

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

March 26, 2004

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 26, 2004 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chairperson Reilly called the meeting to order at 9:00 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth
Jan Beautz (arrived after roll call)
Michelle Hinkle
Mike Keogh
Emily Reilly
Mike Rotkin (arrived after roll call)
Dale Skillicorn
Pat Spence
Mark Stone

DIRECTORS ABSENT

Dennis Norton
Marcela Tavantzis
Ex-Officio Wes Scott

STAFF PRESENT

Bryant Baehr, Operations Manager
Frank Cheng, M/B Project Manager
Mark Dorfman, Assistant General Manager
Margaret Gallagher, District Counsel
Steve Paulson, Paratransit Administrator

Elisabeth Ross, Finance Manager
Robyn Slater, Human Resource Manager
Judy Souza, Base Superintendent
Tom Stickel, Fleet Maint. Manager
Les White, General Manager

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

Pat Dellin, SCCRTC
Gary Klemz, SEIU
Jeff LeBlanc, MASTF
Paul Marcelin-Sampson, Metro Riders Union
Manny Martinez, PSA
Ian McFadden, SEA

Jeff North, UTU
Dennis Papadopulo, MASTF
Will Regan, VMU
Jim Taylor, UTU
Bob Yount, MASTF
Juan Ramon Valdivia, Tenant
Amy Weiss, Spanish Interpreter

2. ORAL AND WRITTEN COMMUNICATION:

Written:

a. R. Paul Marcelin-Sampson

RE: Highway 17 Express Service

Oral:

Jeff LeBlanc reported that he is the new Vice Chair of MASTF due to Robert Yount's resignation due to health reasons. He reported on the status of MASTF which will continue for the coming year with the support of CCCIL through June 2004 for reproduction of the Minutes. Mr. LeBlanc reported that MASTF opened a bank account and he requested donations for MASTF. Contributors should contact Dale Carr, Administrative Service Coordinator of METRO, at 426-6080.

Chairperson Reilly stated that Item #16 would be deferred until the April Board meetings.

3. **LABOR ORGANIZATION COMMUNICATIONS**

None

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

SECTION I:

OPEN SESSION:

CONSENT AGENDA:

- ADD TO ITEM #5-3** ACCEPT AND FILE 1st PAGE OF THE JANUARY 2004 RIDERSHIP REPORT AND THE FEBRUARY 2004 RIDERSHIP REPORT
(Add Page One of the February Ridership Report)
- ADD TO ITEM #5-5** ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF MARCH 18, 2004 AND THE MINUTES OF THE FEBRUARY 19, 2004 MEETING
(Add Attachment F)
- ADD TO ITEM #5-12** CONSIDERATION OF NON-RENEWAL OF EMPLOYMENT PRACTICES LIABILITY INSURANCE
(Add Staff Report and Attachment)
- ADD TO ITEM #5-14** CONSIDERATION OF AWARD OF CONTRACT FOR UNIFORM, FLAT GOODS AND LAUNDRY SERVICES
(Add Staff Report and Attachments)
- ADD TO ITEM #5-15** CONSIDERATION OF STATUS OF FEDERAL LEGISLATION AND REPORT REGARDING THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION LEGISLATIVE CONFERENCE
(Add Staff Report and Attachment)

REGULAR AGENDA:

ADD TO ITEM #7

CONSIDERATION OF ADOPTION OF AMENDED FARE ORDINANCE TO REVISE HIGHWAY 17 EXPRESS FARES AND THE SCHOOL STUDENT FIELD TRIP RATE
(Add all Emails received and Information from Paul Marcelin-Sampson, Bus Riders Union)

ADD TO ITEM #8

CONSIDERATION OF APPROVAL OF FY 04-05 PRELIMINARY LINE ITEM BUDGET FOR REVIEW AND CLAIMS PURPOSES/STUDY SESSION

- (Replace Staff Report. Replace Pages 8.a2, 8.a3, 8.a6. Add Attachments B through I)**
- DELETE ITEM #9** CONSIDERATION OF OFFERING NOMINEES FOR MEMBERSHIP FOR THE METRO ADVISORY COMMITTEE (MAC)
(Action taken at the March 12, 2004 Board Meeting)
- ADD TO ITEM #12** CONSIDERATION OF APPOINTMENT OF NOMINEES TO MEMBERSHIP OF METRO ADVISORY COMMITTEE (MAC)
(Add Staff Report and Attachments)
- ADD TO ITEM #13** CONSIDERATION OF REQUEST FOR AUTHORIZATION TO USE STATE CONTRACT FOR PURCHASE OF PICKUP TRUCK
(Add Staff Report and Attachment)
- ADD TO ITEM #14** CONSIDERATION OF A STAFF PROPOSAL TO REQUEST \$60,000 IN FTA PLANNING FUNDS FROM AMBAG TO DEVELOP A SHORT RANGE TRANSIT PLAN
(Add Staff Report and Attachment)
- ADD TO ITEM #15** CONSIDERATION OF AMENDING TRANSIT CENTER TENANTS' LEASES TO ALLOW FOR HEALTH AND SAFETY INSPECTIONS OF ALL TENANTS' PREMISES WITHOUT NOTICE AND AT METRO'S DISCRETION AND METRO'S ABILITY TO ENTER TENANTS' PREMISES WITHOUT NOTICE FOR EMERGENCIES
(Add Staff Report)
- ADD TO ITEM #16** CONSIDERATION OF SERVICE ADJUSTMENTS FOR JUNE 3, 2004
(Add Staff Report and Attachments)

Four additional emails were distributed to support Item #7.

CONSENT AGENDA

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES OF FEBRUARY 13 AND FEBRUARY 27, 2004
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS
- 5-3. ACCEPT AND FILE 1st PAGE OF THE JANUARY 2004 RIDERSHIP REPORT AND THE FEBRUARY 2004 RIDERSHIP REPORT
PAGE 1 OF THE FEBRUARY RIDERSHIP REPORT IS INCLUDED IN THE MARCH 26, 2004 BOARD PACKET
- 5-4. CONSIDERATION OF TORT CLAIMS: Reject the Claim Entirely of Peter L. Finegan, Claim #04-0004; Reject the application of Ramon Ceras to present a late claim and reject Ramon Ceras' claim as untimely, Claim #04-0006
- 5-5. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF MARCH 18, 2004 AND THE MINUTES OF THE FEBRUARY 19, 2004 MEETING
- 5-6. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2004, AND APPROVAL OF BUDGET TRANSFERS
- 5-7. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR DECEMBER 2003
- 5-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2004
- 5-9. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 5-10. ACCEPT AND FILE STATUS OF METROBASE PROJECT

ACCEPT AND FILE VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE FEBRUARY MEETINGS

- 5-11. **CONSIDERATION OF NON-RENEWAL OF EMPLOYMENT PRACTICES LIABILITY INSURANCE**
- 5-12. **CONSIDERATION OF AUTHORIZATION FOR DISPOSAL OF EIGHT (8) GMC BUSES AND ASSOCIATED PARTS INVENTORY**
- 5-13. **CONSIDERATION OF AWARD OF CONTRACT FOR UNIFORM, FLAT GOODS AND LAUNDRY SERVICES**
- 5-14. **CONSIDERATION OF STATUS OF FEDERAL LEGISLATION AND REPORT REGARDING THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION LEGISLATIVE CONFERENCE**

ACTION: MOTION: DIRECTOR KEOGH SECOND: DIRECTOR SKILLICORN

Approve the Consent Agenda.

Motion passed with Directors Beautz, Norton and Tavantzis being absent.

REGULAR AGENDA

ITEM #7 WAS TAKEN OUT OF ORDER AT THIS TIME.

- 7. **CONSIDERATION OF ADOPTION OF AMENDED FARE ORDINANCE TO REVISE HIGHWAY 17 EXPRESS FARES AND THE SCHOOL STUDENT FIELD TRIP RATE**

Summary:

Mark Dorfman stated that this is the second reading of the Fare Ordinance which will include a public hearing to accept input on the proposed changes. The fare structures were brought in line to facilitate the merge of the Highway 17 Express service with Amtrak. Mr. Dorfman read the proposed increases to the fares, which includes an increase to the Student Field Trip Rate. All comments received by METRO are attached to the staff report.

Discussion:

The 10-ride discount pass issue will be considered after the Memorandum of Understanding is agreed to and signed by all parties. Staff will return to the Board in April with information on the issues surrounding the new equipment on the Highway 17 buses.

Public Hearing was opened at 9:16 a.m.

Those who spoke in support of the proposed increases to the Fare Ordinance:

Paul Marcelin-Sampson, Bus Riders Union
Jeff LeBlanc, MASTF

Those who spoke in opposition of the proposed increases to the Fare Ordinance:

Andy Chow, Associated Students of San Jose State University. Mr. Chow submitted a letter to the Board. He asked for a timetable of when the 10-ride pass would be discussed and suggested that it be implemented prior to the start of the fall semester in August.

Public Hearing was closed at 9:23 a.m.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR KEOGH

Adopt the Amended Fare Ordinance to adjust the fare structure on the Highway 17 Express as a result of the proposal to merge with the AMTRAK service and extend service to METRO Center and seven (7) days a week, and to adjust the School Student Field Trip Rate.

Director Rotkin noted that the Board would be diligent in giving the 10-ride pass serious consideration. Mr. Dorfman reported that he will contact San Jose State University regarding the Eco pass which they could sell at a discounted rate to their students.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

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

FIFTEEN YEARS

Alberto C. Barragan, Bus Operator
Bonnie L. Morr, Bus Operator
Dennis Neil Dougherty, Custodial Service Worker I

TWENTY YEARS

Juanita Archibeque, Bus Operator
Oscar L. Andrade, Bus Operator

THIRTY YEARS

Judy K. Souza, Base Superintendent

Chairperson Reilly recessed the meeting for a short time for the Board and audience to participate in a celebration in honor of METRO's first thirty-year employee.

8. CONSIDERATION OF APPROVAL OF FY 04-05 PRELIMINARY LINE ITEM BUDGET FOR REVIEW AND CLAIMS PURPOSES/STUDY SESSION

Summary:

Elisabeth Ross asked the Board not to take any action on the budget or on the TDA claim. The deadline for the TDA claim has been extended past April 1st. This will be brought back to the Board in April. Ms. Ross reviewed the various attachments on line items that the Board had

questions on at their last meeting. Ms. Ross reported that the sales tax revenue is down from last year. She added that the current budget deficit for FY 04/05 would be \$1.3 million. Mr. White added that the Alternate Fuel Conversion Reserve has only one year's worth of funds in it but he will begin to request supplemental funding from the Federal government, in addition to requesting earmark funding for Pacific Station/Metro Center. Mr. White outlined the timeframe for completion of the fueling station in order to meet CARB requirements. He expressed concern about the expiration date on the design build being 12/31/04 and would like it at least through the end of 2005.

Direction: *Director Reilly asked that Mr. White supply the Senate Bill numbers to her and Director Rotkin so they can bring it to the Santa Cruz City Council for support.

Public Input:

Paul Marcelin-Sampson expressed concern regarding bus operator salaries and stated that the Bus Riders Union would apply strong but productive pressure to see that this issue is included on a ballot measure to disallow raises in the future.

Jeff LeBlanc stated his concerns regarding potential service cuts. He added that Mr. Marcelin-Sampson is comparing apples and oranges when comparing bus operator salaries with those of restaurant and field workers.

9. DELETED – ACTION TAKEN AT THE MARCH 12, 2004 BOARD MEETING

10. CONSIDERATION OF RESOLUTIONS AUTHORIZING SUBMITTAL OF FY 2005 STA AND TDA CLAIMS

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Continue this item for one month.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

11. REVIEW SANTA CRUZ METRO BYLAWS FOR POSSIBLE MODIFICATIONS TO BE FINALIZED AT A SUBSEQUENT MEETING

Summary:

Margaret Gallagher reported that on an annual basis the Board reviews its bylaws to see if any modifications are needed.

Discussion:

Director Rotkin referred to a set of Rules and Orders that were adopted several years ago. Ms. Gallagher will attempt to locate this document.

Direction: *Change language in the bylaws under the MAC section from “provides advice” to “advises”.

- *Change language in the MASTF section from “advise” to “provides advice”.
- *Divide Section III. Special Meetings into sub-sections for ease in reading.
- *Review the State Enabling statute to clarify whether the Board can give direction to all staff or just to specific staff members.
- *Change language under Section 14.02 from “designated” to “nominated”.
- *Change language to include verbiage that the Board can overrule the Chair on nominations to the RTC.
- *Re-format so replacement pages can be inserted easily. Place into binder for the Directors.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Continue this item to the April Board meeting.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

It was confirmed that the Chairperson cannot make motions but can second them.

12. CONSIDERATION OF APPOINTMENT OF NOMINEES TO MEMBERSHIP OF METRO ADVISORY COMMITTEE (MAC)

Les White reviewed the history of the formation of MAC. The first meeting will be held on April 21 at 5:00 p.m. at the Pacific Station/Metro Center conference room. The meeting dates and time will be determined by MAC at their first meeting.

Discussion:

Jeff LeBlanc stated that he hopes more than one woman will be on MAC in the future.

Dennis Papadopolu expressed regret at not being appointed and hoped that the list would be kept active.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Accept the MAC nominations as proposed. Agendize the issue of alternates to MAC.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

13. CONSIDERATION OF REQUEST FOR AUTHORIZATION TO USE STATE CONTRACT FOR PURCHASE OF PICKUP TRUCK

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR AINSWORTH

Authorize the General Manager to use the State Procurement Process for the purchase of one pickup truck.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

14. CONSIDERATION OF A STAFF PROPOSAL TO REQUEST \$60,000 IN FTA PLANNING FUNDS FROM AMBAG TO DEVELOP A SHORT RANGE TRANSIT PLAN

Summary:

Mark Dorfman reported that there has been no formal update to the Short Range Transit Plan since 1997. Staff is proposing to request \$60,000 from FTA, to utilize STA funding for the balance and to hire a consultant at a cost not to exceed \$100,000 to work with staff on this plan.

Discussion:

An RFP will be needed to hire the consultant. Director Spence asked that the Watsonville routes be reviewed to eliminate any long loop rides.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Authorize staff to propose development of a Short Range Transit Plan within the Association of Monterey Bay Area Government's Overall Work Program and to request \$60,000 in Federal Transit Administration planning assistance to substantially fund the project.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

15. CONSIDERATION OF AMENDING TRANSIT CENTER TENANTS' LEASES TO ALLOW FOR HEALTH AND SAFETY INSPECTIONS OF ALL TENANTS' PREMISES WITHOUT NOTICE AND AT METRO'S DISCRETION AND METRO'S ABILITY TO ENTER TENANTS' PREMISES WITHOUT NOTICE FOR EMERGENCIES

Summary:

Margaret Gallagher requested that staff be permitted to amend all the tenant leases to allow entrance to their facilities without notification in order to inspect for health and safety issues and for emergencies. Ms. Gallagher outlines instances that would determine issues of health and safety.

Discussion:

It was suggested that any health or safety issues be referred to the Health Department rather than METRO staff conducting unannounced inspections.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve amended leases to include any emergency situations. Instruct staff to come back to the Board with verbiage for a second round of amendments addressing the health and safety issues.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

16. CONSIDERATION OF SERVICE ADJUSTMENTS FOR JUNE 3, 2004

This item was deferred to the April Board meeting.

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

Margaret Gallagher reported that the Board would discuss SEIU with the labor negotiator. She asked that the Conference with Real Property Negotiator be deleted. Existing Litigation in the case of Mary Kohama will also be discussed.

18. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

SECTION II: CLOSED SESSION

Vice Chairperson Keogh adjourned to Closed Session at 10:54 a.m. and reconvened to Open Session at 11:40 a.m.

SECTION III: RECONVENE TO OPEN SESSION

19. REPORT OF CLOSED SESSION

Margaret Gallagher had nothing to report at this time.

ADJOURN

There being no further business, Chairperson Reilly adjourned the meeting at 11:40 a.m.

Respectfully submitted.

Dale Carr
Administrative Services Coordinator