

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**May 22, 2009**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, May 22, 2009 at the Capitola City Council Chambers, 420 Capitola Avenue, Capitola, California.

Chair Bustichi called the meeting to order at 9:04 a.m.

## **SECTION 1: OPEN SESSION**

### **1. ROLL CALL:**

#### **DIRECTORS PRESENT**

Dene Bustichi  
Ron Graves  
Donald Hagen  
Michelle Hinkle  
Ellen Pirie  
Lynn Robinson  
Mike Rotkin  
Mark Stone  
Marcela Tavantzis  
Ex-Officio Donna Blitzer

#### **DIRECTORS ABSENT**

Emilio Martinez  
Pat Spence

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Frank Cheng, MetroBase Project Manager  
Bob Cotter, Maintenance Manager  
Mary Ferrick, Fixed Route Superintendent

Margaret Gallagher, District Counsel  
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**

Eduardo Montesino, UTU  
Rafael Leon, Vehicle Service Worker II

Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

### **2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

#### **Written:**

- a. Congresswoman Anna Eshoo      Re:      Federal Funding

Oral:

Bob Yount, MAC Vice Chair, reported that at its May 20, 2009 meeting, MAC made a motion requesting the Board fill the vacancies on MAC.

Les White said that a Staff Report will be presented to the Board outlining the current vacancies and list of applicants.

**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 APRIL 2009**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR MARCH 2009**
- 5-3. **CONSIDERATION OF TORT CLAIMS: None**
- 5-4. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MAY 20, 2009 AND MINUTES OF MARCH 18, 2009**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF FEBRUARY 2009**
- 5-6. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MARCH 2009**
- 5-7. **ACCEPT AND FILE RIDERSHIP REPORT FOR MARCH 2009**
- 5-8. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF MARCH 2009**
- 5-9. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ WINTER QUARTER SERVICE UPDATE**
- 5-10. **CONSIDERATION OF THE FINANCIAL IMPACT OF LOST REVENUE BY THE REDUCTION OF STUDENT FARE RATES**
- 5-11. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT EXTENSION WITH PAT PIRAS CONSULTING FOR REVIEW OF THE ADA PATRANSIT ELIGIBILITY PROCESS THROUGH AUGUST 31, 2009**
- 5-12. **CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPLICATION TO THE UNITED STATES DEPARTMENT OF ENERGY FOR FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) TO BUILD A SECOND L/CNG STORAGE TANK**
- 5-13. **CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) TO INSTALL SOLAR PANELS ON METROBASE FACILITIES**

- 5-14. **CONSIDERATION OF REDUCED ALLOCATIONS TO METRO FROM THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION (SCRTC) FOR FY09 AND FY10 TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIMS**
- 5-15. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-16. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE APRIL 2009 MEETING(S)**
- 5-17. **APPROVE REGULAR BOARD MEETING MINUTES OF SEPTEMBER 12 & 26, OCTOBER 10 & 24, NOVEMBER 14 & 21, 2008 AND APRIL 24, 2009**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE**

**Approve the Consent Agenda**

**Motion passed unanimously with Directors Martinez and Spence 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**

Rafael Leon, Vehicle Service Worker II

**7. PUBLIC HEARING: CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING AN APPLICATION TO CALTRANS FOR FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) TO PURCHASE A SMARTCARD SYSTEM (FAREBOX) FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**Summary:**

Angela Aitken reported that on February 17, 2009 President Obama signed into law the American Recovery and Reinvestment Act of 2009 which appropriated \$787 Billion in federal funds for economic stimulus. METRO will receive a total of \$5,281,873 with \$5,014,409 in 5307 funds from the FTA, which does not require a public hearing, and \$267,464 in 5311 funds from Caltrans which does require a public hearing.

**CHAIR BUSTICHI OPENED THE PUBLIC HEARING AT 9:10 A.M.**

Bob Yount spoke in support of the application.

Vice Chair Pirie pointed out that the beginning of the sentence at the top of page #7.2 was missing and questioned spending \$2 million on a Smartcard System.

Director Rotkin stated that the Smartcard System would benefit METRO by speeding up the boarding process and it would track ridership data accurately.

Director Stone said that this has been a priority of the Board for the past few years and in addition to the ability to use the cards on other transit systems in the future, the Smartcard System will enable low income transit dependent riders the flexibility to purchase rides in a format other than a monthly pass, which many cannot afford.

Angela Aitken explained that the \$2 million will pay for the fareboxes and the software. This investment will benefit METRO for many years by providing accurate ridership data including what types of passes are purchased and where and how often trips are made, which will enable METRO to make informed financial decisions.

Les White reported that METRO was using fareboxes from the 1930's when he was hired. Those fareboxes were replaced approximately 10 years ago and are now approaching the end of their life expectancy of 10 – 12 years and need to be replaced.

**CHAIR BUSTICHI CLOSED THE PUBLIC HEARING AT 9:20 A.M.**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE**

**Adopt Resolution authorizing an application to Caltrans for funding from the American Recovery and Reinvestment Act of 2009 to purchase a Smartcard System (Farebox)**

**Motion passed unanimously with Directors Martinez and Spence being absent.**

**8. CONSIDERATION OF APPOINTING AN ALTERNATE TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION TO REPLACE DALE SKILLICORN**

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROTKIN**

**Appoint Director Hagen as 1<sup>st</sup> alternate, Director Graves as 2<sup>nd</sup> alternate, and retain Director Hinkle as 3<sup>rd</sup> alternate to the SCCRTC**

**Motion passed unanimously with Directors Martinez and Spence being absent.**

**9. CONSIDERATION OF THE APPOINTMENT OF THE CONSTRUCTION REVIEW COMMITTEE OF THE BOARD OF DIRECTORS OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**Summary:**

Les White reported that METRO is currently involved with a number of construction projects including the second phase of the Maintenance Facility and the renovation of the facility at 110 Vernon.

Chair Bustichi said that he would like to be on the committee and asked for volunteers. Directors Rotkin and Graves volunteered.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROTKIN**

**Appoint Vice Chair Bustichi and Directors Rotkin and Graves to serve on the Construction Committee to review construction specifications and Change Orders above the administrative authority level**

**Motion passed unanimously with Directors Martinez and Spence being absent.**

**10. CONSIDERATION OF THE APPOINTMENT OF A COMMITTEE OF THE BOARD TO REVIEW THE WEBSITE REDESIGN PROJECT**

**Summary:**

Les White reported that at the last Board meeting a presentation was given on the progress of the website redesign project and it was suggested that the Board consider appointing a committee to review project on an on-going basis.

**Discussion:**

Director Rotkin stated that he feels the committee should be people unfamiliar with web design in order to see it as the public would. Director Tavantzis suggested appointing a MAC member and regular rider.

Bob Yount, MAC Vice Chair, said that MAC had discussed this and he volunteered to serve on the committee. Directors Hagen and Robinson also volunteered. Les White confirmed that most of the communication could be done by email.

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN**

**Appoint Director Hagen, Director Robinson and MAC Vice Chair Bob Yount, and an additional person such as a regular rider to serve on the Webpage Redesign Committee to review progress of the project**

Eduardo Montesino volunteered as a Bus Operator. Chair Bustichi asked if this would cause a labor issue. Les White replied that SEIU could be asked to participate. Director Tavantzis amended the motion to add Mr. Montesino which was accepted by the 2<sup>nd</sup>.

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN**

**Appoint Director Hagen, Director Robinson, MAC Vice Chair Bob Yount, and Bus Operator Eduardo Montesino to serve on the Webpage Redesign Committee to review progress of the project and direct staff to invite SEIU to participate**

**Motion passed unanimously with Directors Martinez and Spence being absent.**

**11. CONSIDERATION OF ACTION TAKEN BY THE STATE SENATE TRANSPORTATION COMMITTEE ON SENATE BILL 716**

**Summary:**

Les White reported METRO has been in a position of concern and opposition of SB 716 as it was originally written because it would authorize the use of local Transportation Development Act (TDA) funds for the acquisition of vans for a Farm Worker Van Pool Program which was previously funded by the state.

The California Transit Association (CTA) opposed SB 716 due the concern over the potential loss of transit operating funds, and concern over the precedent of permitting the State to dictate what projects would be programmed for funding by the local Regional Transportation Planning Agencies (RTPA), such as the Santa Cruz Regional Transportation Commission (SCCRTC)

Les White stated that at a hearing of the State Senate Transportation Committee on May 12, 2009, representatives of the CTA, including him, spoke in opposition to the passage of the Bill.

In order to make the Bill less objectionable to transit systems the Bill was amended. In the current amended form SB 716 would not impact METRO unless the SCCRTC were to determine that there were no unmet transit or paratransit needs in Santa Cruz County, which would then allow TDA funds to be redirected to the Farm Worker Van Pool Program.

Staff recommends amending METRO's position of opposition to neutral.

**Discussion:**

There was a discussion about the Bill, the Farm Worker Van Pool Program, and the state diverting local transit funds.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR PIRIE**

**Continue METRO's current position of opposition of SB 716 and strong opposition to the state using any local funds at all**

**Motion passed with Directors Bustichi and Stone opposed and with Directors Martinez and Spence being absent.**

**12. CONSIDERATION OF ADOPTING A RESOLUTION AMENDING THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT RECORDS RETENTION SCHEDULE**

**Summary:**

Margaret Gallagher reported that from time to time, the Records Retention Schedule is reviewed and updated to reflect the current needs of METRO. The last time the schedule was updated was in 2005. METRO managers and staff have reviewed and modified the schedule and are requesting Board approval of those modifications.

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROTKIN**

**Adopt Resolution amending the Santa Cruz Metropolitan transit District Records Retention Schedule**

**Motion passed unanimously with Directors Martinez and Spence being absent.**

**13. CONSIDERATION OF ADOPTING A BUS STOP BENCH AND/OR SHELTER DONATION PROGRAM INCLUDING ALLOWING DONORS TO PLACE THEIR NAMES OR BUSINESS LOGOS ON THE DONATED FACILITIES FOR PUBLIC RECOGNITION**

**Summary:**

Margaret Gallagher reported that a member of the public inquired of METRO staff whether METRO had a program that would allow an organization that she is affiliated with to pay for a bus bench or shelter in exchange for the organization's Logo being placed on the facility during the life of the bus bench/shelter.

The Board of Directors discussed the Adopt-A-Stop Bus Stop Bench/Shelter Donation Program (Adopt-A-Stop Program) at its February 13, 2009, regular meeting and provided direction with regard to the contents of a potential regulation formalizing the program.

**Discussion:**

Director Rotkin stated that Santa Cruz is opposed to billboards which resulted in a Supreme Court decision prohibiting them and expressed his concern that this would become an advertising program.

Ms. Gallagher replied that there would be no advertising, only the name which would be 1 foot high by 2 feet long and the logo which would be 6 inches by six inches.

Director Stone thanked staff for preparing the policy which would hopefully finance the installation of much needed bus shelters that METRO cannot afford and he stated that it should be low-key and not an advertising program.

Chair Bustichi expressed concern over political or offensive statements METRO would appear to be making by displaying the name of certain groups.

Vice Chair Pirie agreed with Chair Bustichi's concern over political or offensive statements made by certain groups such as the Ku Klux Klan or the Aryan Brotherhood for example, and stated that the proposed size of one foot high by two feet long is much too large – larger than a bus stop sign. Vice Chair Pirie also expressed concern about multiple signs on the same bench or shelter and the varied pricing and installation costs by location.

Director Robinson expressed concern about the 1' x 2' size compared to a bench and that colored decals of sponsors' names and logos on the approach side of shelters would look like advertising,

and asked if there was a provision to remove signs of sponsors when they go out of business. Ms. Gallagher replied that there currently was no such provision included.

Vice Chair Pirie asked if METRO could legally choose not to display political groups. Ms. Gallagher explained that METRO's Bus Advertising Policy was for commercial advertisements only, which would exclude non-profits so staff would need to research this.

Director Rotkin asked if METRO had this program in place with no issues and years down the road a group like the KKK wanted to become a sponsor, would METRO be able to either no longer accept sponsors or terminate the program at that point rather than discriminate. Ms. Gallagher replied that generally, when a public agency opens up a forum they can shut it down. However the issue here is that METRO would have names and logos installed on its facilities with the understanding that the sponsor has paid for a display for the life of the facility.

Director Robinson suggested contacting other agencies regarding their sponsor program and any problematic issues they may have dealt with.

Director Tavantzis requested that 3 mock 1' x 2' displays be placed on an actual shelter and then take a picture from approximately one block away and another picture up close so the Board can see what it will look like.

Director Graves stated that most of the comments made today should be addressed and brought back to the Board and he suggested a clause be included that states METRO can remove a display at any time and deleting "for the life of the bench and facility". Director Graves asked if METRO was creating a new "Adopt-A-Stop Coordinator" position or if these duties were being assigned to an existing staff member. Director Graves suggested that another option be available to sponsors to purchase a shelter and a bench and get their logo in two places.

**ACTION: MOTION: DIRECTOR GRAVES SECOND: DIRECTOR ROBINSON**

**Continue item to allow staff time to research and address concerns raised at today's meeting**

Chair Bustichi stated that METRO has a very successful Bus Advertising Program that is commercially orientated, which he feels METRO should stick with and not pursue this program which would be open to non-profits.

**Chair Bustichi stated that no motion was needed to continue this item, so a vote was not taken.**

### **ADJOURN**

There being no further business, Chair Bustichi adjourned the meeting at 10:20 a.m.

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Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator