

# REVISED

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

January 13, 2006

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, January 13, 2006 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice-Chair Rotkin called the meeting to order at 9:04 a.m.

### SECTION 1: OPEN SESSION

1. a. ROLL CALL:

#### DIRECTORS PRESENT

Jan Beautz (arrived after roll call)  
Dene Bustichi (arrived after roll call)  
Mike Keogh  
**Kirby Nicol**  
Emily Reilly  
Mike Rotkin  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### DIRECTORS ABSENT

Ex-Officio Wes Scott  
Michelle Hinkle

#### STAFF PRESENT

Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
Steve Paulson, Paratransit Administrator

Elisabeth Ross, Finance Manager  
Robyn Slater, Human Resources Manager  
Les White, General Manager

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

Carolyn Derwing, UTU  
Tom Hiltner, SEIU  
Sandra Lipperd, UTU  
Manny Martinez, PSA  
Ian McFadden, SEA  
Bonnie Morr, UTU  
Will Regan, VMU  
Bob Yount, MAC

Pat Dellin, SCCRTC  
John Barnes, UCSC  
Teresa Buika, UCSC  
Larry Pageler, UCSC  
Chris Snyder, City of Santa Cruz  
Marlene Conner, Urbitran  
Jim McLaughlin, Urbitran

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- b. **CONSIDERATION OF:**
- 1) **NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS,**
  - 2) **NOMINATIONS FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY,**
  - 3) **NOMINATIONS FOR THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION, AND**
  - 4) **NOMINATIONS FOR THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION TRANSPORTATION FUNDING TASK FORCE FOR 2006**

Vice-Chair Rotkin reported that the nominations would take place at today's meeting, and they would remain open up to the actual vote on January 27<sup>th</sup>.

Nominations for office of Chair and Vice Chair of the Board:

Vice-Chair Rotkin as Chair  
Director Tavantzis as Vice-Chair

Nominations to the Highway 1 Construction Authority:

Primary: Reappoint Director Tavantzis  
Alternate: Reappoint Director Keogh

Nominations to the Regional Transportation Commission:

Primary: Directors, Spence, Tavantzis, Keogh  
Alternates: Directors Skillicorn, Bustichi, Rotkin

Nominations to the Funding Task Force:

Les White reported that the Task Force is a new one. Discussion ensued as to whether or not someone from METRO other than a Board Member could serve on the Task Force. Director Keogh directed Les White to appoint Mark Dorfman as METRO's representative on the Task Force absent a Board member's voluntary appointment. Director Tavantzis stated that she wanted to ask Paul Marcelin-Sampson to serve on the Task Force. Director Beautz agreed that Paul Marcelin-Sampson would be a good choice if he is willing.

### ORAL AND WRITTEN COMMUNICATION

Written:

- |    |                                |     |              |
|----|--------------------------------|-----|--------------|
| a. | Congresswoman Anna Eshoo       | Re: | Resolution   |
| b. | Amy Weiss, Spanish Interpreter | Re: | Holiday Card |

No questions or comments.

Oral:

None.

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### 3. LABOR ORGANIZATION COMMUNICATIONS

No questions or comments.

### DIRECTORS BEAUTZ AND BUSTICHI ARRIVED

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

Vice-Chair Rotkin reported that revised pages #5-15.b1 and #5-22.b1 and the MASTF agenda were distributed at today's meeting and are attached to the file copy of these Minutes.

### CONSENT AGENDA

### 5-1. APPROVE REGULAR BOARD MEETING MINUTES OF OCTOBER 14 AND 28, 2005 AND SPECIAL MEETING MINUTES OF OCTOBER 11, 19, 26 AND 30, 2005

Will be included in the January 27, 2006 Board Packet.

### 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF DECEMBER 2005

No questions or comments.

### 5-3. ACCEPT AND FILE DECEMBER 2005 RIDERSHIP REPORT

Page 1 will be included in the January 27, 2006 Board Packet.

No questions or comments.

### 5-4. CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF NANCY ANECITO, CLAIM #05-0026

### ACTION REQUESTED AT THE JANUARY 13, 2006 MEETING

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY**

**Deny the claim of Nancy Anecito.**

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

### 5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JANUARY 18, 2006

Les White reported that MAC would discuss their bylaws, appointments, and term lengths at the next meeting.

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**5-6. ACCEPT AND FILE THE METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) AGENDA FOR JANUARY 19, 2006**

No questions or comments.

**5-7 ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR SEPTEMBER 2005**

Director Tavantzis stated that the notes were good, as usual.

**5-8 ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR SEPTEMBER 2005**

Director Reilly requested METRO staff present a short update on the Highway 17 service at the January 27 Board meeting. Vice-Chair Rotkin directed that item 5-8 be re-numbered and added to the Regular Agenda.

**5-9 ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF OCTOBER 2005**

Vice-Chair Rotkin inquired as to the cause of the excessive number of missed trips during the reporting period. Steve Paulson reported that an anomaly occurred which resulted in higher than usual ridership. He stated that the anomaly, coupled with the fact that the strike prevented new operators from being hired, created the missed trips.

**5-10 ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF NOVEMBER 2005**

Carolyn Derwing commented that UTU was on strike the first and second of November. She wanted to clarify the fact that even though the strike was over, the District was unable to provide service until November 4.

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

Frank Cheng reported that he would be able to present a timeline at the next meeting.

**5-12 ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE DECEMBER 2005 MEETING**

No questions or comments.

**5-13 CONSIDERATION OF FINANCIAL STATEMENTS AND REPORT OF INDEPENDENT AUDITOR FOR YEAR ENDING JUNE 30, 2005**

Elisabeth Ross reported that Attachment "B," a form letter from the Auditor, will be included in the January 27, 2006 Board packet.

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**5-14 ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF OCTOBER, NOVEMBER AND DECEMBER 2005**

Will be included in the January 27, 2006 Board Packet.  
No questions or comments.

**5-15 CONSIDERATION OF APPROVAL OF DISTRICT BUYER RECLASSIFICATION TO INCLUDE TITLE CHANGE**

Director Tavantzis stated that the first paragraph at page two of the job description is a duplicate entry, with a slight change. Director Tavantzis also stated that she would like to see a revised compensation chart that more accurately reflects compensation and benefits of all the listed agencies. Mark Dorfman stated that columns will be added for the January 27<sup>th</sup> meeting.

**5-16 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO RENEW THE CONTRACT WITH THE LAW OFFICES OF MARIE F. SANG FOR LEGAL SERVICES IN THE AREA OF WORKERS COMPENSATION**

No questions or comments.

**5-17 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO RENEW THE CONTRACT WITH EVERGREEN OIL, INC. FOR HAZARDOUS WASTE REMOVAL SERVICES**

No questions or comments.

**5-18 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO RENEW THE CONTRACT WITH CRUZ CAR WASH FOR WASHING PARACRUZ VEHICLES**

Vice-Chair Rotkin reported that he's received a couple of inquiries from citizens who asked why ParaCruz vans were washed at a commercial establishment. Les White explained that since the ParaCruz facility is not set up for washing vans, and the bus washers are too large, hand-washing is the only available option. Les stated that future plans for the acquisition or construction of a mid-county ParaCruz facility would include plans for a bus washer that would accommodate the ParaCruz vans. Steve Paulson reported that the current cost to wash 27 ParaCruz vans is approximately \$1,000.00 per month.

**5-19 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO RENEW THE CONTRACT WITH STEVE'S UNION FOR FUELING PARACRUZ VEHICLES**

No questions or comments.

**5-20 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO RENEW THE CONTRACT WITH BROWN, ARMSTRONG, PAULDEN, MCCOWN, STARBUCK & KEETER ACCOUNTING CORPORATION FOR FINANCIAL AUDIT AND TAX SERVICES**

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No questions or comments.

5-21 **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE ASSIGNMENT TRANSFERRING THE CURRENT RESTAURANT LEASE AT THE WATSONVILLE TRANSIT CENTER TO THE NEW RESTAURANT OWNERS**

No questions or comments.

5-22 **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN INDEMNITY AGREEMENT IN FAVOR OF THE CITY OF SANTA CRUZ REGARDING THE GARBAGE EQUIPMENT METRO RENTS FOR ITS FACILITIES**

### **ACTION REQUESTED AT THE JANUARY 13, 2006 MEETING**

#### **Summary:**

Margaret Gallagher reported that action is requested at today's meeting because the signed indemnity agreements must be returned by January 17<sup>th</sup>. She recommended that the Board approve the revised Attachment "B," which was distributed at today's meeting.

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY**

**Authorize the General Manager to execute an indemnity agreement in favor of the City of Santa Cruz regarding the garbage equipment METRO rents for its facilities.**

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

### **REGULAR AGENDA**

6. **CONSIDERATION OF PRESENTATION BY URBITRAN ON THE BAY CORRIDOR FEASIBILITY ANALYSIS BUS RAPID TRANSIT PRELIMINARY CONCEPTUAL PLAN**

Teresa Buika from UCSC introduced Marlene Conner and Jim McLaughlin of Urbitran. They gave a Powerpoint presentation, "Bay Corridor Preliminary Feasibility Analysis: Bus Rapid Transit Preliminary Conceptual Plan." Director Beautz and Vice-Chair Rotkin inquired about funding. Carolyn Derwing inquired about parking and park and ride lots. Chris Snyder reported that funding sources are being looked into as the next step in the development of the corridor. Will Regan commented that the plan did not include accommodation for articulated buses. Mark Dorfman suggested that public outreach grants could be a useful method of reaching people who live in the corridor. The public outreach would be a tool to find out what would and would not work. Pat Dellin commented that express buses from further afield would be a good option to consider. She suggested that statistics be gathered to determine how many more bus riders will receive service should the improvements be made. She stated that BRT is the wave of the future and the Bay Corridor is a good first step. Director Bustichi inquired as to how the plan

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compared with the EIR and the recommendations for the UC expansion. Marlene Conner advised that the next piece would be to take a look at what is going on in the East Remote lot on campus. Larry Pageler stated that just putting more buses in the corridor would not solve the problem. He said the University and the City should work together to find funding to ease traffic congestion. Director Tavantzis asked if it would be possible to adopt some of the provisions of the plan, such as minimizing the conflict between bicyclists and the buses, implementing turn restrictions and changing the signalization from a lead to a lag on the turn movement. Ms. Conner stated that further studies would be of benefit with regard to implementing the plan in part, as opposed as a whole. She stated that the next phase would be to go out into the community and ask for citizen input. Director Reilly suggested that the final report contain a cost break-down so that the public may understand the funding. She also suggested that the consultants take a look at future ridership estimates. Larry Pageler stated that it takes between six and nine months to receive data as to where the UCSC students, staff and faculty reside. He said previously collected residency data resulted in the development of Route 20. He said he would like to see a scenario where express bus riders could complete 90% of their trip on a bus, rather than driving their vehicles 90% of entire trip to use a park and ride lot, to complete only 10% of their trip on a bus. Director Reilly asked that the public be informed of the source of funding the EIR. She does not want the public to perceive that funding came from the Transit District. Director Rotkin stated that a cost/benefit analysis should be included in the final plan. Ms. Conner stated that the group will have to decide short and long term priorities, as well as whether or not express bus service should be implemented, before a cost/benefit analysis may be completed. John Barnes discussed impact fees. Mike Rotkin said the final report should contain an analysis of how much time will be saved for each recommendation. He said the EIR should provide more in-depth analysis as to how an additional 6,000 students will be transported to campus. Ian McFadden provided his views as to the various aspects of the plan. He suggested a campus-to-campus BRT from Cabrillo to UCSC.

7. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR FEDERAL LEGISLATIVE SERVICES**

**ACTION: MOTION: DIRECTOR KEOGH SECOND: DIRECTOR REILLY**

**Move this item to the Consent Agenda.**

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

8. **CONSIDERATION OF RESOLUTION TO REVISE SANTA CRUZ METRO'S BYLAWS AND DIRECTOR'S CODE OF ETHICS TO INCORPORATE MODIFICATIONS REQUIRED BY NEW LEGISLATION (AB1234) WHICH BECAME EFFECTIVE JANUARY 1, 2006, REGARDING DIRECTOR'S COMPENSATION AND ETHICS REQUIREMENTS INCLUDING TRAINING**

Will be included in the January 27, 2006 Board packet.  
No questions or comments.

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9. **CONSIDERATION OF SUBMITTING A REQUEST THAT THE CALIFORNIA STATE LEGISLATURE AMEND THE METRO ENABLING STATUTE (SECTION 98000 ET. SEQ. OF THE CALIFORNIA PUBLIC UTILITIES CODE) TO PROVIDE FOR PROCEDURES FOR CITIZEN RECALL OF MEMBERS OF THE BOARD OF DIRECTORS**

Les White reported that he looked into different options after the December 16, 2005 Board meeting, wherein the Board expressed opposition to the county's approach to recalling appointees from METRO's Board. He said the current system has been in place since 1967, and in order to make any changes, a costly petition and election process would have to occur. He said the Board felt the modification should be the result of dialogue rather than how it came about, with no consultation with METRO. He said letters have gone out to all the cities and the county to ask for input.

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

Margaret Gallagher reported that the Board would discuss Item 1, Conference with Real Property Negotiator regarding property at 25 Sakata Lane in Watsonville, and Item 2, Conference with Labor Negotiators for unrepresented employees, as well as Service Employees International Union, Local 415, and Item 4, Conference with Legal Counsel – Existing Litigation regarding Santa Cruz Sentinel vs. Santa Cruz Metropolitan Transit District, and the IWC Claim of Rosalio Ramos, and IWC Claim of James Taylor, as well as a UTU Unit grievance regarding Labor Code Section 2605 in closed session. She said Item 3 would be deleted. She went on to say that Item 4b was a claim by bus operator Rosalio Ramos. UTU is requesting that Mr. Ramos be compensated for over 12 hours worth of work in one day. Item 4c is a claim by bus operator James Taylor, a request for compensation. His bus broke down and he is claiming compensation for a second meal break. She stated that Item 4d is a claim by UTU regarding Labor Agreement Article 26.05, relative to lunch breaks.

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

Bonnie Morr stated that this would be a good time for the Board to look at an equal benefit packages for all METRO employees. She went on to say that Item 4b was in reference to a biddable tripper piece of work, which was in excess of 12 hours, which should be compensated. She said Item 4c was a claim for hours worked when the bus operator was delayed because the bus broke down.

### **SECTION II: CLOSED SESSION**

Vice Chair Rotkin adjourned to Closed Session at 10:31 a.m. and reconvened to Open Session at 11:58 p.m.

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

12. **REPORT OF CLOSED SESSION**



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Margaret Gallagher reported that the District accepted an offer to purchase the Sakata Lane property in the amount of 3.1 million dollars. She stated that as to the conference with labor negotiators, there were no reportable actions. She reported that as to Items 4b, 4c, and 4d, the Board unanimously authorized District Counsel to defend the claims, with Directors Skillicorn and Hinkle absent.

### **ADJOURN**

There being no further business, Vice-Chair Rotkin adjourned the meeting at 12:00 p.m.

Respectfully submitted,

DEBI PRINCE  
Administrative Assistant