



**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
REGULAR MEETING  
MAY 8, 2015 – 8:30 AM  
SANTA CRUZ METRO ADMIN OFFICES  
110 VERNON STREET  
SANTA CRUZ, CA 95060**

A regular meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO) was convened on Friday, May 8, 2015, at Metro's Administrative offices at 110 Vernon Street, Santa Cruz, California.

The Board Meeting Agenda Packet can be found online at [www.SCMTD.com](http://www.SCMTD.com) and is available for inspection at Santa Cruz METRO's Administrative offices at 110 Vernon Street, Santa Cruz, California.

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**SECTION I: OPEN SESSION**

**1 CALL TO ORDER at 8:47A by Chair Bustichi**

Chair Bustichi stated that we would proceed with public comments and those items which do not require a Board motion or vote until we had quorum.

**2 ROLL CALL: The following Directors were present:**

<b>Director Dene Bustichi, Chair</b>	<b>City of Scotts Valley</b>
<b>Director Karina Cervantez</b>	<b>City of Watsonville</b>
<b>Director Cynthia Chase</b>	<b>City of Santa Cruz</b>
<b>Director Zach Friend</b>	<b>County of Santa Cruz</b>
<b>Director Don Lane</b>	<b>City of Santa Cruz</b>
<b>Director Bruce McPherson</b>	<b>County of Santa Cruz (Arrived at 8:50A)</b>
<b>Ex-Officio Director Donna Blitzer</b>	<b>UC Santa Cruz</b>

The following Directors were absent:

Director Ed Bottorff	City of Capitola
Director Jimmy Dutra	City of Watsonville
Director John Leopold	County of Santa Cruz
Director Mike Rotkin, Vice Chair	County of Santa Cruz
Vacant	County of Santa Cruz

**STAFF PRESENT:**

Alex Clifford, CEO

Leslyn Syren, General Counsel

**METRO EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT (IN ALPHABETICAL ORDER) WERE:**

Angela Aitken, METRO  
Ernestina Saldana, COD

Daniel Zaragoza, METRO

**3 ANNOUNCEMENTS**

Chair Bustichi announced that new Internet pass key information had been distributed at each Board Member's seat. Hearing no requests for other announcements, he moved to the next agenda item.

**4 COMMUNICATIONS TO THE BOARD OF DIRECTORS**

Chair Bustichi opened the floor to public comment. Hearing none, the meeting continued to the next agenda item.

**5 COMMUNICATIONS FROM THE MAC TO THE BOARD OF DIRECTORS**

Chair Bustichi opened the floor to public comment. Hearing none, he moved to next item.

**6 LABOR ORGANIZATION COMMUNICATIONS**

Chair Bustichi opened the floor to public comment.

Eduardo Montesino, representing UTU/bus and transit operators, brought attention to the poor radio communication as a result of the recent move from analog to digital. The drivers aren't legally able to use their cell phones while driving and the emergency buttons aren't working. There have been a couple of bus operator assaults. This is a danger to solo and/or female operators working in rural areas and going over Highway 17.

CEO Clifford acknowledged the concerns and asked COO Aguirre to respond.

COO Aguirre acknowledged the concerns and glitches with the system. He reported that METRO has been working diligently with Day Wireless, the contractor since 2011. This is new technology which will be resolved with towers and new repeater sites. Additional personnel can be assigned as needed.

Chair Bustichi suggested the issuance of hands free devices, at the contractor's expense, as a short term solution. COO Aguirre will reach out to vendor.

**Director McPherson arrived at 8:50A resulting in quorum.**

## CONSENT AGENDA

- 7-01 RECOMMENDED ACTION ON TORT CLAIMS
- 7-02 ACCEPT AND FILE THE MINUTES OF THE SANTA CRUZ METRO BOARD OF DIRECTORS MEETING OF APRIL 10, 2015
- 7-03 ACCEPT AND FILE ACCESSIBLE SERVICES REPORTS FOR THE MONTHS OF JANUARY, FEBRUARY AND MARCH 2015
- 7-04 ACCEPT AND FILE SANTA CRUZ METRO SYSTEM RIDERSHIP REPORTS FOR THE MONTH OF FEBRUARY 2015
- 7-05 CONSIDERATION OF METROBASE MONTHLY CHANGE REPORT
- 7-06 CONSIDERATION OF ADOPTING A RESOLUTION RELEASING AND RELINQUISHING METRO'S POTENTIAL INTEREST OR OWNERSHIP IN THE PROPERTY LOCATED AT 102 CRESPI COURT
- 7-07 ADOPTION OF CHAPTER 2 TO TITLE III OF THE SANTA CRUZ METRO ADMINISTRATIVE CODE ESTABLISHING NOTICE REQUIREMENTS AND PROCEDURES FOR PUBLIC HEARING AND PUBLIC COMMENTS

**ACTION: MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED.**

**MOTION: DIRECTOR LANE**

**SECONDED: DIRECTOR FRIEND**

**MOTION PASSED WITH 5 AYES (Bustichi, Cervantez, Chase, Lane and McPherson)  
Director Friend abstained. Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

## REGULAR AGENDA

### 8 QUARTERLY STATE LEGISLATIVE UPDATE

Mr. Joshua Shaw, Shaw/Yoder/Antwih, Inc., updated the assembly on funding opportunities and status thereof, the PEPRAs lawsuit and other proposed bills. He and CEO Clifford will be meeting with members of the State Legislature the week of May 18<sup>th</sup> to continue making the case for transit funding, broad based funding support and support or opposition to specific bills,

Mr. Shaw responded to questions from Directors McPherson and Lane regarding various funding sources, including those favorable to Governor Brown's tax measures. He added there are a lot of interest groups pushing for a "general fund" source.

### 9 QUARTERLY FEDERAL LEGISLATIVE UPDATE

Mr. Chris Giglio, Capital Edge, continued Mr. Shaw's update on the PEPRAs lawsuit.

He highlighted several initiatives Congressman Farr has been working; e.g., reauthorization of Federal programs, repatriation of overseas taxes, increasing Federal 5307 program percentage(s), etc. and suggested we thank Congressman Farr for his efforts with this and other matters in his support of public transit.

Chair Bustichi shared highlights of his conversation with Congresswoman Ann Eshoo earlier in the week, noting the bipartisan support for the overseas tax holiday.

Hearing no public comment, the meeting moved to the next agenda item.

**10 CONSIDERATION OF ADOPTION OF A RESOLUTION DECLARING A FISCAL EMERGENCY PURSUANT TO CEQA**

Ms. Angela Aitken, Finance Manager, elaborated on the report as presented and asked the Board for their support on the proposed resolution.

There was no public comment.

**ACTION: MOTION TO ACCEPT THE ADOPTION OF A RESOLUTION DECLARING A FISCAL EMERGENCY PURSUANT TO CEQA AS PRESENTED.**

**MOTION: DIRECTOR FRIEND                      SECONDED: DIRECTOR LANE**

**MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**11 AUTHORIZATION TO PROCEED WITH A REQUEST FOR PROPOSALS TO SECURE A PROFESSIONAL SERVICES CONTRACT TO DEVELOP A SYSTEMWIDE BUS SERVICE RESTRUCTURING PLAN**

CEO Clifford outlined the tight timeline required to get through the process of a system-wide restructuring plan.

Director McPherson, recognizing the recent structural deficit efforts and potential comprehensive changes, supports the use of an outside consultant.

CEO Clifford and the Board Members discussed variations to the composition of the ad hoc committee.

Eduardo Montesino, UTU representative, would prefer to keep the job in-house, using available expertise, and volunteered to assist where possible.

Chair Bustichi said he is open to union representation and/or staff members, but the use of an outside consultant is a prudent measure to ensure candid exchanges, envelop future developments, etc.

Directors Lane and McPherson agreed with Chair Bustichi, adding a request that upon approval of the contract award, the chosen vendor return to the Board to note those areas their expertise differs from in-house staff. Staff to provide a list of recommended ad hoc committee members at that time as well.

**ACTION: MOTION TO APPROVE THE AUTHORIZATION TO PROCEED WITH A REQUEST FOR PROPOSALS TO SECURE A PROFESSIONAL SERVICES CONTRACT TO DEVELOP A SYSTEMWIDE BUS SERVICE RESTRUCTURING PLAN WITH THE REQUEST THAT THE CHOSEN VENDOR RETURN TO THE BOARD TO NOTE THOSE**

**AREAS THEIR EXPERTISE DIFFERS FROM IN-HOUSE STAFF. STAFF TO PROVIDE A LIST OF RECOMMENDED AD HOC COMMITTEE MEMBERS AT THAT TIME.**

**MOTION: DIRECTOR LANE                      SECONDED: DIRECTOR McPHERSON  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**12      CONSIDERATION OF AUTHORIZING THE CEO TO EXECUTE CONTRACT CHANGE ORDER(S) WITH LEWIS C. NELSON AND SONS, INC.**

Mr. Andrew Kreck, Project Manager, Hill International, provided a project update.

Chair Bustichi noted that the subcommittee met and discussed the project vigorously with Hill International. Their recommendation is to move forward with the motion. CEO Clifford noted that the number of days had been revised to 60 from 90.

**Director McPherson left the room at 9:50A and returned at 9:52A.**

CEO Clifford and staff will work with the Bus Operators and bring an economic recommendation to the 5/22 or 6/9 board meeting addressing the feasibility of moving to the River Street parking lot before final completion. The contractor has not yet been engaged in this discussion.

**ACTION: MOTION TO AUTHORIZE THE CEO TO EXECUTE CONTRACT CHANGE ORDER(S) WITH LEWIS C. NELSON AND SONS, INC. AS PRESENTED.**

**MOTION: DIRECTOR McPHERSON                      SECONDED: DIRECTOR FRIEND  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**Ex-Officio Director Blitzer left the meeting at 9:55A.**

**13      DELEGATION OF AUTHORITY TO METROBASE OPERATIONS CONSTRUCTION AD HOC COMMITTEE FOR CHANGE ORDERS THAT EXCEED THE CEO/GENERAL MANAGER'S AUTHORITY OF \$50,000 TO NOT EXCEED \$100,000**

Chair Bustichi noted that one of the key issues in closing any project is delay and any potential damages resulting from delay. We want to show the contractor that METRO can respond quickly. The Ad Hoc Committee recommends approval of the motion.

**ACTION: MOTION TO APPROVE THE DELEGATION OF AUTHORITY TO METROBASE OPERATIONS CONSTRUCTION AD HOC COMMITTEE FOR CHANGE ORDERS THAT EXCEED THE CEO/GENERAL MANAGER'S AUTHORITY OF \$50,000 TO NOT EXCEED \$100,000 AS PRESENTED.**

**MOTION: DIRECTOR FRIEND                      SECONDED: DIRECTOR LANE  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**14 CONSIDERATION OF AUTHORIZING THE CEO TO EXECUTE A CONTRACT EXTENSION WITH RNL DESIGN, INC. FOR ARCHITECT AND ENGINEERING SERVICES THROUGH DECEMBER 30, 2015, INCREASING THE CONTRACT TOTAL BY \$252,766**

Andrew Kreck, Project Manager, Hill International, brought the Board up to date on the contract with RNL.

**ACTION: MOTION AUTHORIZING THE CEO TO EXECUTE A CONTRACT EXTENSION WITH RNL DESIGN, INC. FOR ARCHITECT AND ENGINEERING SERVICES THROUGH DECEMBER 30, 2015, INCREASING THE CONTRACT TOTAL BY \$252,766 AS PRESENTED.**

**MOTION: DIRECTOR CHASE                      SECONDED: DIRECTOR LANE  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**15 REVISED METROBASE PHASE II (OPERATIONS BUILDING) LIFE OF PROJECT BUDGET AND CAPITAL RESOURCE ALLOCATION PLAN**

CEO Clifford highlighted the changes summarized in the staff report.

Chair Bustichi thanked the person who identified the Harvey West security mis-charge and reallocated it to the correct project fund.

**ACTION: MOTION TO ACCEPT THE REVISED METROBASE PHASE II (OPERATIONS BUILDING) LIFE OF PROJECT BUDGET AND CAPITAL RESOURCE ALLOCATION PLAN AS PRESENTED.**

**MOTION: DIRECTOR LANE                      SECONDED: DIRECTOR McPHERSON  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**16 CONSIDERATION OF AWARD OF CONTRACT TO FIRST ALARM SECURITY & PATROL, INC. FOR SECURITY GUARD SERVICES NOT TO EXCEED \$1,830,000**

Liseth Guizar, Safety, Security and Risk Manager, provided additional information to the services provided by First Alarm to protect our employees and our passengers.

In response to Director Lane's questions, Liseth explained the change in rates over the years, adding that we anticipate spending less once the new building is completed. METRO is proactive; the security guards engage with the public and work with local police. Our contract is similar to the contract with the City of Santa Cruz.

Eduardo Montesino, UTU representative, thanked First Alarm and noted the improvement over the prior firm.

**ACTION: MOTION TO ACCEPT THE CONSIDERATION OF AWARD OF CONTRACT TO FIRST ALARM SECURITY & PATROL, INC. FOR SECURITY GUARD SERVICES NOT TO EXCEED \$1,830,000 AS PRESENTED.**

**MOTION: DIRECTOR CHASE                      SECONDED: DIRECTOR LANE  
MOTION PASSED WITH 6 AYES (Bustichi, Cervantez, Chase, Friend, Lane and McPherson) Directors Bottorff, Dutra, Leopold and Rotkin were absent.**

**17 CEO TO GIVE ORAL REPORT**

CEO Clifford stated he had nothing further to report today.

**18 REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

Leslyn Syren, District Counsel, noted that authorization to initiate a civil action was going to be discussed in closed session. She did not anticipate reporting out after the session.

**The Board retired to the Closed Session at 10:14A.**

Chair Bustichi announced the next meeting on Friday, May 22, 2015 at 9:00A in the Capitola City Council Chambers, 420 Capitola Avenue, Capitola

Chair Bustichi adjourned the meeting at 10:20A

Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at [www.scmtd.com](http://www.scmtd.com) subject to staff's ability to post the document before the meeting.