

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

March 15, 2002

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 15, 2002, at the City Hall Council Chambers, 809 Center Street, Santa Cruz, California.

Chairperson Ainsworth called the meeting to order at 9:07 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth
Jeff Almquist
Jan Beautz
Tim Fitzmaurice
Michelle Hinkle
Mike Keogh
Dennis Norton
Ana Ventura Phares
Pat Spence

DIRECTORS ABSENT

Christopher Krohn
Emily Reilly
Ex-Officio Mike Rotkin

STAFF PRESENT

Bryant Baehr, Operations Manager
Kim Chin, Planning/Marketing Manager
John Daugherty, Access. Svcs. Coord.
Mark Dorfman, Asst. General Manager
Terry Gale, IT Manager
Margaret Gallagher, District Counsel
Tom Hiltner, Grants/Legis. Analyst
David Konno, Fac. Maint. Manager

Ian McFadden, Transit Planner
Kathy O'Mara, Schedule Analyst
Elisabeth Ross, Finance Manager
Robyn Slater, Interim H.R. Manager
Judy Souza, Base Superintendent
Tom Stickel, Fleet Maintenance Manager
Leslie R. White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT

April Axton, Lift Line
Scott Bugental, Seniors Council
Richard Camperud, Courtesy Cab
Linda Clayton, SEA
Dianna Dunn, SEIU
Kasandra Fox, MASTF
Ed Kramer, Rider
Jeff LeBlanc, Rider
Deborah Lane, MASTF

Fahmey Ma'Awad, Rider
Carmen Magdaleno, Interpreter
Bonnie Morr, UTU
Carolyn O'Donnell, TMA
Michael Paul, Goodwill Industries
Steve Paulsen, UTU
Sam Storey, Community Bridges
Marion Taylor, League of Women's Voters

2. ORAL AND WRITTEN COMMUNICATION

Oral:

Ray Newkirk asked the Board to consider using biodiesel fuel in the fleet. He supplied a list of biodiesel distributors. He spoke of a biodiesel permit in the approval stages for a biodiesel plant to be built in San Jose.

Michael Paul of Goodwill Industries stated that communication on the MetroBase project between Goodwill and METRO has been insufficient. He expressed his desire to receive the preliminary information on the Financial Impact Report (FIR) as it relates to Goodwill Industries and potential sites identified for their change of location. Mr. Paul requested the Board to direct METRO staff to respond to his questions in writing. Mr. Dorfman stated that the e-mail from Mr. Paul was received after the agenda packet deadline. A copy of this e-mail will be supplied to the Board. A revised copy of the FIR was received but had many inaccuracies. Staff will bring a comprehensive report to the April Board meeting. Staff will be in contact with Goodwill Industries prior to that time.

DIRECTOR BEAUTZ ARRIVED

Jess Burge spoke regarding biodiesel and what he perceives as METRO staff's lack of effort to investigate this fuel option. Chairperson Ainsworth pulled Item #7-18 from the Consent Agenda and moved it to the regular agenda as Item #13 for further discussion.

Chairperson Ainsworth spoke of her recent trip to the APTA Legislative Conference in Washington, DC. Les White, and Directors Ainsworth and Reilly worked in an attempt to obtain a third tier of authorization money when the legislators look at the successor for TEA-21.

Written:

- | | | |
|----|-------------------------------------|------------------------|
| a. | Carol Bullard | RE: Paratransit |
| b. | April Axton | RE: Bikes Inside Buses |
| c. | Scott Bugental, E&D TAC | RE: Bikes Inside Buses |
| d. | Donald/Edith Edwards | RE: Paratransit |
| e. | Deborah Lane/Kasandra Fox,
MASTF | RE: Bikes Inside Buses |
| f. | Richard Bayne, Lift Line | RE: Paratransit |
| g. | Ted Clausen | RE: Paratransit |
| h. | Wilson Fieberling, City of SC | RE: Bikes Inside Buses |
| i. | Manuel Osorio, Cabrillo College | RE: Preserving Service |
| j. | Laura Marcus, Human Care Alliance | RE: Paratransit |

3. LABOR ORGANIZATION COMMUNICATIONS

Bonnie Morr of UTU Local 23 introduced the two new Vice Chairs: Beverly Edwards and Steven Marcus. She also welcomed Director Phares to the Board.

4. METRO USERS GROUP (MUG) COMMUNICATIONS

MUG Chairperson Hinkle read two Motions which had been approved at the MUG meeting of March 13, 2002.

1. MUG supports purchasing 2 fewer new buses in order to purchase Talking Bus Technology.
2. MUG supports the purchase of new HWY 17 buses and Low-Floor regular route buses as soon as possible.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

Deborah Lane, MASTF Chair, thanked Mark Dorfman for his thorough report on the bus purchase, which was presented at the MASTF meeting.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

SECTION 1:

ADD TO ITEM #2

ORAL AND WRITTEN COMMUNICATIONS:

- | | | |
|----|--|------------------|
| h. | Wilson Fieberling, City of SC
Buses | RE: Bikes Inside |
| i. | Manuel Osorio, Cabrillo College
Service | RE: Preserving |
| j. | Laura Marcus, Human Care Alliance | RE: Paratransit |

(Insert written communication as Items h, i, and j)

CONSENT AGENDA:

ADD TO ITEM #7-3

ACCEPT AND FILE FEBRUARY RIDERSHIP REPORT
(Insert Page 7-3.1)

DELETE ITEM #7-14

CONSIDERATION OF WHETHER IT IS IN THE BEST INTERESTS OF SANTA CRUZ METROPOLITAN TRANSIT DISTRICT TO SELL THE PROPERTY LOCATED AT 617 REDWOOD DRIVE, FELTON, CALIFORNIA, AND ALLOW A COMPETITIVE PROCESS FOR ITS SALE
(Deferred to April 19, 2002 Board Meeting)

REGULAR AGENDA:

ADD TO ITEM #9

CONSIDERATION OF APPROVAL OF FY 02-03 PRELIMINARY LINE ITEM BUDGET FOR REVIEW AND CLAIMS PURPOSES
(Replace Pages 9-A-33 and 9-A -34)

- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2002 AND APPROVAL OF BUDGET TRANSFERS
- 7-8. ACCEPT AND FILE STATUS REPORT ON ADA PARATRANSIT PROGRAM FOR JANUARY 2002
- 7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2002
- 7-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 7-11. ACCEPT AND FILE STATUS REPORT ON CALL STOP ISSUE PROGRESS
- 7-12. Pulled from Consent Agenda for further discussion. Item will be #21 on Regular Agenda.
- 7-13. CONSIDERATION OF AMENDING MISSION LINEN & UNIFORM SERVICE CONTRACT
- 7-14. DELETED - DEFERRED TO APRIL 19, 2002 BOARD MEETING
- 7-15. CONSIDERATION OF AMENDING DAY WIRELESS SYSTEMS CONTRACT
- 7-16. CONSIDERATION OF APPROVAL OF FY 02-03 PRELIMINARY LINE ITEM BUDGET FOR REVIEW AND CLAIMS PURPOSES
(Moved to Consent Agenda at the 3/8/02 Board Meeting. Staff Report retained original numbering as Item #9)
- 7-17. CONSIDERATION OF RESOLUTIONS AUTHORIZING SUBMITTAL OF FY 2003 STATE TRANSIT ASSISTANCE (STA) AND TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIMS
(Moved to Consent Agenda at the 3/8/02 Board Meeting. Staff Report retained original numbering as Item #10)
- 7-18. Moved to Regular Agenda as Item #13 for further discussion
- 7-19. CONSIDERATION OF ADDITIONAL SERVICE TO THE 100-YEAR CELEBRATION OF BIG BASIN STATE PARK
(Moved to Consent Agenda at the 3/8/02 Board Meeting. Staff Report retained original numbering as Item #14)
- 7-20. CONSIDERATION OF SECURITY ISSUES AT THE WATSONVILLE TRANSIT CENTER
(Moved to Consent Agenda at the 3/8/02 Board Meeting. Staff Report retained original numbering as Item #15)
- 7-21. CONSIDERATION OF AWARD OF CONTRACT FOR FURNISHING FASTENERS AND ELECTRICAL TERMINALS
(Moved to Consent Agenda at the 3/8/02 Board Meeting. Staff Report retained original numbering as Item #17)

ACTION: MOTION: DIRECTOR FITZMAURICE SECOND: DIRECTOR KEOGH

Approve Consent Agenda with the transfer of Items 7-12 and 7-18 to the Regular Agenda.

Motion passed unanimously.

REGULAR AGENDA

8. CONSIDERATION OF PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

The following employees were acknowledged with longevity certificates for their years of service:

FIFTEEN YEARS

Pete Jussell, Bus Operator
Leopoldo Limas, Bus Operator
Jose V. Rodriguez, Mechanic III

TWENTY YEARS

Michael W. Regan, Mechanic III
Donald M. Toline, Lead Mechanic

9. **MOVED TO CONSENT AGENDA AS ITEM #7-16**
10. **MOVED TO CONSENT AGENDA AS ITEM #7-17**
11. **CONSIDERATION OF CALL STOP AUDIT REPORT AND PROPOSED ACTION PLAN**

Summary:

Bryant Baehr distributed a revision to the Call Stop staff report as a result of his conversation with the FTA counsel's office. This revision is attached to the Minutes. The staff report covers all Board questions from the 3/8/02 Board meeting concerning policy and process. Mr. Baehr pointed out that he added a provision requiring the operators to call a stop as requested by a customer. Responding to customer requests to call a stop is required under the ADA, as well as calling out stops for points of reference and major transfer points. The revision also clarifies that stops should be called in a clear and audible voice.

Discussion:

Bonnie Morr of UTU suggested that the one hour of training listed under the Disciplinary Plan should be conducted after formal counseling or after the letter of reprimand. She feels that if retraining is initiated at the time of the verbal warning, it would lose its actual affect. Ms. Morr further suggested that the training process should come in at a later point with a formal warning; such as, after Step 2 and before Step 3 but not at the initial verbal warning stage.

Kasandra Fox of MASTF stated that most of the operators are doing well with calling out the stops. Director Fitzmaurice added that new riders with whom he has spoken all say that the operators are calling out the stops. There was discussion regarding what an "acceptable excuse" would be for the operator not to call out a stop. It was also suggested that a verbal warning clause be added into the UTU contract since negotiations are currently being held.

Fahmy Ma'Awad expressed his desire to acquire the Talking Bus technology which would enable the operators to concentrate on driving and their passengers. Director Ainsworth pointed out that the Board will vote on purchasing two fewer buses today in order to pay for this technology and that the Call Stop Policy is only for the interim.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR BEAUTZ

Continue call stop compliance audit to be completed on a random schedule identifying any non-complying bus operators. Adopt the disciplinary policy relating to call stop compliance.

Director Fitzmaurice stated that he would like to revisit this policy, if necessary, or receive a staff report back on this issue in a few months.

Motion passed unanimously.

12. CONSIDERATION TO USE FEDERAL GRANTS PROGRAMMED FOR PURCHASE OF BUSES TO INSTEAD PURCHASE TALKING BUS SYSTEM

Summary:

Mark Dorfman reported that staff was asked by the Board to identify a revenue source for the Talking Bus technology. A capital grant for the low-floor bus procurement exists whereby the funds could be reallocated through an FTA budget amendment to allow for the purchase of the remaining Talking Bus units. The bus procurement will be brought to the Board in April. With some capital STA funds, it may be possible to purchase 51 buses, or 49 buses if the Talking Bus technology is purchased. Staff is requesting Board authorization to approach FTA in order to move funds from one line item to another. This amendment would take approximately 90 days.

Staff is currently out to bid for the Talking Bus technology. Therefore, when the government informs staff that funds can be moved, the bids will already be available to bring to the Board. The original RFP sent out in December only generated one response, hence the second RFP mailing in order to receive at least two competitive bids.

Discussion:

Mark Dorfman informed Director Spence that the funds allocated for the two buses in question would equip all existing buses with the Talking Bus technology. The older buses should be retrofitted by the end of the summer 2002 and the new buses would be delivered in 2003. When buses are retired, the hardware for the technology can be removed and installed in new buses as they arrive. Ed Kramer urged the Board to obtain this technology. Deborah Lane read from the district's policy regarding announcing departure times, stops, and routes.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR FITZMAURICE

Purchase two (2) less transit buses in order to purchase a talking bus system for the entire system.

Director Fitzmaurice suggested redistributing the policy that outlines announcing the time of departure since he has never heard this happen.

Motion passed unanimously.

13. CONSIDERATION OF ELIMINATING BIO-DIESEL AS A FUELING OPTION FOR FY 02/03

Summary:

Ray Newkirk spoke about a permit being approved in San Jose for a biodiesel facility. Other speakers in this regard were Jess Berg and Russ Teal. Les White explained that the California Air Research Board (CARB) does not recognize biodiesel fuel as an alternative fuel path. He added that CARB would not give approval for METRO to use an 80/20 blend. These bio-diesel advocates should be addressing CARB instead of METRO.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR HINKLE

Select plain ultra-low sulfur (15 pm) diesel, and eliminate biodiesel as a fleet fuel for FY 02-03.

Motion passed unanimously.

14. MOVED TO CONSENT AGENDA AS ITEM #7-19

15. MOVED TO CONSENT AGENDA AS ITEM #7-20

16. DELETED – DEFERRED TO APRIL 19, 2002 BOARD MEETING

17. MOVED TO CONSENT AGENDA AS ITEM #7-21

18. CONSIDERATION OF POSSIBLE ACTIONS TO TAKE CONCERNING THE ADA PARATRANSIT REQUEST FOR PROPOSAL AS A RESULT OF THE BOARD'S ACCEPTANCE OF THE WITHDRAWING OF ONE OF THE PROPOSERS

Summary:

Staff recommends that the Board direct them to enter into negotiations with Community Bridges for the contract with ADA subject to the same terms and conditions that were in place for the bid. UTU asked the Board to take steps to bring this service in-house. Staff added to the recommendation that they would provide the Board with steps and timelines to operate ADA paratransit service in-house.

Discussion:

There was concern about working towards bringing this service in-house while negotiating with Community Bridges. Mr. White stated that staff would negotiate in good faith with Community Bridges and that at the conclusion of the contract, staff would know what steps would have to be taken to bring this in-house.

Sam Storey stated that Community Bridges supports the issue of an analysis to bring the service in-house and that they would cooperate with METRO in this regard. He also itemized

steps implemented since the conclusion of the MultiSystems audit. Mr. Storey informed the Board that the ¾ mile paratransit service area is in affect and that Community Bridges staff works with METRO staff to find alternative options for individuals who no longer receive services because of the new definition of eligibility. Carolyn Bliss-Eisberg, Director of the ~~Dominican Hospital~~ **Cabrillo** Stroke Center, supports the service contract being awarded to Community Bridges.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR ALMQUIST

Direct staff to enter into negotiations with Community Bridges for the provision of ADA Paratransit Service and both METRO and Community Bridges Boards cooperate in negotiation of the contract to implement service. Provide to the Board of Directors those steps and timelines that would be required in order for the Santa Cruz Metropolitan Transit District to operate ADA Paratransit Service in-house.

Also recommended as part of the general discussion was to incorporate anything useful that was in the ATC proposal into the Community Bridges contract. Clay Kempf talked about the history of Lift Line and recommended that the Board participate in the reformation of the partnership with Lift Line and possibly ask that Community Bridges do the same. Deborah Lane of MASTF expressed her disappointment at ATC's withdrawal and felt that the charges of conflict of interest were weak.

Motion passed unanimously.

19. a. **CONSIDERATION OF AN AMENDMENT TO THE MARKET SPACE LEASE AGREEMENT WITH BOB TOTT, D/B/A METROPOLITAN MARKET AND SANTA CRUZ METRO TO AMEND CERTAIN SECTIONS CONCERNING PAYMENT OF RENT**

Summary:

Staff is requesting approval to amend the lease with Bob Tott, a long-time tenant at Metro Center, regarding payment of rent. Mr. Tott would pay a flat rental rate with a cost of living increase annually instead of a base rent with a percentage calculation.

ACTION: MOTION: DIRECTOR FITZMAURICE SECOND: DIRECTOR BEAUTZ

Authorize the amendment of the Market Space Lease Agreement between Bob Tott, d/b/a Metropolitan Market, and Santa Cruz Metro to amend certain sections concerning payment of rent.

Motion passed unanimously.

b. CONSIDERATION OF THE TRANSFER OF THE LEASE AGREEMENTS WITH BOB TOTT, D/B/A METROPOLITAN MARKET FOR THE MARKET AND OFFICE SPACE, TO WALID AND WINONA SUB LABAN, AT THE SANTA CRUZ METRO CENTER, EFFECTIVE MARCH 18, 2002

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR BEAUTZ

Authorize the transfer of the Market and Office Leases from Bob Tott, d/b/a Metropolitan Market, to Walid and Winona Sub Laban, at the Santa Cruz Metro Center, effective March 18, 2002.

Motion passed unanimously.

21. CONSIDERATION OF APPROVAL OF RENEWAL OF EMPLOYMENT PRACTICES LIABILITY INSURANCE

Summary:

Elisabeth Ross asked the Board to approve the renewal for a policy for Employment Practices Liability Insurance. The coverage changed whereby the limits decreased from \$2 million to \$1 million. The deductible will remain the same. This renewal will be for one year beginning March 22, 2002. Any claims filed in the past will fall under the \$2 million coverage. New claims will fall under the \$1 million coverage.

Discussion:

Mark Dorfman stated that the last CalTIP meeting prepared the participants for an increase from 50% - 150%. The CalTIP Board is looking at restructuring how the coverage will be provided.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR BEAUTZ

Authorize renewal of employment practices liability coverage with U.S. Risk Underwriters, Inc. at a premium not to exceed \$40,000.

Motion passed unanimously.

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

Margaret Gallagher reported that there will be a conference with legal counsel regarding existing litigation and read the names of the four cases set forth on the agenda. Bryant Baehr stated that the management negotiation team requested permission to join the Closed Session agenda to give an update and request action.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR HINKLE

Make the Conference with Labor Negotiator an additional item and add to the Closed Session Agenda because there is a need to take action before April 1, 2002 and the need for such action came to light after the posting of the agenda,

Motion passed unanimously.

23. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Bonnie Morr stated that UTU's contract offer came in early due to budgetary issues and layoffs that are being considered. She further added that the UTU team appreciated the Board looking at their proposal and they respect the counter offer that came back from the Board. The UTU team is moving ahead with the proposal in a manner that all monies saved would be used to save jobs in their bargaining unit.

SECTION II: CLOSED SESSION

Chairperson Ainsworth adjourned to Closed Session at 11:19 a.m. and reconvened to Open Session at 12:47 p.m.

SECTION III: RECONVENE TO OPEN SESSION

24. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there was nothing to report at this time.

ADJOURN

There being no further business, Chairperson Ainsworth adjourned the meeting at 12:47 p.m.

Respectfully submitted

DALE CARR
Administrative Services Coordinator