

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

April 24, 2009

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 24, 2009 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

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

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle
Emilio Martinez
Lynn Robinson
Mike Rotkin (arrived after roll call)
Mark Stone
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

Ellen Pirie
Pat Spence
Marcela Tavantzis

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angela Aitken, Finance Manager
Pat Aviles, Asst Human Resources Manager
Frank Cheng, MetroBase Project Manager
Bob Cotter, Maintenance 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
April Warnock, Paratransit Superintendent
Les White, General Manager

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

Carolyn Hamm, SEA
Isaac Holly, Sr Systems Administrator
Gary Klemz, SEIU, Local 521
Manny Martinez, PSA

Will Regan, VMU
Elmer Torres, Facilities Maintenance Wrkr I
Amy Weiss, Spanish Interpreter
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

- a. CA Rural Legal Assistance, Inc. Re: Discounted Fare Request

DIRECTOR ROTKIN ARRIVED

Oral:

Chair Bustichi introduced and welcomed Emilio Martinez who was recently appointed to METRO's Board of Directors by the Watsonville City Council.

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 MARCH 2009**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR FEBRUARY 2009**
- 5-3. **CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF ALLSTATE (SUBROGATING FOR BARAJAS, CLAIM #09-0009:
DENY THE CLAIM OF MARIA MARTINEZ, CLAIM #09-0010**
- 5-4. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 15, 2009 AND MINUTES OF FEBRUARY 18, 2009**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2009**
- 5-6. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR FEBRUARY 2009**
- 5-7. **ACCEPT AND FILE FEBRUARY 2009 RIDERSHIP REPORT**
- 5-8. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF FEBRUARY 2009**
- 5-9. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO TRANSFER EXCESS ASSETS TO HARTNELL COLLEGE FOR THE PURPOSES OF SUPPORTING A HEAVY DUTY MECHANICS TRAINING PROGRAM**
- 5-10. **CONSIDERATION OF APPROVAL OF A RESOLUTION AUTHORIZING SUBMITTAL OF FY 2010 TDA CLAIM**
- 5-11. **NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING: SETTLEMENT WITH TENANTS, ASIA EXPRESS AT THE WATSONVILLE TRANSIT CENTER**
- 5-12. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-15. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH EVERGREEN OIL, INC. FOR INDUSTRIAL WASTE DISPOSAL AND INDUSTRIAL WASTE EMERGENCY RESPONSE SERVICES**
- 5-16. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH BATTERIES USA FOR HEAVY DUTY COACH AND AUTOMOTIVE BATTERIES**

5-18. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MARCH 2009 MEETING(S)

5-19. APPROVE REGULAR BOARD MEETING MINUTES OF MARCH 13 & 27, 2009

Items #5-13, #5-14, and #5-17 were pulled from the Consent Agenda for discussion and Chair Bustichi renumbered them as #A.1, #B.1, and #C.1, respectively, to be taken immediately following approval of the remainder of the Consent Agenda.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROTKIN

Approve the remainder of the Consent Agenda

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

A.1 (Previously #5-13) CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH TRAPEZE SOFTWARE GROUP, INC. FOR THE PURCHASE OF THE TRAPEZE PASS-CERT ENHANCEMENT MODULE

Chair Bustichi asked for clarification on this purchase including how it is budgeted and if it would be an ongoing process.

Angela Aitken replied that the Trapeze PASS-CERT enhancement module of the software will support the certification process of ParaCruz clients and it has been included in the Capital budget under IT Projects since July 1, 2008.

Les White added that this module will replace the current eligibility certification software that has been in place since 2002 when METRO began in-house certification. The current software is outdated and unsupportable because the manufacturer no longer exists. The new Trapeze PASS-CERT software module will standardize the ParaCruz dispatch, scheduling, and eligibility certification functions, enabling them to share the same data thereby eliminating the current need to manually import and export data between the functions.

Mr. White said that other pieces of the system would be upgraded over the next year with full system upgrades anticipated every three to four years as new software becomes available.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROBINSON

Authorize the General Manager to execute a contract amendment with Trapeze Software Group, Inc. for the purchase, installation and training of the Trapeze PASS-CERT enhancement module for an amount not to exceed \$43,316.00

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

B.1 (Previously #5-14) CONSIDERATION OF AUTHORIZATION FOR DISPOSAL OF THREE FORTY FOOT STORAGE CONTAINERS, ONE BRAKE LATHE, AND ONE GENERATOR

Chair Bustichi asked how the forty foot storage containers were determined to have a market value of only \$100 each because he had purchased two used twenty foot containers for \$2,500 each.

Angela Aitken replied that the containers are very old and if they bring more than \$100 at auction, METRO will receive the total sale price minus auction fees.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROBINSON

Declare as excess three (3) – forty foot (40') storage containers, one (1) brake lathe, and one (1) gas generator and direct staff to use appropriate action for disposal

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

C.1 (Previously #5-17) CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING FY09 & FY10 BUDGET BALANCING ACTIONS

Director Hagen asked if METRO would be able to maintain its current service level with the decreased sales tax revenues.

Angela Aitken replied that no service cuts are planned through FY10 and that operating expenses are decreasing through diligent cost saving measures being implemented in all departments.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt Resolution authorizing FY09 & FY10 Budget Balancing Actions as presented

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:

The following employees were presented with longevity awards for their years of service:

TEN YEARS

Elmer Torres, Facilities Maintenance Worker I
Isaac Holly, Senior System Administrator

7. CONSIDERATION OF APPROVAL OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF DONNA A. CANALES AS CUSTOMER SERVICE COORDINATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Adopt Resolution of Appreciation for the services of Donna A. Canales as Customer Service Coordinator for the Santa Cruz Metropolitan Transit District

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

Les White added that since Donna Canales had been with METRO for over thirty years, her name had been added to the 30-Year Employee Plaque that is displayed in the lobby of the Administration building.

8. CONSIDERATION OF APPROVAL OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF PETER B. LEWIS AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt Resolution of Appreciation for the services of Peter B. Lewis as Bus Operator for the Santa Cruz Metropolitan Transit District

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

9. CONSIDERATION OF ADOPTION OF A RESOLUTION AUTHORIZING AN APPLICATION TO THE MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT (AIR DISTRICT) FOR GRANT FUNDS TO BUILD A SECOND L/CNG STORAGE TANK

Summary:

Angela Aitken reported that by applying for AB 2766 funds, METRO is requesting the maximum amount of \$200,000 towards the project which has a total cost estimate of approximately \$1m.

Ms. Aitken said that METRO's Grants Analyst has been very busy researching grants to apply for, so the Board will see several grant application authorizations coming through for approval.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt Resolution authorizing staff to submit an application for \$200,000 to the Monterey Bay Unified Air Pollution Control District for a second L/CNG fuel storage tank

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

10. CONSIDERATION OF COMMENCEMENT OF THE PUBLIC COMMENT PERIOD LEADING TO ADOPTION OF THE SHORT RANGE TRANSIT PLAN

Summary:

Angela Aitken reported that the Board held a Public Hearing on February 27, 2009 for consideration of adopting the final SRTP and deferred action at that time to allow for a 30-day public comment period. Staff recommends beginning a 30-day public comment period on April 27, 2009 and will present comments and METRO's responses to the Board on August 28, 2009 at a Public Hearing for consideration of adopting the SRTP. Comments and responses as well as a recording of the Public Hearing will become a permanent part of the SRTP documentation.

Discussion:

Director Rotkin explained that an SRTP is usually a very important planning document, but this one has little value due to the numerous quality issues and there are no funds to implement the recommendations contained in it. Director Rotkin said that although he approves opening the required comment period, he feels people should not waste any time on making comments.

Les White explained that the drastic changes required to implement the Trunk and Feeder Service Concept recommended in the SRTP, which had mixed reviews at best, is not feasible within the 5-year plan and Chapter 7 has been added to reflect this.

Bob Yount stated that he wanted the record to reflect his position that the document is crap.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE

Open the required 30-Day Public Comment Period to commence on April 27, 2009 through May 27, 2009 leading to adoption of the final Short Range Transit Plan

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH DMC CONSTRUCTION FOR THE CONSTRUCTION REMODEL OF THE BUILDING LOCATED AT 110 VERNON STREET, SANTA CRUZ

Summary:

Frank Cheng reported that METRO purchased the building at 110 Vernon Street for the purpose of relocating the current Administration offices on Encinal Street which will save \$360,000 per year in lease costs.

Mr. Cheng explained that funds in the amount of \$2,400,000 (Engineer's Estimate for this project) shall be set aside for payments made on this contract. The difference from the Engineer's Estimate and the Contractor's bid of \$1,833,141 shall be used for change orders against this contract. If additional funding is required, staff will return to the Board of Directors for approval.

Discussion:

Chair Bustichi requested a future Agenda item to create a sub-committee of the Board to review bid construction documents prior to and after issuing RFPs.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Authorize the General Manager to execute a contract with DMC Construction, Inc. for the construction remodel of the building located at 110 Vernon Street for an amount not to exceed \$1,833,141 and approve the following contract Change Order procedures:

1. **For any change order request from the contractor that exceeds \$50,000, staff will review and present such request to the METRO's Board of Directors for approval.**
2. **For any change order request from the contractor that is \$50,000 or less, approval of the change order will require review and approval from the following three personnel:
METRO's Construction Manager (Harris and Associates);
METRO's Project Manager Frank Cheng; and
Either the METRO's General Manager or the Finance Manager.**

Motion passed unanimously with Directors Pirie, Spence, and Tavantzis being absent.

12. **NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION ON MARCH 27, 2009 REGARDING NEGOTIATIONS WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 521**

Summary:

Robyn Slater reported that the parties agreed to limited scope negotiations and a tentative agreement was made after only two negotiating sessions that was within the authority provided by METRO's Board on March 27, 2009. On April 16, 2009, SEIU members voted to ratify the terms of the tentative three-year agreement which includes a 3% salary increase each year, non-economic language changes, and the inclusion of Side Agreements developed during the term of the current MOU.

Discussion:

Gary Klemz, SEIU Local 521, reported that there had been an excellent relationship at the negotiating table this year and thanked the METRO negotiating team, staff and the Board. Mr. Klemz invited everyone to the SEIU, Local 521 bash on May 21st at 5:21 p.m.

Will Regan, VMU, Carolyn Hamm, SEA, and Manny Martinez, PSA each expressed thanks to the Board.

13. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION ON MARCH 27, 2009 REGARDING NEGOTIATIONS WITH THE UNITED TRANSPORTATION UNION, LOCAL 23, COVERING PARACRUZ OPERATIONS

Summary:

Robyn Slater reported that the parties agreed to limited scope negotiations and a tentative agreement was reached extremely quickly that was within the authority provided by METRO's Board on March 27, 2009. On April 16, 2009, UTU ParaCruz members voted to ratify the terms of the tentative three-year agreement which includes a 3% salary increase each year.

14. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 22, 2009 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA

Chair Bustichi announced that the May 22, 2009 Board Meeting would be held at the Capitola City Council Chambers, 420 Capitola Avenue.

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

Margaret Gallagher reported that Board would have a conference with its Legal Counsel regarding the Existing Litigation claims of Martin Gilbert.

16. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Bustichi adjourned to Closed Session at 9:58 a.m. and reconvened to Open Session at 10:05 a.m.

SECTION III: RECONVENE TO OPEN SESSION

17. REPORT OF CLOSED SESSION

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

ADJOURN

There being no further business, Chair Bustichi adjourned the meeting at 10:05 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator