

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

May 11, 2007

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, May 11, 2007 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice-Chair Beautz called the meeting to order at 9:02 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz
Donald Hagen
Kirby Nicol
Emily Reilly
Mike Rotkin (arrived after roll call)
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis

DIRECTORS ABSENT

Dene Bustichi
Michelle Hinkle
Ex-Officio Donna Blitzer

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angela Aitken, Finance Manager
Frank Cheng, MetroBase Project Manager
Mark Dorfman, Assistant General Manager
Margaret Gallagher, District Counsel

Mary Ferrick, Base Superintendent
Steve Paulson, Paratransit Administrator
Robyn Slater, Human Resources Manager
Tom Stickel, Maintenance Manager
Les White, General Manager

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

Dave Moreau, PSA
Steve Prince, UTU

Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

None.

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Director Spence distributed a page of written suggestions regarding Item #8, a copy of which is attached to the file copy of these minutes.

CONSENT AGENDA

5-1. APPROVE REGULAR BOARD MEETING MINUTES OF APRIL 13 & 27, 2006

No questions or comments.

5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF APRIL 2007

No questions or comments.

**5-3. CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF JARED DOWNWARD, CLAIM #07-0014**

No questions or comments.

5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MAY 16, 2007 AND MINUTES OF APRIL 18, 2007

No questions or comments.

5-5. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2007

Director Nicol asked for more recent information. Mark Dorfman replied that the ridership is up but that Finance is behind with the billing information due to staffing changes and that February and possibly March should be ready next time.

DIRECTOR ROTKIN ARRIVED

5-6. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF FEBRUARY 2007

No questions or comments.

5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF MARCH 2007

No questions or comments.

5-8. ACCEPT AND FILE METROBASE STATUS REPORT

No questions or comments.

5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH NATIONWIDE AUCTION SERVICES FOR AUCTIONEER SERVICES

No questions or comments.

5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FOLGER GRAPHICS FOR GRAPHIC DESIGN SERVICES FOR HEADWAYS

No questions or comments.

5-11. CONSIDERATION OF ON TIME PERFORMANCE STANDARDS FOR METRO PARACRUZ AND PEER ADA PARATRANSIT SERVICES

Director Hagen stated that, as a ParaCruz customer, he has seen significant improvement in the past three years since METRO took over direct operation of the service.

5-12. CONSIDERATION OF AMENDING THE MAC BYLAWS TO MODIFY SECTION 3.3 TO REQUIRE THAT MAC MEMBERS NOTIFY METRO BY NOON (12:00) OF THE DAY OF THE MEETING IF THEY KNOW AT THAT TIME THAT THEY ARE GOING TO BE ABSENT

Les White explained that MAC is requesting this action to further address the quorum deficiency issue.

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REGULAR AGENDA

7. CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES

No questions or comments.

8. PUBLIC HEARING: CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES

Discussion:

Director Spence provided a sheet of several suggested modifications, which the Board asked Margaret Gallagher to review the suggestions and report back to the Board with staff recommendations on them.

Director Hagen suggested that METRO follow up on the conditional eligibility of individuals.

9. CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE RECEIVED FROM THE CITY OF WATSONVILLE FOR THE SANTA CRUZ COUNTY FAIR

Chair Tavantzis clarified that this will be a fare-free route open to the public, meaning ParaCruz service will run as well.

10. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$52,888.00 FOR THE SERVICES OF COTTON, SHIRES & ASSOCIATES TO PROVIDE GEOTECHNICAL CONSTRUCTION OBSERVATION AND TESTING FOR THE MAINTENANCE BUILDING CONSTRUCTION OF THE METROBASE PROJECT

Frank Cheng reported that this is for soils testing for the Maintenance Facility, the same as before for the Fueling and Service Building.

11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT OF THE LEASE AGREEMENT WITH KIN WAI CHEUNG AND YUK LING YEUNG, D/B/A CHINA EXPRESS FAST FOOD RESTAURANT TO HUI CHANG DU AND BAOPING CHEN, DBA NEW CHINA EXPRESS FOR THE RESTAURANT SPACE AT PACIFIC STATION EFFECTIVE MAY 11, 2007, AND A LEASE AMENDMENT WITH THE NEW OWNERS TO FACILITATE THE TRANSFER

Summary:

Margaret Gallagher reported that the space was first leased to Filiberto Porras who assigned the lease to the current tenants in 2001. The current business owner has been diagnosed with a serious medical condition and is unable to continue running the business.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Direct the General Manager to execute the Assignment of Lease with Kin Wai Cheung and Yuk Ling Yeung, d/b/a China Express Fast Food Restaurant to Hui Chang Du and Baoping Chen, dba New China Express for the restaurant space at Pacific Station effective May 11, 2007, and the lease amendment to facilitate the transfer

Motion passed unanimously with Directors Bustichi and Hinkle being absent.

12. **ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 25, 2007 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA**

Vice Chair Beautz announced that the May 25, 2007 Board meeting will be held at the Capitola City Council Chambers at 420 Capitola Avenue.

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

Margaret Gallagher reported that the Board would have a conference with its Labor Negotiators regarding UTU, Local 23, Fixed Route, and the Board would be conducting the Public Employee Performance Evaluation of the General Manager.

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

None.

SECTION II: CLOSED SESSION

Vice Chair Beautz adjourned to Closed Session at 9:41 a.m. and reconvened to Open Session at 10:40 a.m.

SECTION III: RECONVENE TO OPEN SESSION

15. **REPORT OF CLOSED SESSION**

Vice Chair Beautz reported that the Board took no reportable action in Closed Session.

ADJOURN

There being no further business, Vice Chair Beautz adjourned the meeting at 10:40 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator