

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

December 10, 2004

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, December 10, 2004 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice Chair Keogh called the meeting to order at 9:01 a.m.

### **SECTION 1: OPEN SESSION**

Vice Chair Keogh introduced Director Dene Bustichi, who was appointed by the Scotts Valley City Council to replace Director Sheryl Ainsworth.

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

##### **DIRECTORS PRESENT**

Jan Beautz (arrived after roll call)  
Dene Bustichi  
Michelle Hinkle  
Mike Keogh  
Dennis Norton  
Mike Rotkin (arrived after roll call)  
Dale Skillicorn  
Pat Spence  
Mark Stone (arrived after roll call)  
Marcela Tavantzis

##### **DIRECTORS ABSENT**

Emily Reilly  
Ex-Officio Wes Scott

##### **STAFF PRESENT**

Bryant Baehr, Operations Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
Elisabeth Ross, Finance Manager

Robyn Slater, Human Resources Manager  
Judy Souza, Base Superintendent  
Tom Stickel, Fleet Maintenance Manager  
Les White, General Manager

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

Dennis Bar, PG&E  
Jane Barr, Via Del Mar  
Jeff Le Blanc, MASTF

Bonnie Morr, UTU  
John Perez  
Bob Yount, MAC/MASTF/E&D TAC

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

- |    |                   |     |                       |
|----|-------------------|-----|-----------------------|
| a. | Pat Clarke        | Re: | Bus Operator Retiring |
| b. | Linda Wilshusen   | Re: | Thank You Card        |
| c. | Peter Katzlberger | Re: | ParaCruz Service      |

Oral:

Director Spence reported that both Congressman Sam Farr and Assembly Member John Laird attended the December 2, 2004 SCCRTC meeting to give an update on the appropriations billed that passed and that METRO had received \$1.5 million. Director Spence also reported that this had been Linda Wilshusen's last meeting and that the Red Cross now has wheelchair accessible vehicles.

**DIRECTOR ROTKIN ARRIVED AT THIS TIME**

Jeff Le Blanc invited everyone to MASTF's 16<sup>th</sup> anniversary meeting on Thursday, December 16<sup>th</sup> at 2:00 p.m. in the NIAC building. MASTF is going on hiatus and will meet again next November, unless there is a need to meet prior to that time. Four MASTF Appreciation Awards will be presented on the 16<sup>th</sup> to CCCIL, Sam Storey, Bryant Baehr and Sharon Barbour.

**3. LABOR ORGANIZATION COMMUNICATIONS**

Bonnie Morr had written communications from bus operators regarding workers compensation claims. Vice Chair Keogh directed Ms. Morr to forward these documents to the Human Resources Manager and reminded her that this was not the proper venue for this type of communication. Ms. Morr was also concerned about eliminated parking spaces in front of the Tool Shed property on River Street and was directed to forward this matter to Frank Cheng, MetroBase Project Manager.

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

A Staff Report for Item #16 was distributed.

**ITEM #15 WAS TAKEN OUT OF ORDER AT THIS TIME**

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

**Summary:**

Margaret Gallagher reported that she had been working with Jane Barr, Via Del Mar Project Manager, and PG&E over the past week to include language in the Right of Way agreement to ensure that at the most only one lane would be blocked at the Watsonville Transit Center should PG & E need to perform work or the transformer needed to be worked on and that METRO would be given a minimum of 5-days notice for routine maintenance.

**ACTION: MOTION: DIRECTOR NORTON SECOND: DIRECTOR ROTKIN**

**Approve granting Right of Way to allow PG&E to locate a transformer at the Via Del Mar site, run PG&E lines to the transformer underneath the Watsonville Transit Center sidewalk and allow access to the transformer through the Watsonville Transit Center site. Agreement to include the following language: that METRO be given 5-days notice for routine maintenance, rather than 2-days notice and in no event will more than one lane of METRO Transit District’s Watsonville Transit Center bus lanes be blocked to prevent bus egress and ingress so the buses will be able to move in accordance with their schedules.**

**Discussion:**

Jane Barr clarified that “Restoration required to as nearly as practicable to the condition prior to excavation” meant that there may be a line in the sidewalk where the new and old concrete meet. Bryant Baehr clarified that this project would not impact Transit Center operations.

**Motion passed unanimously with Directors Beautz and Reilly being absent.**

**CONSENT AGENDA**

**5-1. APPROVE REGULAR BOARD MEETING MINUTES OF NOVEMBER 12 AND NOVEMBER 19, 2004 AND THE SPECIAL MINUTES OF NOVEMBER 19, 2004**

No questions or comments.

**5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**

No questions or comments.

**5-3. ACCEPT AND FILE SEPTEMBER 2004 RIDERSHIP REPORT**

Page 1 of the Ridership Report will be included in the December 17, 2004 Board Packet.

**5-4. CONSIDERATION OF TORT CLAIMS:**

None.

**5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR DECEMBER 15, 2004 AND MINUTES OF OCTOBER 20, 2004**

No questions or comments.

**5-6. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF DECEMBER 16, 2004 AND THE MINUTES OF THE NOVEMBER 18, 2004 MEETING**

Will be included in the December 17, 2004 Board Packet.

**5-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR OCTOBER 2004 AND CONSIDERATION OF BUDGET TRANSFERS**

Elisabeth Ross reported that everything looks ok with nothing to be particularly concerned about. Sales tax revenue is higher than expected and fare revenue is lower due to the fare increase.

**5-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR SEPTEMBER 2004**

No questions or comments.

**5-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR OCTOBER 2004**

Will be included in the December 17, 2004 Board Packet.

**5-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE**

No questions or comments.

**5-11. ACCEPT AND FILE METROBASE STATUS REPORT**

Will be included in the December 17, 2004 Board Packet.

**5-12. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE NOVEMBER MEETINGS**

No questions or comments.

**5-13. CONSIDERATION OF APPOINTMENT OF DENNIS PAPADOPULO TO THE METRO ADVISORY COMMITTEE (MAC) BY DIRECTOR SPENCE TO FILL VACANCY OF MICHAEL EDWARDS**

No questions or comments

**5-14. CONSIDERATION OF REPORT ON APPOINTEE ATTENDANCE AT METRO ADVISORY COMMITTEE (MAC) MEETINGS**

Jeff Le Blanc reported that he was present at the November MAC meeting, but the attendance sheet shows him absent<sup>1</sup>. Les White clarified that absences are calculated over a rolling 12-month period.

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<sup>1</sup> File copy of the MAC Attendance Sheet has been corrected and was redistributed to the Board at their December 17, 2004 meeting.

## REGULAR AGENDA

### 6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

This presentation will take place at the December 17, 2004 Board Meeting.

### 7. CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND DRAFT MINUTES OF NOVEMBER 17, 2004

No questions or comments.

### 8. CONSIDERATION OF AWARD OF CONTRACT FOR LONG TERM DISABILITY INSURANCE

#### Summary:

Tom Stickel reported that the District provides long-term disability insurance for its employees and that the current contract will expire at the end of December 2004. Staff and Union representatives recommend awarding the contract to Driver Alliant.

#### Discussion:

Robyn Slater clarified that there are approximately 15 total employees out on long-term and short-term disability. This insurance costs \$182,000 per year and METRO is receiving a 15% discount for staying with Driver Alliant.

#### DIRECTOR BEAUTZ ARRIVED AT THIS TIME

**Direction:** Director Norton asked for a report back to the Board in January regarding Long-Term Disability Insurance.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute a contract for Long-Term Disability Insurance with Driver Alliant Insurance Services.**

**Motion passed unanimously with Director Reilly being absent.**

### 9. CONSIDERATION OF PARACRUZ OPERATIONS STATUS REPORT

This presentation will take place at the December 17, 2004 Board Meeting.

### 10. CONSIDERATION OF A RESOLUTION AMENDING FY 04-05 BUDGET

Will be included in the December 17, 2004 Board Packet.

**11. CONSIDERATION OF A RESOLUTION OF APPRECIATION FOR THE SERVICE OF SHERYL AINSWORTH AS A MEMBER OF THE BOARD OF DIRECTORS**

This presentation will take place at the December 17, 2004 Board Meeting and Ms. Ainsworth will be in attendance.

**12. CONSIDERATION OF NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS FOR 2005, MAKING AN APPOINTMENT TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY AND REVIEWING THE PROCESS FOR THE SELECTION OF APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2005**

**Summary:**

Mark Dorfman explained that the Board elects its officers in January, with nominations being made in December and elections being held at the first January meeting. Appointments also need to be made to the Highway 1 Construction Authority and the Santa Cruz County Regional Transportation Commission (SCCRTC). The Chair recommends nominees, which can be amended by any member of the Board, and then the elections for the appointments and alternates are made.

**Discussion:**

There was a discussion regarding the timing of the nominations and elections and whether the current Chair or newly elected Chair would be making nominations. Margaret Gallagher clarified that the Bylaws say nominations for Board officers would be made at the second meeting in December, with elections being held in January. The current Board Chair makes recommendations for nominations to the SCCRTC before the first January meeting and other Board members can make nominations at the first January meeting. Ms. Gallagher recommended amending Section 6.01a of the Bylaws to clarify the nomination, election, and appointment process.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ**

**Direct District Counsel to agendize and bring back a Staff Report to the December 17, 2004 Board meeting amending District Bylaws to allow for following the current District Bylaws with the following exceptions: all voting is to happen at the second meeting in January, which is generally televised, and that all nominations remain open up until the actual vote.**

Vice Chair Keogh offered the following friendly amendment, which was accepted by the maker and second of the motion:

**Selection of the Board Chair and Vice Chair will take place prior to appointing representatives to the Santa Cruz County Regional Transportation Commission.**

**Motion passed unanimously with Director Reilly being absent.**

**VICE CHAIR KEOGH COMBINED ITEMS #13 & #14, STATE AND FEDERAL LEGISLATIVE PROGRAMS.**

**13. CONSIDERATION OF APPROVAL OF 2005 STATE LEGISLATIVE PROGRAM**

**14. CONSIDERATION OF APPROVAL OF 2005 FEDERAL LEGISLATIVE PROGRAM**

**Summary:**

Les White explained that each year a proposal is put together for both State and Federal Legislative Programs for advocacy with regard to items needing legislative assistance.

This year on the State level, METRO is going to be on a protective stance because it is likely that Prop 42 will be suspended once again, which is what the voters approved to redirect the sales tax on gasoline into the Transportation Fund rather than the General Fund. Every year since it has passed, approximately \$2.1 billion has been suspended back into the General Fund. This still leaves transportation funding obligations previously allocated from the State, but projects cannot proceed, due to lack of funding. It is absolutely critical that METRO receive earmarked funds for MetroBase in the Transportation account and State Transit Assistance, which is about \$860,000 per year for the next five years. Mr. White then went through the remainder of the State Legislative Program list.

**Discussion:**

Director Rotkin suggested directing Legal Counsel to look into filing a lawsuit against the Legislature for failure to follow through with the will of the voters.

Director Beautz stated opposition to spending much time advocating for the Yield to Bus program.

**Summary:**

Mr. White reported that on the Legislative side, METRO will continue to advocate for the High Intensity Transit Tier to be added to the Formula Program for urbanized areas under 200,000 in population, and that it be funded at \$35 million in FY2005 and increase every year of the Authorization Bill to reach a level of \$54 million in 2009. METRO would receive approximately \$1 million per year in supplemental capital funding once it begins and would escalate in the out years, which is critical because it has all been pledged to MetroBase. This funding can only come by formula. Mr. White then went through the remainder of the Legislative Program list.

**Discussion:**

Les White clarified that #7 on Federal Legislative Program list explaining that METRO is requesting \$1.5 per year earmark until a total of \$8.6 million is received for the Metro Center Pacific Station Redevelopment Project.

Director Tavantzis said she is preparing the city of Watsonville's legislative agenda and asked if any of these items would benefit by being included on the city level. Mr. White said #1 & #2 on both the State and Federal lists.

Director Keogh suggested contacting other public agencies to coordinate legislative agendas and added that METRO's State and Federal legislative representatives are doing a great job.

**16. CONSIDERATION OF PROVIDING ADDITIONAL SERVICE FOR FIRST NIGHT SANTA CRUZ ACTIVITIES**

**Summary:**

Bryant Baehr reported that First Night Santa Cruz has requested that METRO provide additional service on December 31, 2004 for First Night activities at a lower level than last year and at METRO's cost. There are no funds available in METRO's budget to accommodate this request.

**Discussion:**

Last year, METRO provided 54.22 hours of additional service at a cost of \$3,253.20. Based on previous experience, staff would recommend this be the minimum level of service hours based on customer demand.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR TAVANTZIS**

**Deny the request from First Night Santa Cruz for additional fixed route service on December 31, 2004 at METRO's expense. Direct Staff to send a letter to First Night explaining that there are no funds in METRO's budget to accommodate this request and that if First Night can raise funds of \$3,253.20, the minimum level of additional service the District would provide would be the same as last year.**

Vice Chair Keogh clarified that if First Night raises the funds, Staff is authorized to provide the service without having to return again to the Board.

**Motion passed unanimously with Director Reilly being absent.**

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

Margaret Gallagher reported that the Board would discuss with their Legal Counsel the cases of Soretta Chatman and Fredy Castillo; 2 cases with the Labor Negotiator; 1 case of anticipated litigation; and that there would be no discussion regarding the case of Andre Hart.

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

Bonnie Morr reported that she had received a copy of a letter to the IRS from Les White regarding the rollover of CalPERS 457 funds to purchase air time. Ms. Morr requested that the letter be faxed to Julia Philyaw at CalPERS.

Ms. Morr said that the deadline for the rollover is the end of December and requested a response as soon as possible regarding whether or not the District will allow the rollovers.



John Perez introduced himself as one of the employees facing the deadline and reiterated the request for a quick response.

## **SECTION II: CLOSED SESSION**

Vice Chair Keogh adjourned to Closed Session at 10:21 a.m. and reconvened to Open Session at 11:15 a.m.

## **SECTION III: RECONVENE TO OPEN SESSION**

### **19. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the District will not allow the rollover of individual 457 funds to purchase additional air time until the IRS indicates it is legal and will not jeopardize METRO's 457 accounts.

## **ADJOURN**

There being no further business, Vice Chair Keogh adjourned the meeting at 11:16 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator