

REVISED
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

January 26, 2007

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, January 26, 2007 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Rotkin called the meeting to order at 9:02 a.m.

SECTION 1: OPEN SESSION

1. a. **ROLL CALL:**

DIRECTORS PRESENT

Jan Beautz
Dene Bustichi (arrived after roll call)
Donald Hagen
Michelle Hinkle
Kirby Nicol
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone (arrived after roll call)
Marcela Tavantzis
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

None

STAFF PRESENT

Angela Aitken, Finance Manager
Ciro Aguirre, Operations Manager
Frank Cheng, MetroBase Project Manager
Mark Dorfman, Assistant General Manager
Mary Ferrick, Base Superintendent
Margaret Gallagher, District Council

Steve Paulson, Paratransit Administrator
Elisabeth Ross, Finance Manager Advisor
Tom Stickel, Facilities / Maintenance Mgr.
Robyn Slater, Human Resources Manager
Les White, General Manager

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

Bob Allen, Bus Operator
Mike Keogh, Former Director
Jackie Keogh
Gary Klemz, SEIU
Paul Marcelin-Sampson, MAC
Larry Munglioli, Bus Operator

Ian McFadden, SEA
David Moreau, PSA
Bonnie Morr, UTU
Amy Weiss, Spanish Interpreter
Bob Yount, MAC

Chair Rotkin introduced Angela Aitken as the District's new Financial Manager.

1b. CONSIDERATION OF:

- 1) NOMINATION ELECTION OF DIRECTORS TO SERVE AS BOARD OFFICERS,**
- 2) NOMINATIONS ELECTION FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY,**
- 3) NOMINATIONS ELECTION FOR APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2007**

Chair Rotkin referred to the Nominee list from the January 12, 2007 Board Meeting and asked if there were additional nominations. The following nominations, elections and appointments were made:

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ

Close the nominations for Board Chair and Elect Director Tavantzis as Board Chair

Motion passed unanimously with Director Bustichi and Director Stone being absent

Newly elected Chair Tavantzis presided over the remainder of the meeting.

Director Rotkin gave a brief history of his experience with SCMTD and the Board of Directors and thanked the members for the opportunity to work with them as a group serving the community. Chair Tavantzis thanked Director Rotkin on behalf of the Board.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Close the nominations for Board Vice Chair and Elect Director Beautz as Board Vice Chair

Motion passed unanimously with Director Bustichi and Director Stone being absent

DIRECTOR BUSTICHI ARRIVED

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Close the nominations for RTC representatives and appoint Directors Spence, Tavantzis, and Bustichi to the RTC.

Motion passed unanimously with Director Stone being absent

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HINKLE

Appoint Directors Skillicorn, Hagen, and Hinkle as 1st, 2nd and 3rd RTC alternates, respectively.

Motion passed unanimously with Director Stone being absent

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SPENCE

Re-appoint Director Tavantzis as the HCA representative

Motion passed unanimously with Director Stone being absent

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR HAGEN

Appoint Director Bustichi to the HCA as the alternate

Motion passed unanimously with Director Stone being absent

2. ORAL AND WRITTEN COMMUNICATION

Written:

- a. Eric M. Re: Service Suggestion
- b. Larry D. Mungioli Re: Working Conditions

Director Rotkin informed the Board that he had made written responses to both of these items.

Oral:

Paul Marcelin-Sampson, MAC Vice Chair, compared ParaCruz “on-time” performance to Contra Costa County’s paratransit system. Mr. Marcelin-Sampson asked that the Board requests an “on-time” report for fixed route service as well from Staff using existing resources.

Robert Yount, MAC Chair, reported to the Board of MAC’s recent elections where as he was re-elected Chair and Paul Marcelin-Sampson was elected Vice Chair. Mr. Yount also reported that ~~MAC is in the process of having a MAG~~ **during the next six months, MAC will be sending a representative on to the Elderly and Disabled Transportation Advisory Committee (E&D TAC) meetings to decide whether to have a voting representative there.**

Larry Mungioli, Bus Operator, gave a brief history of his employment with SCMTD and an explanation of the written correspondence Item #2b, he sent to the Board regarding working conditions and a petition he had organized in 1997. Mr. Mungioli stated that in his opinion there is a need for greater communication and cooperation between the bus operators and Staff.

Bob Allen, Bus Operator, gave a brief history of his employment with SCMTD including his good driving record and work performance. Mr. Allen stated that he felt that the current system operations are “broken” and that the running-time schedule is impossible to perform. Mr. Allen acknowledged that the road construction in the area lends to the problem but is not the only aspect of the current situation. Mr. Allen stated that he felt not enough is being done by SCMTD Management to address this situation.

Chair Tavantzis stated that the Board and Staff are aware of the on-time performance issue and are continuously working on and reviewing ways to improve the situation through the Service Planning and Review Committee.

3. LABOR ORGANIZATION COMMUNICATIONS

Bonnie Morr, UTU, stated that in her opinion there is not enough paratransit operators and it is not possible for the operators to speed up the loading and unloading of passengers due to the specific nature of the service.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

A Staff Report for Item #5-9 and revised page #12.a3 were distributed at today's meeting and are attached to the file copy of these minutes.

SECTION I:

OPEN SESSION:

REPLACE ITEM #1b

CONSIDERATION OF:

- 1) **NOMINATION ELECTION OF DIRECTORS TO SERVE AS BOARD OFFICERS,**
- 2) **NOMINATIONS ELECTION FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY,**
- 3) **NOMINATIONS ELECTION FOR APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION, AND**
(Replace original Staff Report with REVISED Staff Report)

CONSENT AGENDA:

REVISE ITEM #5-3

ACCEPT AND FILE DECEMBER 2006 RIDERSHIP REPORT AND PAGES 1 & 4 OF THE NOVEMBER 2006 RIDERSHIP REPORT
(Page 1 of the December 2006 Ridership Report will be included in the February 2007 Board Packet)

ADD TO ITEM #5-4

CONSIDERATION OF TORT CLAIMS

(Insert Claims #06-0040, #06-0041, #07-0002, and #07-0003)

DELETE ITEM #5-6

ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR OCTOBER 2006 AND APPROVAL OF BUDGET TRANSFERS

(Deleted: Will be included in the February 2007 Board Packet)

ADD TO ITEM #5-9

ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTHS OF OCTOBER AND NOVEMBER 2006

(November Report will be distributed at the January 26, 2007 Board Meeting)

DELETE ITEM #5-15

CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT EXTENSION WITH PAT PIRAS CONSULTING FOR EVALUATION OF DISTRICT'S ADA/504 PROGRAMS & ACTIVITIES AND TO EXTEND THE PROGRAM DEADLINE

(Deleted: Action taken at the January 12, 2007 Board Meeting)

ADD ITEM #5-18 **ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF OCTOBER, NOVEMBER AND DECEMBER 2006**
(Insert Staff Report)

REGULAR AGENDA:

DELETE ITEM #9 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH VALLEY POWER SYSTEMS, INC. FOR CONVERSION OF 40 DIESEL ENGINE POWERED COACHES AND FUEL SYSTEMS TO COMPRESSED NATURAL GAS

(Deleted: Action taken at the January 12, 2007 Board Meeting)

ADD ITEM # 11 **CONSIDERATION OF RESOLUTION REVISING FY 06-07 BUDGET**
(Insert Staff Report)

ADD ITEM #12 **CONSIDERATION OF APPROVAL OF SALARY ADJUSTMENT FOR ADMINISTRATIVE POSITIONS AND TRANSIT SUPERVISORS**
(Insert Staff Report)

ADD ITEM #13 **CONSIDERATION OF APPROVAL OF SALARY ADJUSTMENT FOR THE PARATRANSIT SUPERINTENDENT**
(Insert Staff Report)

ADD ITEM #14 **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN INTERAGENCY AGREEMENT WITH EITHER CALTRANS OR THE CITY OF WATSONVILLE FOR AN AMOUNT NOT TO EXCEED \$175,000 FOR THE CONSTRUCTION OF SEVEN BUS STOPS IN CONJUNCTION WITH THE HIGHWAY 152 RECONSTRUCTION PROJECT**
(Insert Staff Report)

CONSENT AGENDA

Pat Spence stated that there are currently 2 vacant positions on the Metro Advisory Committee (MAC) and suggested that MAC create and release a brochure to recruit new members to fill the vacancies.

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF DECEMBER 8 & 15, 2006 AND SPECIAL MEETING MINUTES OF DECEMBER 15, 2006**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF DECEMBER 2006**
- 5-3. **ACCEPT AND FILE DECEMBER 2006 RIDERSHIP REPORT AND PAGES 1 & 4 OF THE NOVEMBER 2006 RIDERSHIP REPORT**
PAGE 1 OF THE DECEMBER 2006 RIDERSHIP REPORT WILL BE INCLUDED IN THE FEBRUARY 2007 BOARD PACKET
- 5-4. **CONSIDERATION OF TORT CLAIMS: NONE**
DENY THE CLAIM OF VICTOR DIAZ ORTIZ, CLAIM #06-0040;
DENY THE CLAIM OF ANGELITA ARREDONTO, CLAIM #06-0041;
DENY THE CLAIM OF VICTOR PAUL WADKINS, CLAIM #07-0002;
DENY THE CLAIM OF COUNTY OF SANTA CRUZ, CLAIM #07-0003;

- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JANUARY 17, 2007 AND MINUTES OF NOVEMBER 15, 2006**
- 5-6. **DELETED: WILL BE INCLUDED IN THE FEBRUARY 2007 BOARD PACKET**
(ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR OCTOBER 2006 AND APPROVAL OF BUDGET TRANSFERS)
- 5-7. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR OCTOBER 2006**
- 5-8. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF OCTOBER 2006**
- 5-9. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTHS OF OCTOBER AND NOVEMBER 2006**
NOVEMBER REPORT WILL BE DISTRIBUTED AT THE JANUARY 26, 2007 BOARD MEETING
- 5-10. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE NOVEMBER 2006 MEETING(S)**
- 5-11. **ACCEPT AND FILE METROBASE STATUS REPORT**
- 5-12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CRUZ CAR WASH FOR PARACRUZ VEHICLE WASHING SERVICES**
- 5-13. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH STEVE'S UNION SERVICE FOR PARACRUZ VEHICLE FUELING SERVICES**
- 5-14. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH DIXON AND SONS TIRES FOR PURCHASE OF REVENUE AND NON-REVENUE TIRES**
- 5-15. **DELETED: ACTION TAKEN AT THE JANUARY 12, 2007 BOARD MEETING**
(CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT EXTENSION WITH PAT PIRAS CONSULTING FOR EVALUATION OF DISTRICT'S ADA/504 PROGRAMS & ACTIVITIES AND TO EXTEND THE PROGRAM DEADLINE)
- 5-16. **CONSIDERATION OF GAULT STREET SERVICE OPTIONS**
- 5-17. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH SC FUELS FOR DIESEL FUEL DELIVERY**
(Moved to Consent Agenda at the January 12, 2007 Board Meeting. Retained original numbering as Item #10)
- 5-18. **ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF OCTOBER, NOVEMBER AND DECEMBER 2006**
IS INCLUDED IN THE JANUARY 26, 2007 BOARD PACKET

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve the Consent Agenda.

Motion passed unanimously with Director Stone being absent.

REGULAR AGENDA

**7. PRESENTATION OF RESOLUTION OF APPRECIATION TO BOARD DIRECTOR
MICHAEL W. KEOGH FOR HIS SERVICE TO THE SANTA CRUZ METROPOLITAN
TRANSIT DISTRICT**

DIRECTOR STONE ARRIVED

Chair Tavantzis presented Former Board Director, Mike Keogh, with a Plaque of Appreciation from the Santa Cruz Metropolitan Transit District and thanked Mr. Keogh for his years of service. Mr. Keogh accepted the award and thanked the Board for the opportunity to serve the community through the SCMTD's Board of Directors.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR TAVANTZIS

Adopt Resolution of appreciation for the services of Mike Keogh for his service as Board Director for the Santa Cruz Metropolitan Transit District

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with all Directors present.

**8. PUBLIC HEARING: CONSIDERATION OF ADOPTING A PROGRAM OF PROJECTS
FOR FTA URBAN AND RURAL OPERATING ASSISTANCE AND AUTHORIZING THE
APPLICATION AND EXECUTION OF A GRANT FOR FTA RURAL OPERATING
ASSISTANCE FOR FY 2007**

Summary:

Mark Dorfman reported that this item is one of the annual requirements that SCMTD needs to complete in order to qualify for Federal Transit Association (FTA) operating and capital assistance and will enable the District to apply for 3 million dollars in Urban Operating Assistance, approximately \$800,000 in construction funds for MetroBase, and approximately \$150,000 Rural Operating Assistance. Mr. Dorfman reported that the local sales tax supplies the match for this funding.

Chair Tavantzis stated that item #2 on Attachment A for this item is illegible and needs to be corrected.

CHAIR TAVANTZIS OPENED THE PUBLIC HEARING AT 9:49 A.M.

There were no public comments.

CHAIR TAVANTZIS CLOSED THE PUBLIC HEARING AT 9:49 A.M.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR TAVANTZIS

Adopt a Program of Projects for federal operating assistance and adopt a Resolution to authorize an application to Caltrans for FTA Rural Operating Assistance.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with all Directors present.

11. CONSIDERATION OF RESOLUTION REVISING FY 06-07 BUDGET

Summary:

Elisabeth Ross reported that Staff was asking the Board to adopt a Resolution revising the FY 06-07 Budget and authorizing a change in the FY 06-07 Staffing Table. Ms. Ross reported to the Board that there were errors in the Staff Report including the amount on the 3rd bulleted item on page #11.2 which should be \$214,000 instead of \$244,000 (which also would change on page #11.a3 on the 5th line), the last amount on the 4th bulleted item of page #11.2 should be \$82,000 instead of \$82,00, and the 12th line of the Operating Expense on page #11.a2.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROTKIN

Adopt a Resolution revising the FY 06-07 Budget in accordance with Exhibit A (Attachment A) and authorize a change in FY 06-07 Staffing Table for District Counsel to fund two Paralegal positions and no Legal Secretary position effective 4/01/07.

Director Nicol asked if the changes in staffing are sustainable and what happens if the windfall from the sales tax funding is not available in the upcoming years. Director Rotkin stated that the windfall from the sales tax revenue is continuing to increase and will continue into the following year and that he doesn't feel there will be any effect to the proposed budget change. Elisabeth Ross reported that the Staff would be presenting a new 5 Year Budget to the Board in the spring of 2007.

Elisabeth Ross described the benefit costs and compared the logistics the staffing changes. Les White stated that not all the money amounts in the Operating Expenses are ongoing expenses and reported some items that were one-time expenses.

Elisabeth Ross reported that ITEM #12 of today's Agenda was not included in this report but would be covered by the sales tax revenue. Les White stated that Staff would return with an update showing where the revenue for ITEM#12 would come from.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with all Directors present.

12. CONSIDERATION OF APPROVAL OF SALARY ADJUSTMENT FOR ADMINISTRATIVE POSITIONS AND TRANSIT SUPERVISORS

Summary:

Robyn Slater reported that a wage survey was completed on the Administrative Assistant and Transit Supervisor positions at the request of the SEIU, Local 415 and gave a brief description of the process used to compile this report as described in the Memorandum of Understanding (MOU) between SCMTD and the SEIU, Local 415. Ms. Slater stated that if approved this would include 5 Administrative and 12 Supervisory positions and that the title of Administrative Secretary/Supervisor would be changed to Administrative Assistant/Supervisor.

Discussion:

Paul Marcelin-Sampson, MAC, stated his approval in increasing the wages for administrative employees and gave some reasons and examples for his opinion.

Ian McFadden, SEA, and Manny Martinez, PSA, stated they felt one of the benefits of this item would be attracting and keeping qualified employees.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE

Direction: Director Rotkin requested adding to the Motion that Staff will return to the Board next month with an adjusted budget report showing where the cost for the adjustments would come from.

Approve salary range adjustments to the positions of: Administrative Assistant, Administrative Secretary/Supervisor, Administrative Coordinator and Transit Supervisor with the understanding that Staff will return to the Board next month with an adjusted budget report showing where the cost for the adjustments would come from.

Motion passed unanimously with all Directors present.

13. CONSIDERATION OF APPROVAL OF SALARY ADJUSTMENT FOR THE PARATRANSIT SUPERINTENDENT

Summary:

Robyn Slater reported that the Paratransit Superintendent is a managerial position rather than a supervisory position. Ms. Slater gave a brief history and description of the various aspects of the Paratransit Superintendent position and the process used to evaluate the salary rate.

.ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve wage scale adjustment to the position of Paratransit Superintendent.

Motion passed unanimously with all Directors present.

14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AN INTERAGENCY AGREEMENT WITH EITHER CALTRANS OR THE CITY OF WATSONVILLE FOR AN AMOUNT NOT TO EXCEED \$175,000 FOR THE CONSTRUCTION OF SEVEN BUS STOPS IN CONJUNCTION WITH THE HIGHWAY 152 RECONSTRUCTION PROJECT

Summary:

Les White reported that in the past SCMTD has had difficulties coordinating construction plans with Caltrans and feels that it is necessary to reach an agreement with either Caltrans or the City of Watsonville in order to save time and funding in constructing bus stops on Highway 152 project. Mr. White reported that SCMTD has been working with Caltrans and the City of Watsonville trying to incorporate the Caltrans 152 project and the construction of bus stops and asking Caltrans to issue a change order to Granite Construction and that SCMTD would reimburse Caltrans. Mr. White stated that Caltrans indicated to SCMTD that they are struggling with internal mechanisms in order to accept the proposed plan and that Caltrans has no method set up to accept payment by this method but would come back to SCMTD with a definitive decision by the end of January. Mr. White stated that as an alternative SCMTD was asking the Board for permission to enter into an agreement with the City of Watsonville in order to complete the projects simultaneously.

Discussion:

Director Rotkin suggested going to someone that can assist in getting Caltrans to cooperate with SCMTD. Mr. White stated that Caltrans has not giving SCMTD a definitive answer and it would not be productive at this point to contact higher authority.

Paul Marcelin-Sampson suggested contacting the State Legislators and requesting that in the future Caltrans pay for the entire construction including the bus stops. Mr. Marcelin-Sampson feels that Caltrans is treating transit users as second-class citizens by not supplying the funding for bus stops and that Caltrans funds the rest of the project that is used by the general population.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR SPENCE

Authorize the General Manager to enter into an Interagency Agreement with either Caltrans, or the City of Watsonville, in an amount not to exceed \$175,000 for the construction of seven bus stops in conjunction with the highway 152 Reconstruction Project.

Motion passed unanimously with all Directors present.

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

Margaret Gallagher requested that the Board include the following item to today's Closed Session Agenda because it came to the attention of Staff after the Agenda was posted and there is a need to discuss it prior to the next Board meeting because the criminal case is coming before the court Thursday, February 1, 2007.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Pursuant to Government Code Section 54956.9)

- a. Name of Case: John Chavarria vs. Santa Cruz Metropolitan
Transit District
(Before the Workers' Compensation Appeals
Board)

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ

Add this Item to today's Closed Session Agenda.

Motion passed unanimously with all Directors present.

Margaret Gallagher reported that the Board would also be having a conference with its Real Property Negotiators regarding the price and terms of property at 110 Vernon Street, Santa Cruz, CA

16. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Travantzis adjourned to Closed Session at 10:26.a.m. and reconvened to Open Session at 11:17 a.m.

SECTION III: RECONVENE TO OPEN SESSION

17. REPORT OF CLOSED SESSION

Margaret Gallagher reported that the Board took no reportable action in Closed Session.

ADJOURN

There being no further business, Chair Tavanzis adjourned the meeting at 11:17 a.m.

Respectfully submitted,

DALE HAMILTON
Administrative Assistant