

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

December 12, 2008

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, December 12, 2008 at the District's Administrative Office located at 370 Encinal Street in Santa Cruz, California.

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

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz
Dene Bustichi
Donald Hagen
Michelle Hinkle
Kirby Nicol
Lynn Robinson
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

None

STAFF PRESENT

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

Shona Harper, Asst Paratransit Superintendent
Debbie Kinslow, Asst Finance Manager
Robyn Slater, Human Resources Manager
Tom Stickel, Maintenance Manager
April Warnock, Paratransit Superintendent
Les White, General Manager

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

Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Director Rotkin introduced and welcomed new Director Lynn Robinson who has been on the Santa Cruz City Council for two years and is replacing Emily Reilly on METRO's Board.

Written:

- a. A. Passenger Re: METRO Center

Director Rotkin requested that this matter be added to the next Closed Session Agenda as Anticipated Litigation.

Vice Chair Bustichi read an email he had received regarding a complaint of missing the Route 71 & 35 connection. Director Rotkin pointed out that this issue had recently been brought before the Board and it was made clear that METRO never intended for there to be a connection and this person has the option of taking an earlier bus.

Oral:

None.

3. **LABOR ORGANIZATION COMMUNICATIONS**

None.

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

None.

CONSENT AGENDA

5-1. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF NOVEMBER 2008**

No questions or comments.

5-2. **CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF HECTOR AGREDANO, CLAIM #08-0030
DENY THE CLAIM OF KIMBERLY HODGE, CLAIM #08-0032
DENY THE CLAIM OF BERTHA SEPULVEDA, CLAIM #08-0033**

No questions or comments.

5-3. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR DECEMBER 17, 2008 AND MINUTES OF OCTOBER 15, 2008**

No questions or comments.

5-4. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF SEPTEMBER 2008**

No questions or comments.

5-5. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY & AUGUST 2008

No questions or comments.

5-6. ACCEPT AND FILE OCTOBER 2008 RIDERSHIP REPORT

No questions or comments.

5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF OCTOBER 2008

No questions or comments.

5-8. CONSIDERATION OF OWNED AND LEASED PROPERTY INVENTORIES TO DETERMINE IF THERE IS ANY PROPERTY IN EXCESS OF SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S FORESEEABLE NEEDS

No questions or comments.

5-9. CONSIDERATION OF RECEIPT OF INFORMATION FROM THE GENERAL MANAGER REGARDING HIS ATTENDANCE AT THE CALIFORNIA TRANSIT ASSOCIATION 2008 FALL CONFERENCE ON NOVEMBER 4-7, 2008

No questions or comments.

5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CAROLYN C. CHANEY FOR FEDERAL LEGISLATIVE SERVICES

No questions or comments.

5-11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH SHAW YODER, INC. FOR STATE LEGISLATIVE SERVICES

No questions or comments.

5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FRICKE-PARKS PRESS, INC. FOR PRINTING OF HEADWAYS

Director Tavantzis asked when was the last time METRO requested bids on this service. Les White replied approximately one year ago and that this contract was awarded in January 2008.

5-13. CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY, BY PROVIDING BUS SHUTTLE SERVICE, IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES AND TO PROVIDE THE OPPORTUNITY FOR METRO STAFF TO PARTICIPATE IN THE PROGRAM

Director Tavantzis asked how many staff members participate in this program. Les White responded that one participated the first year, two this year, and three would participate next year.

5-14. REVIEW AND UPDATE OF METRO STAFF'S IMPLEMENTATION OF BOARD ADOPTED ADA/504 TRANSITION PLAN

No questions or comments.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:

This presentation will take place at the December 19, 2008 Board meeting.

7. CONSIDERATION OF RESOLUTION REVISING FY09 & FY10 OPERATING AND CAPITAL BUDGET

Summary:

Angela Aitken reported that there would be a \$5.4 million deficit at the end of FY10, which is approximately \$2.9 million more than anticipated when the Board adopted the budget in June 2008. Ms. Aitken explained the significant changes since the budget was adopted and said that she would come back to the Board in January with a staff report detailing how this deficit will be handled to bring it back down to the original \$2.5 million with no service cuts or fare increases.

8. CONSIDERATION OF APPROVAL OF 2009 STATE LEGISLATIVE ADVOCACY PROGRAM

Summary:

Les White reported that METRO develops a list of legislative priorities each year for the Board's approval to be submitted to METRO's State legislative advocate. Mr. White explained the state budget crisis and its affect on anticipated funding. In 2007 and 2008 the California Legislature diverted \$1.259 billion and \$1.667 billion, respectively, in Public Transportation Account funds to the State General Fund.

Currently the Governor is proposing to eliminate the remaining \$306 million in State Transit Assistance (STA) funds and to discontinue the program permanently. The impact of the diversion on METRO is a loss of approximately \$6 million in capital funds over the past two years and approximately \$45 million in funds over the next five years.

Mr. White briefly described each of the 2009 State legislative goals that staff is recommending that the Board approve with the main goal to protect existing funding sources and levels for transit operating and capital assistance.

9. CONSIDERATION OF APPROVAL OF 2009 FEDERAL LEGISLATIVE ADVOCACY PROGRAM

Les White reported that METRO develops a list of legislative priorities each year for the Board's approval to be submitted to METRO's Federal legislative advocate. Mr. White explained each of the 2009 Federal legislative goals that staff is recommending that the Board approve including supporting appropriation of federal transit funds at the full authorized amount.

Mr. White reported that the main goal is to advocate for a new Appropriations Bill to be enacted prior to the commencement of the fiscal year on October 1, 2009 so funds will be available to METRO at the earliest possible time.

10. CONSIDERATION OF APPROVAL OF PROPOSED CHANGES TO SANTA CRUZ METRO'S CONFLICT OF INTEREST CODE

Margaret Gallagher reported that an amendment is necessary to METRO's Conflict of Interest Code as there are new positions, including consultants that must be designated, and there have been revisions to certain titles of existing positions.

11. CONSIDERATION OF REAPPOINTMENT OF MEMBERS OF THE METRO ADVISORY COMMITTEE (MAC)

Summary:

Les White reported that there are two MAC members, Mara Murphy and Dave Williams, whose terms expire at the end of this month. They are both willing and eligible to be reappointed to another two-year term.

12. CONSIDERATION OF REVISION TO DRAFT SHORT RANGE TRANSIT PLAN SERVICE OPTION

Summary:

Mark Dorfman reported that METRO received federal funding to develop a Short Range Transit Plan (SRTP). At the time Wilbur Smith Associates (WSA) began to develop the plan which includes a Trunk and Feeder Service Option, the economy was much better and it was anticipated that METRO would have an additional \$1 million per year in additional service to deploy.

During the time that the plan was being developed, the economic situation for METRO had changed dramatically with no new funds on the horizon. Staff has determined that it is not feasible to proceed with the Trunk and Feeder Service Option within the 5-year planning horizon of the SRTP because it would require an increase in service hours of approximately 17%, modification of the fare structure and fareboxes, special buses clearly designated for this service,

HOV Lanes, an Automatic Vehicle Location (AVL) system, and Contingency Funds for any issues that would arise after implementation.

Staff recommends no public outreach program at this time and that the SRTP be revised to include the information contained in this Staff Report and reflect that the Trunk and Feeder Service Option not be pursued within the 5-year planning horizon of this plan and that no revision be made to the service delivery model currently in use by METRO. The service delivery issue can be revisited in future updates to the SRTP.

The SRTP will be finalized and printed at no additional cost to METRO by WSA.

13. **CONSIDERATION OF THE TRANSFER OF THE LEASE AGREEMENT WITH WALID AND WINONA SUB LABAN, D/B/A METROPOLITAN MARKET FOR THE MARKET AND OFFICE SPACES AT PACIFIC STATION, TO AHMED SABA AND MOHAMED ALSAIDI**

Summary:

Margaret Gallagher reported that Walid and Wniona Sub Laban, dba Metro Market, currently rent grocery and office space at Pacific Station since February 2006. They have notified METRO that they have entered into negotiations with Ahmed Saba and Mohamed Alsaidi, who wish to buy the business and take over the lease.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Authorize the transfer of the lease for the market and office spaces at Pacific Station from Walid and Winona Sub Laban, d/b/a Metropolitan Market, to Ahmed Saba and Mohamed Alsaidi

Motion passed unanimously with all Directors present.

14. **CONSIDERATION OF ADOPTION OF RESOLUTION DESIGNATING THE GENERAL MANAGER, OPERATIONS MANAGER, AND MAINTENANCE MANAGER AS THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S AGENTS FOR OBTAINING FEDERAL AND/OR STATE FINANCIAL ASSISTANCE FOR SERVICES RENDERED DURING QUALIFYING EVENTS**

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR HAGEN

Adopt Resolution to designate the General Manager, Operations Manager, and Maintenance Manager as the Santa Cruz Metropolitan Transit District's agents for obtaining Federal and/or State Financial Assistance for services rendered during qualifying events

Motion passed unanimously with all Directors present.

15. ORAL ANNOUNCEMENT: NOTIFICATION OF NEXT MEETING ON DECEMBER 19, 2008 AT THE SANTA CRUZ CITY COUNCIL CHAMBERS – ONE WEEK EARLY DUE TO HOLIDAY

Vice Chair Bustichi announced that the December 19, 2008 Board meeting would be held at the Santa Cruz City Council Chambers one week early due to the holiday.

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

Margaret Gallagher reported that the Board would have a conference with its Legal Counsel regarding the Workers Compensation case of Arthur Muniz, a conference with its Labor Negotiators regarding SEIU, Local 521, a conference with its Real Property Negotiators regarding Felton Faire, and conducting a Public Employee Performance Evaluation of the District Counsel.

17. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Vice Chair Bustichi adjourned to Closed Session at 10:35 a.m. and reconvened to Open Session at 11:15 a.m.

SECTION III: RECONVENE TO OPEN SESSION

18. REPORT OF CLOSED SESSION

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

ADJOURN

There being no further business, Vice Chair Bustichi adjourned the meeting at 11:15 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator