

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

October 23, 2009

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, October 23, 2009 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

Chair Bustichi called the meeting to order at 9:05 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
Pat Spence
Mark Stone
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

Emilio Martinez
Marcela Tavantzis

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angela Aitken, Finance Manager / Acting AGM
Frank Cheng, MB Project Manager
Bob Cotter, Maintenance Manager
Mary Ferrick, Fixed Route Superintendent
Margaret Gallagher, District Counsel

Harlan Glatt, (Sr. Database Administrator)
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
Anita E. Ibarra
Sergio Lona-Gonzalez, Bus Operator
Manny Martinez, PSA
Mark Martinez, Bus Operator
Joyce Mattos and family

Eduardo Montesino, Bus Operator
Bonnie Morr, UTU
Will Regan, VMU
Amy Weiss, Spanish Interpreter
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

None.

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

Bonnie Morr of UTU Local 23 spoke about the passing of Mardi Wormhoudt and the new employee ID/proximity/timekeeping cards. Ms. Morr presented the Board with a petition from bus operators requesting separate id/proximity cards and timekeeping cards, which is attached to the file copy of these minutes.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Revised Attachments 14A and 14B were distributed and are attached to the file copy of these minutes.

CONSENT AGENDA

- 5-1. APPROVE PRELIMINARILY APPROVED CLAIMS FOR THE MONTHS OF JULY AND AUGUST 2009
- 5-2. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORTS FOR JULY AND AUGUST 2009
- 5-3. CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF COREY RAY HILLIARD, CLAIM #09-0020
- 5-4. ACCEPT AND FILE MAC AGENDA FOR OCTOBER 21, 2009 AND MINUTES OF AUGUST 19, 2009
- 5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTHS OF JULY AND AUGUST 2009
- 5-6. ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR AUGUST 2009
- 5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ MONTHLY SERVICE REPORT FOR THE MONTH OF AUGUST 2009
- 5-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR AUGUST 2009
- 5-9. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT
- 5-10. APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 14 & 28 AND SEPTEMBER 11 & 25, 2009
- 5-11. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE SEPTEMBER 2009 MEETING(S)
- 5-12. CONSIDERATION OF APPROVAL OF CONTINUED EMPLOYMENT OF TEMPORARY HELP THROUGH EXPRESS EMPLOYMENT PROS FOR A TEMPORARY CUSTODIAL SERVICES WORKER FOR AN AMOUNT NOT TO EXCEED \$36,000

- 5-13. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH MANAGED HEALTH NETWORK, INC. FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES TO EXTEND THE TERM OF THE CONTRACT FOR ONE (1) ADDITIONAL YEAR
- 5-14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE EXTENSION BETWEEN THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT AND EDWARD AND BARBARA HINSHAW FOR THE PROPERTY LOCATED AT 370 ENCINAL STREET, SUITE 100
- 5-15. NOTICE OF ACTION TAKEN IN CLOSED SESSION REGARDING SETTLEMENT IN MARTIN GILBERT VS. A TOOL SHED, ET AL.; CASE NO. SCV 159686
- 5-16. ACCEPT AND FILE REPORT ON ROUTE SCHEDULE ADHERENCE
- 5-17. CONSIDERATION OF REQUEST FOR TRANSIT SERVICE FROM WATSONVILLE TO GILROY
- 5-18. ACCEPT & FILE REPORT ON 2009 APTA ANNUAL CONFERENCE
- 5-19. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO INCREASE THE TOTAL AMOUNT OF THE PURCHASE ORDER WITH SPECIALIZED AUTO & FLEET FOR AUTOMOTIVE REPAIRS AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$54,000

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Approve the Consent Agenda.

Motion passed unanimously with Directors Martinez 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

Salvador Calderon, Bus Operator (Continued from September)
Jenna M. Glasky, Supervisor of Revenue Collections
Jose Herrera, Bus Operator (Continued from September)
Chris Kane, Custodial Service Worker I (Continued from September)
Mark Martinez, Bus Operator (Continued from September)
Eduardo Montesino, Bus Operator (Continued from September)
Kimberly Nied, Bus Operator (Continued from September)
Richard Orozco, Bus Operator (Continued from September)
James Taylor, Bus Operator (Continued from September)
Douglas Vest, Bus Operator (Continued from September)
Elizabeth Woodbridge, Bus Operator (Continued from September)

TWENTY YEARS

Sergio Lona-Gonzalez, Bus Operator (Continued from September)
Diane L. Meyer, Bus Operator

THIRTY YEARS

Michael T. Steber, Bus Operator (Continued from September)

Chair Bustichi also acknowledged Bus Operator Mary Miller on her 25th anniversary at METRO.

7. **CONSIDERATION OF A RESOLUTION OF REMEMBRANCE FOR THE SERVICES OF RAYMOND MATTOS AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR PIRIE

Approve the Resolution of Remembrance for the services of Raymond Mattos as Bus Operator for the Santa Cruz Metropolitan Transit District.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

8. **CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF MARK BAN AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROBINSON

Approve the Resolution of Appreciation for the services of Mark Ban as Bus Operator for the Santa Cruz Metropolitan Transit District.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

9. **CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF MICHAEL CLAYTON AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROTKIN

Approve the Resolution of Appreciation for the services of Michael Clayton as Bus Operator for the Santa Cruz Metropolitan Transit District.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

10. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH PACIFIC BUS MUSEUM FOR THE DONATION OF TWO ANTIQUE BUSES**

Summary:

Les White said that efforts to preserve two antique buses were started several years ago, but that it is no longer financially feasible to perform any more restoration. Mr. White said that the Pacific Bus Museum has the resources to restore and maintain the buses in their original livery, and that METRO would retain access to the buses for special events.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR PIRIE

Discussion:

There was a discussion about the costs associated with restoring the buses. Will Regan said that he was sad to see the buses go, but that it was necessary.

Authorize the General Manager to execute an agreement with Pacific Bus Museum for the donation of two antique buses.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

11. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH WALD, RUHNKE & DOST ARCHITECTS, LLP IN THE AMOUNT OF \$20,673.44 TO FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR 110 VERNON STREET, SANTA CRUZ, CA**

Summary:

Frank Cheng reported that during the design and construction phase, extra meetings were necessary to analyze and implement unforeseen METRO requirements, and Mr. Cheng said that Staff has reviewed the request from WR&D, and recommends that the Board of Directors authorize the General Manager to execute an amendment to the contract of Wald, Ruhnke & Dost Architects, LLP in the amount of \$20,673.44 for architectural and engineering services for 110 Vernon Street, Santa Cruz, CA and approve of the contract change order procedures as presented in the report.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Authorize the General Manager to execute an amendment to the contract with Wald, Ruhnke & Dost Architects, LLP in the amount of \$20,673.44 for architectural and engineering services for 110 Vernon Street, Santa Cruz, CA

Discussion:

There was a discussion of the cost of the change orders. Chair Bustichi said that he would like to see a breakdown of the value engineering of what is being approved. Vice Chair Pirie said that

she wished the materials for review were available earlier. Director Robinson said that the change orders seemed reasonable and that it was prudent to approve the recommendation in order to wrap up the project.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$11,226.00 TO PROVIDE GEOTECHNICAL CONSTRUCTION OBSERVATION AND TESTING SERVICES FOR THE MAINTENANCE BUILDING COMPONENT OF THE METROBASE PROJECT

Summary:

Frank Cheng reported that on November 27, 2006, METRO began construction on the Maintenance Building for the MetroBase Project. METRO requested RNL Design, Inc. solicit quotes for inspection services for the anticipated soils foundation construction. Cotton, Shires & Associates performed the soils work for RNL Design team and have provided a preliminary budget estimate for geotechnical construction observation and testing services for METRO. During the construction of the second half of the Maintenance Building, the need for additional work arose. Mr. Cheng recommends that the Board of Directors authorize the General Manager to execute an amendment to the contract of RNL Design, Inc. in the amount of \$11,226.00 to provide geotechnical construction observation and testing services for the Maintenance Building component of the MetroBase Project.

ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR PIRIE

Authorize the General Manager to execute an amendment to the contract of RNL Design, Inc. in the amount of \$11,226.00 to provide geotechnical construction observation and testing services for the Maintenance Building component of the MetroBase Project.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

13. CONSIDERATION OF APPROVAL OF ADMINISTRATIVE REGULATION REGARDING METRO'S "BICYCLES ON FIXED ROUTE BUSES POLICY"

Summary:

METRO's Bikes on Buses Program was established to help accommodate the growing number of cyclists in Santa Cruz County who rely on public transit for a portion of their commute, or daily travel needs. The SCCRTC's Bicycle Committee discussed the Bicycles on Buses Policy (*Attachment A*) at its April 13th and May 18, 2009 meetings. On June 9, 2009, the Bicycle Committee submitted a letter to METRO's Board of Directors recommending the implementation of a 6-month trial program, which expands the current Bikes on Buses program to include additional routes. At this time, METRO Staff does not recommend expanding the current Bikes on Buses Program to all routes.

The Service Employees International Union (SEIU) Local 521 and the United Transportation Union (UTU) Local 23 have reviewed the Bicycles on Buses Policy. UTU suggested that the policy contain language, which states that Bus Operators are not required to assist with the loading and unloading of bicycles. This language has been added to Section 5.04. Management Staff also felt it was necessary to add Sections 5.01(c) and 5.02 (c), which state that the Bus Operators will kneel the buses for cyclists to load/unload their bicycles from the bike rack.

Discussion:

There was a discussion about the bicycle policy and the method to be used to inform riders of the policy. Director Graves asked that the references to folding bikes under 5' be removed from the policy; Director Spence asked that the items in paragraph 4.05 be prioritized by importance; Director Robinson asked that Staff work with Bus Operators to devise language for laminated signage to inform ridership about the Bikes on Buses policy; and Director Stone asked that Staff obtain an informational flyer from Ecology Action to educate the public about the Folding Bike program.

ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR PIRIE

Approve Administrative Regulation regarding METRO's "Bicycles on Fixed Route Buses Policy;" direct Staff to remove the references to folding bikes under 5 feet from the policy; direct Staff to prioritize items in section 4.05 according to importance; direct Staff to obtain informational flyer from Ecology Action regarding Folding Bike program; and direct Staff to work with Bus Operators to produce laminated signage to inform ridership of Bikes on Buses policy.

Motion passed with Directors Graves, Hinkle, Pirie, Robinson, Rotkin, Spence and Stone voting for; Chair Bustichi voting against; Director Hagen abstaining; and Directors Martinez and Tavantzis being absent.

Chair Bustichi recessed to the annual meeting of the Santa Cruz Civic Improvement Corporation at 10:40 a.m. and reconvened to Open Session at 10:45 a.m.

14. CONSIDERATION OF SETTING PUBLIC COMMENT PERIOD AND A PUBLIC HEARING FOR REVIEW OF METRO'S PROPOSED TITLE VI PROGRAM REGULATION AND COMPLAINT PROCEDURE

Summary:

As a recipient of Federal Transit Administration (FTA) funds, METRO is required to ensure that its programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. METRO's Title VI Program (*Attachment A*) establishes guidelines to effectively implement, monitor and ensure that METRO is in compliance with all FTA Title VI requirements and regulations under *49 CFR Part 21*.

Discussion:

Director Rotkin recommended adding a reference to sexual orientation. Director Hagen said that he would like to see Headways with a more pronounced front page notification and page reference that Spanish information is available inside.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE

Direct Staff to set 45 day Public Comment Period beginning November 1, 2009, and Public Hearing for November 20, 2009, for review and consideration of METRO's proposed Title VI Program Regulation and Complaint Procedure; direct Staff to add separate reference to sexual orientation.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

15. ACCEPT & FILE REPORT ON STATUS OF HOMELESS SHELTER SHUTTLE

Summary:

Ciro Aguirre reported that the Homeless Shelter had found alternate transportation services and would not need METRO to run route 88 going forward.

Discussion:

There was a discussion about the debt that the Homeless Services Center still owes to METRO. Director Rotkin said that it was important to set up a payment plan so that the issue is not just swept under the rug.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Direct Staff to devise a long-term debt repayment plan with the Homeless Services Center.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

16. CONSIDERATION OF APPROVAL OF CLASS SPECIFICATION CHANGES FOR THE TRANSIT PLANNER SERIES

Summary:

In April 2009 the incumbent to the Transit Planner class specification retired. The Finance Manager initiated a reclassification that restructured two existing class specifications and developed additional positions to create a series. METRO met with the union and reached agreement on the new and changed class specifications. A wage survey was conducted using the new class specifications.

Discussion:

There was a discussion about identifying two of the positions as exempt for overtime purposes. Robyn Slater said that other comparable agencies classify similar positions as exempt. There was a discussion about continuing the discussion to the November 13, 2009 Board of Directors meeting so that SEIU has enough time to review the exempt status issue. Director Stone asked that Staff be directed to meet with Union representatives to address their concerns.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROBINSON

Continue consideration of class specification changes to November 13, 2009 meeting; direct Staff to meet with Union representatives to address their concerns.

Motion passed with Directors Graves, Hagen, Hinkle, Pirie, Robinson, Rotkin, Spence and Stone voting for; Chair Bustichi voting against; and with Directors Martinez and Tavantzis being absent.

17. CONSIDERATION OF THE BOARD OF DIRECTORS MEETING SCHEDULE AND LOCATIONS FOR 2010

Summary:

Annually the Board of Directors approves a schedule of meeting dates and locations for the following year. The meeting schedule was modified by the actions taken by the Board of Directors on August 14, 2009. The Board meetings previously held on the second Friday of each month are now identified as “tentative” and will be held on an “as needed” basis. The regular meetings of the Board of Directors, held on the fourth Friday of each month, remain unchanged from the previous schedule. There are some modifications of the dates annually depending on what dates holidays occur.

Discussion:

There was a discussion about the new schedule format. Director Spence asked if it was possible to receive the agenda packets earlier than the Tuesday before the meeting.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Approve the Board of Directors meeting dates and location schedule for 2010.

Motion passed unanimously with Directors Martinez and Tavantzis being absent.

18. ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR NOVEMBER 20, 2009 – WATSONVILLE CITY COUNCIL CHAMBERS, 275 MAIN STREET, WATSONVILLE

19. 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 Existing Litigation cases of Joe Blair, Rosa Diaz, and Dorothy Lanagan.

20. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Bustichi adjourned to Closed Session at 11:12 a.m. and reconvened to Open Session at 11:52 a.m.

SECTION III: RECONVENE TO OPEN SESSION

11. REPORT OF CLOSED SESSION

Chair Bustichi stated that there was no reportable action taken in Closed Session.

ADJOURN

There being no further business, Chair Bustichi adjourned the meeting at 11:53 a.m.

Respectfully submitted,

ANTHONY TAPIZ
Administrative Assistant