

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

June 25, 2004

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, June 25, 2004 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chairperson Reilly called the meeting to order at 9:10 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth (arrived after roll call)
Jan Beautz
Michelle Hinkle
Mike Keogh
Emily Reilly
Mike Rotkin
Ex-Officio Wes Scott
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis

DIRECTORS ABSENT

Dennis Norton

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
Tom Stickel, Fleet Maint. Manager
Les White, General Manager

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

Michael Boyd, SCMTD
Michael Bradshaw, CCCIL
Mike Carter
Trudy Doyle
Susan Hogue
Gary Klemz, SEIU
Lilly Litsky
Manny Martinez, PSA
Bonnie McDonald
Ian McFadden, SEA

Bonnie Morr, UTU
W. C. Pihl, MV Transit
Will Regan, VMU
James Ross
Jane Royle Barr, Mid Peninsula Housing
Justina Rudokas
Maria Stolz
Randy Yagi, SCMTD
Jeanne Youmans
Bob Yount, MASTF

Rachel Moriconi, SCCRTC

Arturo Zamudio, UTU Rep for Lift Line

2. ORAL AND WRITTEN COMMUNICATION

Written:

a. Kanoa Dynek, Chair, MAC

RE: Fall Service Reduction
Proposal

Oral:

Lilly Litsky, a resident of the D'Anza Mobile Home Park, relies solely on the bus. She stated that the cuts on Route 3B will severely impact the lives of senior in this park. She urged the Board to find a way to save this route.

Scott Bugental mentioned that the paratransit issue is at the end of the agenda after several long items. He hopes the Board will be in full attendance when that topic is addressed and that there will be adequate time for public input.

Braylis Young, a resident of 33rd Avenue, stated that his goal is to make transportation better for all. He added that some of today's agenda items would illustrate management's shortcomings in this area.

Director Spence stated her appreciation to Les White for his diligence in taking care of the Board requests. She presented Mr. White and METRO staff with a flier which was signed by the Board and also with a card.

3. LABOR ORGANIZATION COMMUNICATIONS

None

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

SECTION I:

OPEN SESSION:

ADD TO ITEM #2

ORAL AND WRITTEN COMMUNICATION

a. Kanoa Dynek, Chair, MAC
Reduction Proposal

RE: Fall Service

(Insert Documentation)

CONSENT AGENDA:

ADD TO ITEM #5-3

ACCEPT AND FILE MAY 2004 RIDERSHIP REPORT

(Add Page 1 of the Ridership Report)

ADD TO ITEM #5-18

CONSIDERATION OF AWARD OF CONTRACT FOR EMPLOYEE
LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT
INSURANCE COVERAGE

(Insert Staff Report)

ADD TO ITEM #5-20 NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SETTLEMENT WITH DON TOLINE
(Insert Staff Report)

REGULAR AGENDA:
ADD TO ITEM #7

CONSIDERATION OF PUBLIC INPUT RECEIVED AT PUBLIC HEARINGS REGARDING SERVICE REDUCTIONS AND BOARD ADOPTION OF RESPONSES TO PUBLIC SUGGESTIONS FROM THOSE HEARINGS
(Insert Staff Report)

DELETE ITEM #8 CONSIDERATION OF ONE-YEAR EXTENSION OF CURRENT MANAGEMENT COMPENSATION PLAN
(Action taken at the June 11, 2004 Board Meeting)

ADD TO ITEM #10 CONSIDERATION OF ADOPTION OF RESOLUTION APPROVING FINAL BUDGET FOR FY 04-05 AND FY 05-06
(Insert Staff Report)

ADD TO ITEM #11 CONSIDERATION OF SERVICE REDUCTIONS FOR FALL 2004
(Insert Attachment C)

ADD TO ITEM #13 CONSIDERATION OF AWARD OF CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE METROBASE PROJECT
(Insert Staff Report)

ADD TO ITEM #14 CONSIDERATION OF PARACRUZ TRANSITION PLAN
(Insert Staff Report)

DELETE ITEM #15 CONSIDERATION OF MODIFICATIONS TO THE SANTA CRUZ METRO DRUG AND ALCOHOL TESTING POLICY
(Negotiations not complete)

DELETE ITEM #19 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE NECESSARY DOCUMENTS AS THE REPRESENTATIVE OF METRO, THE OWNER OF THE PROPERTY, TO FACILITATE THE VIA DEL MAR PROJECT IN WATSONVILLE, WHICH IS ADJACENT TO THE WATSONVILLE TRANSIT CENTER

ADD TO ITEM #20 CONSIDERATION OF GRANTING RIGHT-OF-WAYS TO PG&E TO LOCATE A TRANSFORMER ON THE VIA DEL MAR PROJECT SITE, RUN PG&E LINES UNDERNEATH WATSONVILLE TRANSIT CENTER SIDEWALK AND ALLOW ACCESS TO THE TRANSFORMER VIA THE TRANSIT CENTER
(Insert Staff Report)

Additional Information Received After Distribution of first Add-On Packet:

SECTION I:
OPEN SESSION:

ADD TO ITEM #2 ORAL AND WRITTEN COMMUNICATION
b. Jack Jacobson, Community Bridges RE: Paratransit
Service
(Insert NEW Letter)

CONSENT AGENDA:

ADD TO ITEM #5-14 CONSIDERATION OF AUTHORIZATION OF RENEWAL OF
PROPERTY INSURANCE COVERAGE FOR FY 0-4-05
(Insert REVISED Staff Report indicating change of vendor)

REGULAR AGENDA:

ADD TO ITEM #7 CONSIDERATION OF PUBLIC INPUT RECEIVED AT PUBLIC
HEARINGS REGARDING SERVICE REDUCTIONS AND BOARD
ADOPTION OF RESPONSES TO PUBLIC SUGGESTIONS FROM
THOSE HEARINGS
**(Insert NEW Attachment B which outlines input received after
the distribution of the 1st Add-On Packet and responses to that
input)**

**NOTE: Due to the volume of this attachment, copies have been distributed to the Board
only. One copy will be available for public review at the Administration Office or on line
at www.scmttd.com**

ADD TO ITEM #11 CONSIDERATION OF SERVICE REDUCTIONS FOR FALL 2004
(Insert NEW Page 11.C16)

ADD TO ITEM #13 CONSIDERATION OF AWARD OF CONTRACT FOR
CONSTRUCTION MANAGEMENT SERVICES FOR THE
METROBASE PROJECT
**(*Insert Staff Report – This was included in Directors' Packets
but, due to technical problems, was excluded from all other
packets.**

***Insert REVISED Attachment A Contract,**

***Insert NEW Exhibit C of RFP)**

CONSENT AGENDA

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES OF MAY 14 AND MAY 28, 2004**
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**
- 5-3. ACCEPT AND FILE MAY 2004 RIDERSHIP REPORT**
- 5-4. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM ENTIRELY OF FREDY
CASTILLO, CLAIM #04-0008, REJECT THE CLAIM ENTIRELY OF MARIA
MARTINEZ, CLAIM #04-0010**

- 5-5. ACCEPT AND FILE MAC AGENDA FOR JUNE 16, 2004 AND MINUTES OF MAY 19, 2004
- 5-6. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF JUNE 17, 2004 AND THE MINUTES OF THE MAY 20, 2004 MEETING
- 5-6. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2004 AND APPROVAL OF BUDGET TRANSFERS

- 5-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR MARCH 2004
- 5-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR APRIL 2004
- 5-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 5-11. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-12. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MAY MEETINGS
- 5-14. CONSIDERATION OF AUTHORIZATION OF RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY 04-05
- 5-15. CONSIDERATION OF AUTHORIZATION OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE FOR FY 04-05
- 5-16. CONSIDERATION OF RESOLUTION AUTHORIZING A PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES BY DISTRICT EMPLOYEES ENROLLED IN THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM
- 5-17. CONSIDERATION OF AMENDING CONTRACT WITH VISION SERVICE PLAN
- 5-18. CONSIDERATION OF AWARD OF CONTRACT FOR EMPLOYEE LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE COVERAGE
- 5-19. CONSIDERATION OF APPROVAL OF RESPONSES TO TRANSPORTATION DEVELOPMENT ACT TRIENNIAL PERFORMANCE AUDIT
- 5-20. NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SETTLEMENT WITH DON TOLINE

Note:

Item #5-13 - CONSIDERATION OF RECEIPT OF REPORT OF THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE was pulled from the Consent Agenda for further discussion by Director Spence. This will become Item 14a on the regular agenda.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Approve the Consent Agenda with the exception of Item #5-13 which was pulled for further discussion.

Motion passed by a unanimous voice vote in lieu of a roll call with Director Norton being absent.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

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

TWENTY YEARS

Christina M. Flynn, Bus Operator
George C. Felder, Bus Operator
Michael F. Boyd, Facilities Maintenance Worker II

TWENTY-FIVE YEARS

Anthony A. Ciliberto, Bus Operator

7. CONSIDERATION OF PUBLIC INPUT RECEIVED AT PUBLIC HEARINGS REGARDING SERVICE REDUCTIONS AND BOARD ADOPTION OF RESPONSES TO PUBLIC SUGGESTIONS FROM THOSE HEARINGS

Summary:

Mark Dorfman reported on the eight public hearings held recently to receive public input on the service reductions. These meetings were held in Santa Cruz, Watsonville, Capitola and Scotts Valley with both an afternoon and early evening session. Information regarding these hearings were placed on the buses, website and advertised in two local newspapers. Directors Norton and Tavantzis attended the hearings in their jurisdictions. Petitions were received from the residents of two mobile home parks regarding the proposed service reductions on Route 65. Staff has a proposed revision for Route 65 which addresses some of the issues raised. The input received and staff's responses are included in the Board packet. The Board would be voting to accept only the report on the responses and not on the service cuts at this point.

Discussion:

Braylis Young attended the Santa Cruz meeting and was quoted as being in receipt of financial information, which he has not yet received. Mr. Dorfman informed the Board that Mr. Young requested route information, which was sent to him, and since that time, Mr. Young has sent multiple emails to staff requesting various items.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Accept the comments from the public and staff's responses. Direct staff to continue trying to respond to requests from Braylis Young.

Motion passed unanimously with Director Norton being absent.

8. DELETED – ACTION TAKEN AT THE JUNE 11, 2004 BOARD MEETING

9. CONSIDERATION OF ISSUING A DECLARATION OF FISCAL EMERGENCY

Summary:

Elisabeth Ross reported that issuing a declaration of fiscal emergency is the next step in the service reductions process in order to alleviate the need for CEQA-required environmental documents.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Declare a state of fiscal emergency as set out in the law.

Motion passed unanimously with Director Norton being absent.

10. CONSIDERATION OF ADOPTION OF RESOLUTION APPROVING FINAL BUDGET FOR FY 04-05 AND FY 05-06

Summary:

Elisabeth Ross requested approval for the final budget for FY 04/05 and 05/06. She cited the adjustments that had been made to the budget since the Board last saw it. She added that she met with the union representatives to review this budget. There are 3 position layoffs scheduled to take place in September, however, early retirements of current employees might lessen this figure. A 5-year financial forecast will be brought back to the Board in 2-3 months. Mr. White discussed TDA funds vs. the anticipated percentage of sales tax revenue.

Public Comment:

Director Ainsworth questioned the increase in the legal settlement cases and was informed that this was due to the Lane/Loya and Bass cases. Staff is budgeting \$150,000 next year for settlement costs. Mr. Dorfman explained CalTIP and METRO's self-insured status.

Ed Kramer, bus rider, commented that part of the Lane/Loya lawsuit involved the buses at the transit centers identifying their bus numbers for the visually impaired and that this is not happening at the Metro Center. He suggested that the Board save additional funds for future lawsuits in this regard.

Braylis Young, bus rider, stated that UCSC needs to pay full fare for its contracted service the way riders on the Watsonville corridor do. He wants the UCSC contract to be renegotiated by September of this year. He suggested that the Board postpone approval of the budget until this is resolved and he wants an initial progress report at the July Board meeting.

Ian McFadden, SEA, introduced Juan Gallegos who is one of METRO's employees who will be laid off. Mr. McFadden expressed concern about the farebox collection duties that are currently being done by security staff and hopes that this issue can be readdressed whereby the Vehicle Service Workers would do these duties and possibly save METRO some money.

Paul Marcelin-Sampson expressed concern about the layoffs and thanked SEIU and Management for extending their agreements with a 0% increase for the next year. He discussed the UTU increases and utilizing the CPI as the basis for wage increases. He

responded to a previous comment by stating that UCSC accounts for 30% of the ridership and contributes 30% of the revenue.

Discussion:

Ex Officio Director Scott explained that UCSC is hiring replacement drivers for their transit system and suggested that any METRO employees who are being laid off should talk with the UC transit management for a possible job.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR KEOGH

Adopt the resolution approving the final budget for FY 04-05 and FY 05-06 as presented in Attachment B; authorize Board member travel in FY 04-05 as described in Attachment C; approve the Employee Incentive Program as presented in Attachment D; and authorize staffing levels as listed in Attachment F.

Motion passed by a unanimous voice vote in lieu of a roll call with Director Norton being absent.

11. CONSIDERATION OF SERVICE REDUCTIONS FOR FALL 2004

Summary:

The proposed service reductions are a result of a projected revenue deficit. Service cuts in the amount of \$700,000 effective September 9th are being proposed. Ian McFadden presented the proposed service reductions. Mr. Dorfman outlined six trips that are being proposed on Route 53 that would provide life-line service in the Capitola/Dominican area. Steve Paulson discussed the impacts to paratransit service that are associated with these service reductions.

EX OFFICIO DIRECTOR SCOTT LEFT THE MEETING.

PUBLIC COMMENT:

Jeanne Youmans, representing Antonelli Mobile Home Park and Homestead Park, expressed concern about the service reductions between 30th and 17th Avenues and the fact that the bus benches are on the other side of Brommer. Mr. Dorfman responded that the bus benches would be moved to the appropriate side of the street to accommodate these mobile home park residents.

Braylis Young stated that the reductions are unequal and unfair and referred to the UC riders receiving a discount.

Ed Kramer of Live Oak suggested that Route 65/67 interloop with Route 69 to eliminate dead time. He gave out his home telephone number and asked people to feel free to contact him regarding the routes.

Michael Bradshaw of CCCIL expressed concern with the reductions to Route 73, particularly the elimination of service to Independence Square. He is also concerned about elimination of service to the Fairgrounds on the weekends and about the six paratransit users in Scotts Valley

who are affected by the bus trips that run only on the school schedules. He inquired if METRO is looking at additional revenue and funding to avoid more service reductions next year.

Stephanie Hudson, a Live Oak resident who uses the bus as her primary transportation, will purchase a bicycle instead of utilizing the bus system due to a more lengthy commute which stems from the service reductions.

Kathleen Johnson spoke regarding the service reductions to the mobile home parks. She stated that many of these residents are not disabled but might have a hard time walking the additional distance to a bus stop.

Mike Carter asked if the service reductions were examined with respect to the Master Transportation Plan (MST). He stated that METRO is heading in the wrong direction with making routes more complicated and slower.

Paul Marcelin-Sampson suggested that future public hearings be held at the various transit centers. He added that the cuts would not be necessary if the Board adopted more moderate pay increases for staff.

Public Comment ended at 10:53 a.m.

Summary:

Mark Dorfman responded to the concerns raised by the speakers, as follows: Adjustments will be made to some of the early Route 69s, there are 1-2 Independence Square riders per day and they have their own van service, paratransit access to the fairgrounds is equal to fixed route riders in that neither group can get to the fairgrounds on the weekends, only the weekend service is being cut to D'Anza Mobile Home Park, staff will look into holding public meetings at the transit centers in the future, staff is unaware of six paratransit riders in Scotts Valley who would be affected by these changes, however, if they can be identified, staff will contact them.

Direction: *Staff will look at the cost of running service to the fairgrounds during the annual county fair and report back at the next Board Meeting.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Approve the proposed service reductions and modifications for September 2004. Direct Staff to return to the July meeting with the cost of a two-week extension of service to the fairgrounds during the County Fair.

FRIENDLY AMENDMENT: DIRECTOR REILLY

Give the County Public Works Dept. of list of specific areas where crosswalks would be beneficial to transit riders. Conduct an outreach to those riders who might be eligible for ParaCruz if their service has been cut.

Motion passed unanimously with Director Norton being absent.

DIRECTOR TAVANTZIS LEFT THE MEETING.

12. MOVED TO CONSENT AGENDA AS ITEM #5-19

13. CONSIDERATION OF AWARD OF CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE METROBASE PROJECT

Summary:

A Request For Proposal (RFP) for construction management services was sent out and METRO received seven responses. Three of these respondents were interviewed and staff is asking for Board approval to contract with the #1 ranking firm.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Authorize the General Manager to enter into a contract with Harris and Associates to provide construction management services for the MetroBase project.

Motion passed unanimously with Directors Norton and Tavantzis being absent.

14. CONSIDERATION OF PARACRUZ TRANSITION PLAN

Summary:

Bryant Baehr reviewed the current ParaCruz service and why the Board is considering this issue.

DIRECTOR TAVANTZIS RETURNED TO THE MEETING.

Mr. Baehr explained blended service and stated that the Board authorized staff to enter into negotiations with UTU to determine costs of bringing this service in-house. There are currently tentative agreements on the financial items under consideration, however, the Board did establish parameters for going forward. Mr. Baehr revised staff's recommendation to the Board based on these tentative agreements and itemized these recommendations.

Discussion:

There was discussion regarding extending Community Bridges' contract for one month and considering co-mingling during that month. Director Reilly stated that it is important to give clear direction to the Board representatives who sit on the RTC Paratransit Task Force, to keep the RTC informed of METRO's actions and what the value of the Task Force will continue to be. Mr. Baehr offered to prepare a presentation to present to the RTC and Task Force to explain the issues in August.

Public Comments:

Scott Bugental, Associate Director of the Seniors Council, spoke against the staff recommendation and expressed concern that the recommendation changed at the last minute.

He asked that the Board hold off making a decision until the Task Force input has been received. He listed those organizations who are opposed to both staff recommendations. He supports having one agency for customers to call and he also supports co-mingling ride regardless of the funding mechanism.

Bonnie Morr, UTU, thanked Les White and the negotiating team. She added that the bus operators at Community Bridges would feel more secure working at METRO. She is in favor of bringing this service in-house to provide better service than riders are currently receiving.

Arturo Zamudio., UTU Representative for Lift Line, thanked the Board for considering bringing this workforce in-house.

Bonnie McDonald, Program Manager of Senior Network Services, asked that the Board wait to receive the Task Force report. She expressed concern about the cost of bringing service in-house, the level of service and confusion to the riders. She asked what would happen to MediCal paid rides. She asked the Board to take the time to set up a quality system.

Sam Storey of Community Bridges stated that a fragmented system would be more expensive than the current system and that staff hasn't considered what the system would look like if Community Bridges were allowed to co-mingle rides. He agrees that it would be disruptive to allow co-mingling for one month only. He requested information on what METRO's overall plan is to integrate the fixed route and paratransit services so Community Bridges could plan its future. He concluded by saying that this decision shouldn't be based on what UTU wants but what is best for the users, riders and community. He encouraged the Board to move forward with the Task Force and to implement staff's recommendations within that context so it can be fully discussed. He reiterated his Board's desire to work with the Task Force with the changes of allowing co-mingling and Community Bridges keeping the fares collected.

Paul Sanford of the Volunteer Center stated that the needs of the riders and community should be equal to the cash flow concerns. He asked the Board to defer any formal action until the Task Force has completed its work in January 2005.

Maria Stolz lives in Soquel and volunteers extensively in the community. She considers Community Bridges to be a "one stop shopping" paratransit system that makes sense. She asked the Board to wait for the Task Force input before making a decision.

Michael Bradshaw read a letter and gave copies of it to the Board. The letter states that CCCIL is opposed to the Brokerage model. He asked the Board to wait for the Task Force input.

Discussion:

Director Rotkin provided his input since he had to leave the meeting early. He stated that Mardi Wormhardt of the Task Force had no expectations that METRO would wait to take action on this item until January 2005. He added that METRO has a fiduciary and legal responsibility to provide a level of service and not to compromise it. METRO's legal responsibility is to provide service for ADA users and not to disadvantage them by co-mingling with other funded rides. He believes the Board should direct staff to continue working with the Task Force. He added that there are solutions to the telephone problem of having more than one number to call depending

on the type of ride and funding source. He believes bringing this service in-house will be the best solution for the riders and for METRO.

DIRECTOR ROTKIN LEFT THE MEETING.

ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR HINKLE

Extend the meeting past 12:00 noon.

Motion passed unanimously with Directors Norton and Rotkin being absent.

DIRECTOR AINSWORTH LEFT THE MEETING.

Public Input (Continued):

Kathleen Johnson asked that the Board wait for the Task Force input.

Gary Klemz, Field Representative for SEIU, stated that SEIU needs time to respond to staff's recommendation to ensure that there are no repercussions to SEIU employees. He asked that this item be continued so he can review staff's new recommendation.

There being no further speakers, public comment was closed at this time.

Discussion:

Director Reilly asked what the consequences would be to wait another three months before making this decision. Mr. White responded that it is unfair to keep Community Bridges in limbo if METRO is not committed to a long-term relationship. METRO has the workforce and vehicles available, a commitment from staff to work with everyone to ensure a seamless transition. He added that riders certified by ADA have a different level of civil rights to transportation than a person using an ADA **MediCal** coupon, ElderDay, etc. Only the METRO Board would be named as a respondent if the legally required level of service is not met.

Director Beautz is the Chair of the Regional Transportation Commission and remembered the letter creating the Task Force stating that METRO had to move forward on this issue and deal with its ADA responsibilities. It was made very clear that METRO would not be able to wait until the Task Force input in January 2005. She reiterated that ADA is not a social service program; it is a federal program. Director Tavantzis agreed that METRO needs to deal with the civil rights issue. Director Keogh stated that people are speculating that co-mingling will improve the situation. Community Bridges co-mingled prior to this with no service or financial benefit to METRO. Director Skillicorn expressed concern that this is in the hands of the union. He stated that the Task Force would have the most impact but METRO needs to move forward. Director Spence stated that by bringing the service in-house, we would be eliminating the middle man whereby METRO could provide service instead of just enforcing a contract.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR KEOGH

- 1) Authorize staff to notify Community Bridges of contract termination effective November 1, 2004.
- 2) Adopt in-house ParaCruz operation model subject to UTU ratifying the tentative agreement by the Board meeting of July 23, 2004. If UTU fails to ratify, staff is authorized to proceed with staff recommendation of June 25, 2004 relating to brokerage model of ParaCruz.
- 3) Staff is authorized to engage in brokering of real estate services to obtain space to accommodate the ParaCruz services.
- 4) Staff is authorized to hire the employees necessary to complete the transition of ParaCruz either brokerage model or in-house model.

Direction: *Staff was directed to give Gary Klemz whatever information he needs to bring to the SEIU Board to review and to meet with Mr. Klemz on this issue,

Motion passed unanimously with Directors Ainsworth, Norton and Rotkin being absent.

14a. **CONSIDERATION OF RECEIPT OF REPORT OF THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE**

This item was continued to the July Board meeting.

ITEM #20 WAS TAKEN OUT OF ORDER AT THIS TIME.

20. **CONSIDERATION OF GRANTING RIGHT-OF-WAYS TO PG&E TO LOCATE A TRANSFORMER ON THE VIA DEL MAR PROJECT SITE, RUN PG&E LINES UNDERNEATH WATSONVILLE TRANSIT CENTER SIDEWALK AND ALLOW ACCESS TO THE TRANSFORMER VIA THE TRANSIT CENTER**

Summary:

Both Jane Barr and a representative from PG& E were in attendance to answer any Board questions. PG&E will consider language to incorporate into the rights-of-way whereby they would give METRO a minimum of seven days' notice if they have to do work on the transformer and work related to their rights-of-way so METRO and PG&E could coordinate work so as not to disrupt bus service.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR KEOGH

Approve Easement right-of-ways to allow PG&E to locate a transformer at the Via del Mar site, run PG&E lines to the transformer underneath a Watsonville Transit Center sidewalk and allow access to the transformer through the Watsonville Transit Center site as long as there is no impact to the manner of operation of the Watsonville Transit Center including Santa Cruz METRO bus service. Incorporate the language into the easement for PG&E to supply METRO with seven days' notice for transformer or work related to the rights-of-way so as not to disrupt bus service.

Motion passed unanimously with Directors Ainsworth, Norton and Rotkin being absent.

15. **DELETED**

16. **CONSIDERATION OF METRO ADVISORY COMMITTEE (MAC) RECOMMENDATION REGARDING THE NUMBER OF ABSENCES ALLOWED PRIOR TO SEAT BEING DECLARED VACANT**

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR REILLY

Approve Item #16 and continue Items 17 and 18 to the July Board Meeting.

Discussion:

Director Spence stated that there are too many allowable absences. Director Tavantzis will support staff's recommendation because MAC attendance is good right now and their commitment is strong.

Item #16 - Amend the MAC bylaws to provide that a committee member may accrue four (4) unexcused and two (2) excused absences prior to their seat being declared vacant. Bring the attendance report to the Board in six months.

Motion passed with Director Spence voting no and Directors Ainsworth, Norton and Rotkin being absent.

17. **CONSIDERATION OF MODIFICATIONS TO SANTA CRUZ METRO'S BYLAWS INCLUDING ADDING RULES OF PROCEDURE FOR BOARD MEETINGS, SELECTING REPRESENTATIVES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION, SETTING TIME LIMITS FOR TESTIMONY ON AGENDA ITEMS AND OTHER CHANGES**

18. **CONSIDERATION OF SUBMITTING COMMENTS WITH REGARD TO THE PROPOSED SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION EXPENDITURE PLAN**

19. **DELETED – ACTION TAKEN AT THE JUNE 11, 2004 BOARD MEETING**

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

Margaret Gallagher reported that there would be a conference with Legal Counsel regarding existing litigation. This is a civil action, not before the Workers' Compensation Appeals Board as stated on the agenda.

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

None

SECTION II: CLOSED SESSION

Chairperson Reilly adjourned to Closed Session at 12:50 p.m. and reconvened to Open Session at 12:55 p.m.

SECTION III: RECONVENE TO OPEN SESSION

22. REPORT OF CLOSED SESSION

Margaret Gallagher reported that the Board ratified a settlement of \$10,000 with Mr. Chavez in the litigation action of Chavez vs. METRO with mediation expenses of \$1,020.00, also to be paid by METRO.

ADJOURN

There being no further business, Chairperson Reilly adjourned the meeting at 12:55 p.m.

Respectfully submitted.

Dale Carr
Administrative Services Coordinator