

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

January 22, 2010

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, January 22, 2010 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

Chair Bustichi called the meeting to order at 9:05 a.m.

SECTION 1: OPEN SESSION

1a. ROLL CALL:

DIRECTORS PRESENT

Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle
John Leopold
Emilio Martinez (arrived after roll call)
Ellen Pirie
Lynn Robinson
Mike Rotkin
Marcela Tavantzis

DIRECTORS ABSENT

Mark Stone
Ex-Officio Donna Blitzer

STAFF PRESENT

Ciro Aguirre, Operations Manager	Margaret Gallagher, District Counsel
Angela Aitken, Finance Manager / Acting AGM	Robyn Slater, Human Resources Manager
Frank Cheng, MB Project Manager	April Warnock, Paratransit Superintendent
Bob Cotter, Maintenance Manager	Les White, General Manager
Mary Ferrick, Fixed Route Superintendent	

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

John Daugherty, SEA	Bonnie Morr, UTU
Paula Flagg, Retiree	Jeffrey A. North, Transit Supervisor
Family Members of Ruth Jones, Retiree	Peter S. Prince, Retiree
Steve Kelly, Harris & Associates	Amy Weiss, Spanish Interpreter
Manny Martinez, PSA	

1b. **CONSIDERATION OF:**

- 1) **NOMINATION AND ELECTION OF DIRECTORS TO SERVE AS BOARD OFFICERS**
- 2) **NOMINATION AND ELECTION FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY,**
- 3) **NOMINATION AND ELECTION FOR APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2010**

Chair Bustichi nominated Director Pirie for Board Chair and asked if there were any other nominations.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Close the nominations and elect Director Pirie as Board Chair.

Motion passed unanimously with Directors Martinez and Stone being absent.

Newly elected Chair Pirie presided over the remainder of the meeting.

Chair Pirie referred to the Nominee list from the January 8, 2010 Board Meeting and asked if there were additional nominations for Board Vice Chair.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Close the nominations and elect Director Robinson as Board Vice Chair.

Motion passed unanimously with Directors Martinez and Stone being absent.

Chair Pirie referred to the Nominee list from the January 8, 2010 Board Meeting and asked if there were additional nominations for HCA Representatives.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

Close the nominations and appoint Director Tavantzis as HCA Representative and Director Rotkin as the HCA Alternate

Motion passed unanimously with Directors Martinez and Stone being absent.

Chair Pirie referred to the Nominee list from the January 8, 2010 Board Meeting and asked if there were additional nominations for SCCRTC Representatives.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Close the nominations for SCCRTC Representatives, without holding election yet.

Motion passed unanimously with Directors Martinez and Stone being absent.

Discussion:

Director Rotkin stated that he felt that any of the 4 people nominated (Directors Bustichi, Graves, Rotkin and Tavantzis) would be perfectly fine representing the Board and public transit interests on the SCCRTC. Director Rotkin referred to the article in today's *Sentinel Newspaper* about this election being a political issue in regard to it being a "conspiracy" to appoint representatives to the SCCRTC based on whether or not they support certain issues such as the Highway 1 HOV Lanes Project. Director Rotkin stated that although he supports the project because he believes it would reduce single-occupancy vehicles and benefit METRO, he does not support the Auxiliary Lane concept because he sees it as a short-term, expensive project that will result in even more single-occupancy traffic congestion in the long run.

DIRECTOR MARTINEZ ARRIVED

Director Leopold stated that he was prepared to support appointing Directors Graves, Rotkin and Tavantzis to have a balanced representation of METRO, which would include a representative from the City of Santa Cruz as they are a large part of METRO's ridership. Director Leopold expressed that he is disturbed by the rancor that Director Bustichi has brought to discussion about transportation, with his comments being second only to comments made during Oral Communications by members of the public on a number of "conspiracy theories" regarding Director Leopold's appointment to the METRO Board. Director Leopold stated that the METRO Board needs to be able to work together in meeting the transportation needs of the entire county, even if they disagree.

Director Hagen stated that although he agrees with Director Leopold stating that the City of Santa Cruz should be represented as should Watsonville, he takes exception to his statement of rancor, which he feels was out of place.

Director Martinez stated that he supports Director Tavantzis being appointed to represent Watsonville and that he also takes exception to Director Leopold's statement about rancor. Director Martinez stated that anybody on any Board needs to be able to voice their opinions without feeling intimidated and be free to create rancor by disagreeing or stating there is a conspiracy theory because to say there is no conspiracy in politics is ludicrous and working together does not mean not creating rancor.

Chair Pirie reminded the Board that METRO representatives appointed to the SCCRTC are there to represent METRO, not a particular city or area of the county.

Vice Chair Robinson agreed with Director Rotkin that all 4 nominees would serve METRO well, however, she feels that the Auxiliary Lanes project is very important for METRO to support and that would impact her vote.

Director Bustichi commented on his recent conversation with a *Sentinel Newspaper* reporter stating that while he does not think it is a "conspiracy", he thinks it is very open and obvious that there is a concern that people believe that the SCCRTC is moving too quickly on the Highway 1 Widening & Auxiliary Lanes and the members of the SCCRTC can be changed here at METRO,

which everyone here knows is true and it has definite weight on today's appointments. Director Bustichi said he also told the reporter that he feels Director Rotkin is the best METRO Board Member he has served with and he would do a fine job representing METRO on the SCCRTC. Director Bustichi also agreed with Chair Pirie's statement that METRO's representatives on the SCCRTC represent METRO, not individual areas or cities.

Director Rotkin withdrew his nomination as a representative while remaining a nominee as an alternate.

Chair Pirie referred to the Nominee list for SCCRTC Representatives from the January 8, 2010 Board Meeting, noting that Director Rotkin had withdrawn his nomination.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Appoint Directors Bustichi, Graves, and Tavantzis as SCCRTC Representatives

Motion passed with Directors Bustichi, Graves, Hagen, Hinkle, Martinez, Pirie, Robinson, Rotkin and Tavantzis voting yes, with Director Leopold voting no, and with Director Stone being absent.

Chair Pirie referred to the Nominee list from the January 8, 2010 Board Meeting asked if there were additional nominations for SCCRTC Alternates.

Director Bustichi clarified that he had nominated a slate of Alternates as Directors Hagen, Rotkin, and Hinkle as 1st, 2nd, and 3rd, but that they had been inadvertently listed differently on the Nominee list included in today's Agenda Packet.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI

Close nominations and appoint Directors Hagen, Rotkin, and Hinkle as 1st, 2nd and 3rd SCCRTC Alternates, respectively

Motion passed unanimously with Director Stone being absent.

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

None.

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

John Daugherty, SEA, followed up on his comments made at the January 8, 2010 Board Meeting regarding a his asking a METRO manager days before Christmas why an there was no “Notice of Intent to Discipline” as called for in article 19.1 of the MOU, and an SEIU member was being denied the appeal process prior to the implementation of disciplinary action. The manager responded by stating that there was past practice that the “Notice of Intent to Discipline” had been deleted and that there was an understanding with a previous chapter president. Mr. Daugherty stated that he checked with a union organizer, Gary Klemz who confirmed that there was no such side agreement or understanding in place with SEIU that that article was not in effect. Mr. Daugherty stated that the Union is currently discussing and working with METRO management on the issue.

Mr. Daugherty stated that he will be submitting a request in writing that public meetings held at the Administration Offices at 110 Vernon Street begin 15 minutes after the hour to allow bus riders to be present without being late. Director Rotkin requested that this issue be scheduled for discussion as soon as possible.

Bonnie Morr, UTU, requested that Item #8 be taken as soon as possible because Ruth Jones’ family members were present.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

CONSENT AGENDA

- 5-1. **APPROVE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF NOVEMBER 2009**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR NOVEMBER 2009**
- 5-3. **CONSIDERATION OF TORT CLAIMS: NONE**
- 5-4. **ACCEPT AND FILE MAC AGENDA FOR JANUARY 20, 2010 AND MINUTES OF NOVEMBER 18, 2009**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF NOVEMBER 2009**
- 5-6. **ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR NOVEMBER 2009**
- 5-7. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR NOVEMBER 2009**
- 5-8. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ MONTHLY SERVICE REPORT FOR NOVEMBER 2009**
- 5-9. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-10. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE NOVEMBER 2009 MEETING(S)**

- 5-11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH DIXON & SON TIRES, INC. FOR PURCHASE OF REVENUE AND NON-REVENUE TIRES
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT EXTENSION WITH JABICO ENTERPRISES, LLC FOR WEB SITE RE-DESIGN AND IMPLEMENTATION SERVICES
- 5-13. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXTEND THE CONTRACT WITH SEDGWICK CMS FOR THIRD PARTY ADMINISTRATION OF WORKERS COMPENSATION CLAIMS
- 5-14. CONSIDERATION OF REQUEST FROM GOOD TIMES PUBLICATION FOR DONATION OF EIGHT (8) REGULAR MONTHLY BUS PASSES TOTALING \$400, TO BE USED AS PRIZES IN EXCHANGE FOR ADVERTISING SPACE FOR SANTA CRUZ METRO IN THE FEBRUARY GOOD TIMES PUBLICATION PROMOTING GREEN, CLEAN ENERGY, AND EFFICIENT PUBLIC TRANSPORTATION IN SANTA CRUZ COUNTY

Regarding Item #5-2, Director Tavantzis requested a mid-year budget review. Les White replied that one was planned for February.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

Approve the Consent Agenda.

Motion passed unanimously with Director Stone being absent.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

The following employees were presented with longevity awards for their years of service:

TEN YEARS

Jaime Hernandez, Fleet Maintenance Mechanic III

TWENTY-FIVE YEARS

Jeffrey A. North, Transit Supervisor

THIRTY YEARS

Mary C. Ferrick, Fixed Route Superintendent

ITEM #8 WAS TAKEN OUT OF ORDER

- 8. CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF RUTH JONES AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Ruth Jones was unfortunately unable to attend today's meeting due to illness. Her family members were present to accept recognition by the Board for her nearly 30 years of service with METRO.

Bonnie Morr read part of a letter written by Ms. Jones regarding her retirement which stated that her experience as a Bus Operator has brought her a wonderful sense of joy and a great deal of pride, most of all she was grateful for the close personal and professional relationships that she had developed with many people over the many years she has been at METRO. She will always remember Santa Cruz METRO Transit District and she'll miss the work and the people she's worked with very much.

7. **CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF PAULA R. FLAGG AS ADMINISTRATIVE ASSISTANT FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

Chair Pirie presented Paula Flagg with a plaque and thanked her for her years of service. Ms. Flagg accepted the plaque and thanked METRO for her years of employment.

John Daugherty commented that Paula was a wonderful employee to work with and will be greatly missed.

ITEM #10 WAS TAKEN OUT OF ORDER

10. **CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF PETER PRINCE AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

Chair Pirie presented Peter Prince with a plaque and thanked him for his 30 years of service and noted that his name had been added to METRO's 30-Year Employee plaque. Mr. Prince accepted the Resolution of Appreciation plaque, spoke about what it was like being hired by METRO back in 1979 and thanked METRO for his years of employment.

Director Hagen thanked Mr. Prince for his service and dedication and said he will be missed.

ITEM #9 WAS TAKEN OUT OF ORDER

9. **CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF ROBERT ALLEN AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

Items #8, #7, #10 and #9 were adopted together in the following motion:

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt Resolutions of Appreciation for Ruth Jones as Bus Operator, Paula Flagg as Administrative Assistant, Peter Prince as Bus Operator and Robert Allen as Bus Operator for the Santa Cruz Metropolitan Transit District.

Motion passed unanimously with Director Stone being absent.

11. **CONSIDER AUTHORIZING THE GENERAL MANAGER TO EXECUTE A FIVE-YEAR LEASE WITH A FIVE-YEAR EXTENSION FOR KIOSK SPACE IN THE ISLAND CONCESSION AT PACIFIC STATION WITH LUCIANA ABREGO, DBA TAQUERIA EL DANDY**

Summary:

Margaret Gallagher reported that the current tenant has been running a Taqueria business successfully at Pacific Station since May 1, 2003. With the lease expiring on January 31, 2010, the space was advertised during the month of November and the tenant was the only applicant and offered to pay \$500 rather than the current \$703.69 per month. Staff is recommending that the lease be approved at this rate, as it was the best and only offer received.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR LEOPOLD

Authorize the General Manager to execute a five-year lease to Luciana Abrego dba Taqueria El Dandy, currently running a Taqueria at Pacific Station.

Motion passed unanimously with Director Stone being absent.

12. **CONSIDERATION OF ADOPTING A RESOLUTION MODIFYING METRO'S BYLAWS TO REFLECT THE CHANGE TO METRO'S ADMINISTRATION OFFICE ADDRESS**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt a Resolution modifying METRO's Bylaws to reflect the change to METRO's Administration Office address. Suggest that staff not print out the Bylaws for distribution in Agenda Packets when being modified for such minor issues going forward.

Motion passed unanimously with Director Stone being absent.

13. **CONSIDERATION OF ADOPTING METRO'S PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (dbE) GOAL OF 1.73% FOR FISCAL YEAR 2010 (FY10) AND THE METHODOLOGY USED TO SET THE GOAL**

Summary:

Margaret Gallagher reported that as recipient of Federal Transit Administration (FTA) Funds, METRO is required implement a Disadvantaged Business Enterprise (DBE) program and annually set DBE participation goal. This year Caltrans indicated a new methodology that METRO has adopted, which calculated out to 1.73%.

METRO published it's goal in several publications, held a Public Hearing on November 20, 2009 and staff presented it to both MAC and E&D TAC.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

Adopt METRO's proposed Disadvantaged Business Enterprise (DBE) Goal of 1.73% for FY10 and the methodology used to set the goal.

Motion passed unanimously with Director Stone being absent.

14. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT-TO-EXCEED \$35,020 FROM HARRIS & ASSOCIATES TO PROVIDE ADDITIONAL FUNDS TO THE CONSTRUCTION MANAGEMENT CONTRACT TO ACCOMMODATE COSTS RELATING TO VERNON ADMINISTRATION BUILDING SERVICES DURING CONSTRUCTION, AND SPECIALTY INSPECTION SERVICES FOR THE METROBASE PROJECT**

Summary:

Frank Cheng reported that this change order is a result of unforeseen delays related to the construction of the Administration Building located at 110 Vernon Street and explained the specific issues outlined in Attachment "A".

Discussion:

There was a discussion about the Harris & Associates role in maintaining the construction schedule. Steve Kelly from Harris & Associates was present and explained that he had personally managed problems constantly throughout the construction period, saving METRO funds and shortening the duration of the project approximately three weeks allowing metro to move in on the target date of December 4, 2009. Mr. Kelly urged the Board to approve the change order today as funds being requested have already been spent.

Les White added that the construction contractor is being penalized liquidated damages of \$1,000 per day and that the project is still \$650,000 under budget.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR BUSTICHI

Authorize the General Manager to execute a contract amendment for a change order in the amount of Not-To-Exceed \$35,020 from Harris & Associates to provide additional funds to the Construction Management contract to accommodate costs relating to Vernon Administration Building Services during construction, and specialty inspection services for the MetroBase Project.

Motion passed unanimously with Director Stone being absent.

15. **CONSIDERATION OF ADOPTION OF A RESOLUTION OF SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010**

Summary:

Les White reported that this Act has been designed to prevent future diversion or borrowing of tax revenues dedicated to local government services, including public transit and it is anticipated that it will be placed before the California voters in November 2010.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI

Adopt the Resolution supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

Motion passed unanimously with Director Stone being absent.

16. **ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR FEBRUARY 26, 2010 – WATSONVILLE CITY COUNCIL CHAMBERS, 275 MAIN STREET, WATSONVILLE**

Chair Pirie announced that the February 26, 2010 Board Meeting would be held at 9:00 a.m. at the Watsonville City Council Chambers, 275 Main Street, Watsonville.

17. **REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel**

Margaret Gallagher reported that the Board would have a conference with its Legal Counsel regarding the workers compensation claim of Rita Gentry and would conduct a Public Employee Performance Evaluation of District Counsel.

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

None.

SECTION II: CLOSED SESSION

Chair Pirie adjourned to Closed Session at 10:30 a.m. and reconvened to Open Session at 11:00 a.m.

SECTION III: RECONVENE TO OPEN SESSION

19. **REPORT OF CLOSED SESSION**

Chair Pirie reported that the Board continued Item #1 and completed Item #2.

ADJOURN

There being no further business, Chair Pirie adjourned the meeting at 11:00 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator