal Counsel regarding the existing claim of Juana Raya and the existing claim of Carol Moore vs. Santa Cruz METRO Transit District; with its Real Property Negotiators for 425 Front Street, Santa Cruz, CA and with its Labor Negotiators for United Transportation Union (UTU), Local 23, Fixed Route Division.

**12. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

**SECTION II: CLOSED SESSION**

Chair Pirie adjourned to Closed Session at 10:06 a.m. and reconvened to Open Session at 11:26 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

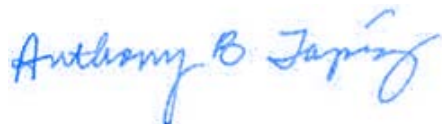
**17. REPORT OF CLOSED SESSION**

Margaret Gallagher stated that settlement of the claim of Juana Raya was approved by the Board of Directors in the amount of \$ 3634.14 for Watsonville Community Hospital and \$2946.42 for Juana Raya. with the following directors approving the settlement: Director Bustichi, Director Graves, Director Hagen, Director Hinkle, Director Leopold, Chair Pirie, Director Robinson, Director Tavantzis and Director Rotkin with Directors Rivas and Stone being absent.

**ADJOURN**

There being no further business, Chair Pirie adjourned the meeting at 10:06 a.m.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator