

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

BOARD OF DIRECTORS REGULAR MEETING AGENDA

October 14, 2005 (Second Friday of Each Month)

CITY HALL COUNCIL CHAMBERS

809 CENTER STREET

SANTA CRUZ, CALIFORNIA

9:00 a.m. – Noon

THE BOARD AGENDA PACKET CAN BE FOUND ONLINE AT WWW.SCMTD.COM

NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

SECTION I: OPEN SESSION - 9:00 a.m.

1. ROLL CALL
2. ORAL AND WRITTEN COMMUNICATION
 - a. Susan Kauffman Re: Strike Communication
 - b. Alberto Gutierrez Re: Strike Communication
 - c. Sarah Schiffrin Re: Strike Communication
 - d. Anonymous Re: Fare Policy
 - e. Petition 10/5/05 Re: Strike Communication
 - f. Petition 10/5/05 Re: Strike Communication
3. LABOR ORGANIZATION COMMUNICATIONS
4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

CONSENT AGENDA

- 5-1. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF MAY 2005
Staff Report: Attached
- 5-2. ACCEPT AND FILE METROBASE STATUS REPORT
Staff Report: Attached
- 5-3. CONSIDERATION OF A REQUEST BY HOWARD CONNER FOR ACCESS TO 120 GOLF CLUB DRIVE FOR SOILS TESTING ADJACENT TO RAYNE WATER COMPANY BUILDING
Staff Report: Attached

REGULAR AGENDA

6. CONSIDERATION OF A REQUEST FOR A CHANGE ORDER IN THE AMOUNT OF \$282,036 FOR THE ARCHITCTURAL/ENGINEERING CONTRACT WITH RNL DESIGN AND PROVIDING STAFF WITH THE AUTHORITY TO SOLICIT BIDS FOR THE CONSTRUCTION OF THE FUEL/SERVICE BUILDING
Staff Report: Attached
ACTION REQUESTED AT THE OCTOBER 14, 2005 MEETING
7. CONSIDER REQUEST OF ABDO AZZUBAIDI TO CANCEL LEASE AGREEMENT FOR THE KIOSK SPACE AT PACIFIC STATION
Staff Report: Attached
ACTION REQUESTED AT THE OCTOBER 14, 2005 MEETING
8. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION: District Counsel
9. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

SECTION II: CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Government Code Section 54957.6)
 - a. Agency Negotiator: Mark Dorfman, Assistant General Manager
 1. Employee Organization: United Transportation Union (UTU), Local 23
2. CONFERENCE WITH LEGAL COUNSEL – LITIGATION
(Significant exposure to litigation exists pursuant to Government Code Section 54956.9 (b) (1))
 1. United Transportation Union et al v. Santa Cruz METRO, Leslie White, et al
 2. United Transportation Union v. Santa Cruz METRO before the Public Employees Relations Board

SECTION III: RECONVENE TO OPEN SESSION

10. REPORT OF CLOSED SESSION

ADJOURN

NOTICE TO PUBLIC

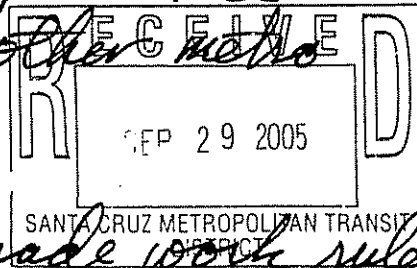
Members of the public may address the Board of Directors on a topic not on the agenda but within the jurisdiction of the Board of Directors or on the consent agenda by approaching the Board during consideration of Agenda Item #2 "Oral and Written Communications", under Section I. Presentations will be limited in time in accordance with District Resolution 69-2-1.

When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.

Members of the public may address the Board of Directors on a topic on the agenda by approaching the Board immediately after presentation of the staff report but before the Board of Directors' deliberation on the topic to be addressed. Presentations will be limited in time in accordance with District Resolution 69-2-1.

The Santa Cruz Metropolitan Transit District does not discriminate on the basis of disability. The Encinal Conference Room is located in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, please contact Cindi Thomas at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting METRO regarding special requirements to participate in the Board meeting.

ALL 9-28-05
To the SCMTD Board of Directors:
I ride the bus & depend on it.
Please please support the
bus drivers & other metro
support staff.



- ① Abide & don't degrade work rules
- ② Protect & improve their medical benefits. They shouldn't have to pay 1¢ more
- ③ Comply with the approved tentative agreement. Not supporting the tentative agreement is REgressive bargaining and a violation of Fair Labor Practices.
- ④ Hire more bus drivers.
There aren't enough to adequately cover the job.
- ⑤ It is unconscionable to require (mandatory) overtime. Bus driving is an intense draining job. It is unsafe for them to work overtime. Safety comes first.

2-a.1

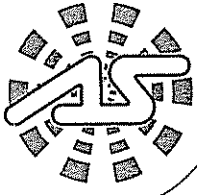
- ~~It~~ rather than require mandatory overtime which jeopardizes our safety, hire more drivers.
- ⑥ Forego & indefinitely postpone the new transit center. Benefits & taking good care of the bus drivers comes first, BEFORE a new or upgraded transit center.

Please please consider & accept my reasonable requests.

It's time you directors be reasonable!

Sincerely,

Susan Kauffman
2034 Bobwhite Ln
S Cruz CA 95065



Associated Students, San José State University

Over One Hundred Years of Student Service and Leadership

Government
A S Administration House
Suite 200
San José Ca 95192 0128
Tel : 408 924 6240
Fax: 408 924 6250

Administration
A S Administration House
Suite 100
San José Ca 95192 0128
Tel : 408 924 6242
Fax: 408 924 6224

Campus Recreation
A S Administration House
Suite 106
San José Ca 95192 0265
Tel : 408 924 6218
Fax: 408 924 6231

Child Development Center
460 South 8th St
San José Ca 95192 0248
Tel : 408 924 6988
Fax: 408 924 6999

Computer Services Center
Student Union Room 360
San José Ca 95192 0129
Tel : 408 924 6976
Fax: 408 924 6977

General Services Center
Student Union Room 235
San José Ca 95192 0129
Tel : 408 924 6280
Fax: 408 924 6220

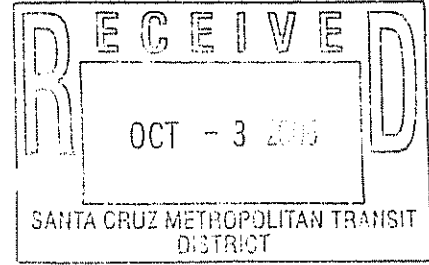
Print Shop
Old Cafeteria Bldg
San José Ca 95192 0131
Tel : 408 924 6291
Fax: 408 924 6294

Special Events
A S Administration House
Suite 209
San José Ca 95192 0128
Tel : 408 924 6262
Fax: 408 924 6258

Transportation Solutions
Student Union Room 235
San José Ca 95192 0129
Tel : 408 924 6106
Fax: 408 924 6220

September 29, 2005

Board of Directors
Santa Cruz Metropolitan Transit District
370 Encinal Street, Suite 100
Santa Cruz, CA 95060
Fax 831.426.6117



RE: Santa Cruz Metropolitan Transit bus strike

Dear Board of Directors:

As the Associated Students President for San José State University, I find it necessary to address the concerns that affect hundreds of our students. It has come to my attention that the Santa Cruz Metropolitan Transit is on strike. The Highway 17 Express is the direct link between San Jose and Santa Cruz. For many SJSU students, public transportation is their only available method of transportation to and from school. Seeing as the strike has hindered the daily transportation operations and has directly affected many students at SJSU, I highly encourage you to solve this matter in a timely fashion.

San José State University is a partner of the Santa Cruz Metropolitan Transit. Our University Police Department subsidizes the last two runs of the Highway 17 Express daily. As you see, we are also vested in the solution of this matter. Please feel free to contact me at 408.924.6244 or Eyedin Zonobi (our Transportation Solutions Manager) at 408.924.6246 to let us know how we may assist in the tenacity of this issue.

On behalf of the students at San José State University, thank you and I look forward to the resolve of this matter.

Sincerely,

Alberto Gutierrez
President and CEO
Associated Students
San José State University
president@as.sjsu.edu

cc: Eyedin Zonobi, Transportation Solutions, Associated Students, SJSU
Alfonso De Alba, Executive Director, Associated Students, SJSU
Andre Barnes, Chief of Police, San José State University

Web: as.sjsu.edu

2-b

Thought this would be of
interest to you. J. 10/1/05

10/1/05
**SR CityBus to offer
seniors free rides**

By **MIKE MCCOY**

THE PRESS DEMOCRAT

From Oct. 17 through Oct. 23 Santa Rosa's CityBus system will offer anyone age 65 or older free and unlimited bus rides.

Transit planner Michael Ivory said the no-fare offer is intended to encourage seniors to become familiar with the bus system.

"We do it primarily as an effort to get seniors out of their homes. We find a lot of seniors who are transitioning from driving for medical reasons," he said. "This program gives them the opportunity to ride for free and try out the system," he said.

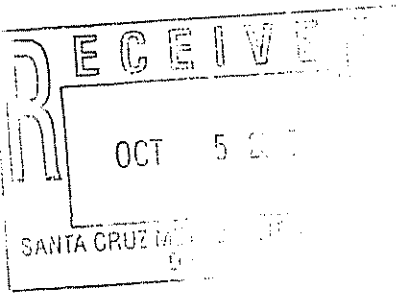
According to the U.S. Census, roughly 60,000 of Sonoma County's 476,000 residents, in-

cluding 20,000 in Santa Rosa, are 65 or older.

To qualify for the free rides, seniors must obtain a free "Seniors on the Go" pass. The passes are available at all Santa Rosa Safeway stores, G&G Market, Ralph's, Food MAXX, the Council on Aging and the Finley Community Center, on all CityBuses and at City Hall.

Ivory said the city also will mail passes to those who call 543-3925 and ask for one.

Ivory said seniors who want assistance in learning the CityBus system can call the same number to request they be assigned a "buddy" to accompany them on their first outing.



10/4/05

Dear Members of the Board,

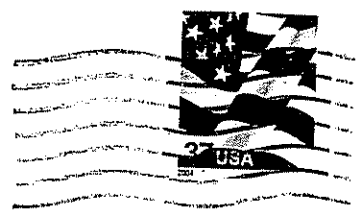
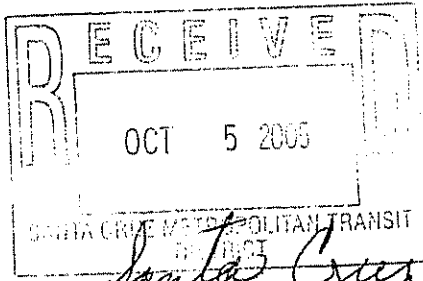
This is what bus systems should be doing.

Please settle the strike!

These dedicated drivers and we seniors the student and all bus users deserve better than a strike.

Thank you
Sarah Schaffer
80 Front St
7214
S.C. 95060

2c.1

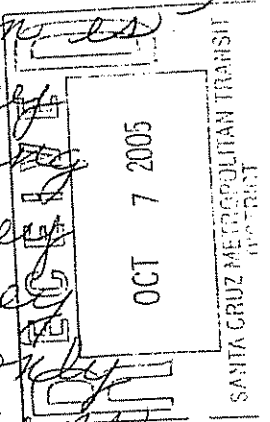


Santa Cruz Metropolitan Transit
 Board
 370 Encinal St Suite 100
 Santa Cruz, Ca.

95060/2173 95060

Schiffman
 80 Front St #214
 Santa Cruz, Ca.
 95060

This letter is for all of the transportation board members. For years the Metro has struggled to make ends meet. As a rider of the bus I feel it is time for no free rides. Mothers are getting on the bus with 3 or 4 children. All young children. Everyone takes a seat. Paid riders have to stand while free riders sit (small children) I think if a person is occupying a seat they should pay something. I'm not saying they should pay \$1.50. They can pay 50¢ to 75¢. Only children sitting on moms lap (like babies) should be free. Maybe it is a hardship on a parent

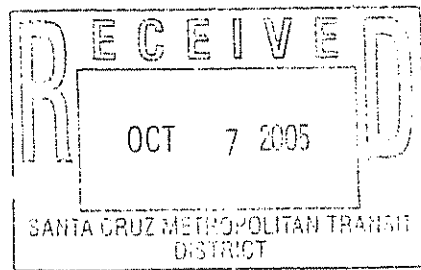


2-d.1

(2) but lets face it your situation is to make the bus system easier on the budget. you have I am not being cruel but if you look at these families with 3 and 4 children they chose to have these children they need to be responsible to pay for their rides. For years children under certain age went to movies, bus rides and enter some amusement park. Times have change. I was listening to the news the other night, one airlines said unless the child was on a lap all seats are going to have to be paid for. Makes sense. We want to do all we can for children but it isn't helping the transit or riders. A mother gets on the bus with 3 small children. She uses empty seat to put the stroller and 2 children on unpaid seats. This ties up 3 seats. Most of the time its in the handicap

2-d.2

(3) and senior section. I am writing this letter not as a complaint but to let you know it is time Metro is in the black. I know its a hard decision but something must be done. Every seat on the bus is revenue and as I said the amount could be anywhere from 25¢ to 75¢. I hope you will know this is a letter of concern. Thank you for listening you should consider my suggestion. With gas prices and drivers demands this is some solution to your problems

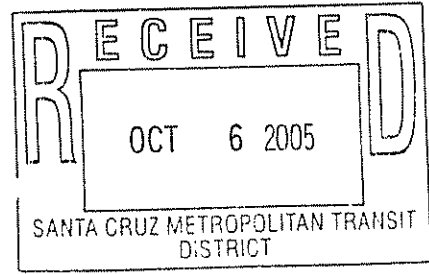


2.d.3

COP 4

October 5, 2005

To The Metropolitan Transit Board and Mr. White
From: Seniors of Santa Cruz



WE SENIORS WANT YOU TO KNOW THAT WE NEED ALL OF YOU TO END THE BUS STRIKE NOW! THE BUSES AND THEIR DRIVERS ARE VERY IMPORTANT TO US AND THE WHOLE COMMUNITY. A PLEA FROM YOUR SENIOR COMMUTERS! END THE STRIKE NOW!

END THE STRIKE NOW!

WE SUPPORT THE BUS DRIVERS!

Bill Bosworth - 721 Bay St Santa Cruz

Joyce Keller 134 Dakota Ave. #318, Santa Cruz

Clair Jansen 1110 Pacific Ave. #206 S Cruz 95260

FR G... 242 Center S.C. 95068
Fred Maguire 1225 SACRAMENTO AVE

Martha Frewell 800 Brommer St. S.C.

Ponthy Tulane 436 Walnut Ave SC.
Gina M... 120 CEDAR ST. SC.

Ken... 705 Pacific S.C.
3 Hol... 721 Bay St #48

Robert Hansen 134 Dakota Ave 204
Core Myone 660 24th AVE.

... Beth R...
... Sign...

J... Watsonville
... J...
John F Welch

Caroline S. Wood - 721 Rosedale, Capitola

Mela Chundal 134 Dakota av. #103 SC 95060

2.f.1

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: October 28, 2005
TO: Board of Directors
FROM: Steve Paulson, Paratransit Administrator
SUBJECT: METRO PARACRUZ OPERATIONS STATUS REPORT

I. RECOMMENDED ACTION

This report is for information only- no action requested

II. SUMMARY OF ISSUES

- METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.
- METRO assumed direct operation of paratransit services November 1, 2004.
- Operating Statistics reported are for the month of July 2005.
- Customer feedback information is for the month of July 2005

III. DISCUSSION

METRO ParaCruz is the federally mandated ADA complementary paratransit program of the Transit District, providing shared ride, door-to-door demand-response transportation to customers certified as having disabilities that prevent them from independently using the fixed route bus.

METRO began direct operation of ADA paratransit service (METRO ParaCruz) beginning November 1, 2004. This service had been delivered under contract since 1992.

During the month of July, ten (10) complaints and two (2) compliments were received. Three (3) of the complaints were found to be "not valid" when investigated. Of the seven (7) valid complaints, four (4) were related to late pick ups, two (2) scheduling errors, and one (1) regarding driver conduct. In the three (3) cases that employee error was identifiable, counseling and/or retraining was provided.

5-1/1

Operating Statistics for July 2005

	Jan 05	Feb 05	Mar 05	Apr 05	May 05	June 05	July 05
Scheduled	7782	7154	8989	8628	9078	8186	7570
Performed	6822	6804	7898	7405	7824	7181	6513
Miles Driven	56,825	56,556	62,911	59,182	59,671	54,7883	50,755
Average trip miles	6.54	6.20	6.09	6.12	5.80	5.77	5.86
Within ready window	89.65%	89.67%	90.64%	89.49%	92.05%	92.11%	91.97%
Excessively late/missed trips	20	17	24	18	15	21	9
Monthly call volume	6606	6688	7361	6429	6778	6535	6163
Call average seconds to answer	23	52	33	24	25	24	36
Hold times less than 2 minutes	95%	87%	93%	94%	94%	94%	88%
Distinct riders	842	845	884	835	880	872	795
Most frequent rider	48 rides	50 rides	48 rides	58 rides	65 rides	65 rides	52 rides
Shared rides	51.1%	52.1%	61.6%	59.4%	63.9%	60.0%	58.5%
Passengers per rev hour	1.57	1.64	1.72	1.72	1.78	1.68	1.68
Rides by supplemental providers	15%	5.7%	5.4%	7.6%	5.5%	3.98%	5.47%
SCT cost per ride	\$21.83	\$24.34	\$24.35	\$23.25	\$20.14	\$21.51	\$22.23
TME cost per ride	\$23.22	\$26.49	\$21.73	\$19.35	\$21.24	N/A	N/A
ParaCruz driver cost per ride	\$21.81 (est)	\$22.52 (est)	\$19.21 (est)	\$19.82 (est)	\$20.88 (est)	\$21.22 (est)	\$23.58 (est)
Rides < 10 miles	81.03%	80.41%	80.35%	80.44%	80.61%	80.83%	81.29%
Rides > 10	18.97%	19.59%	19.65%	19.56%	19.39%	19.17%	18.71%

5-1.2

IV. FINANCIAL CONSIDERATIONS

NONE

V. ATTACHMENTS

NONE

5-1.3

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: October 28, 2005
TO: Board of Directors
FROM: Frank L. Cheng, Project Manager
SUBJECT: STATUS OF THE METROBASE PROJECT

I. RECOMMENDED ACTION

That the Board of Directors accept and file the MetroBase Status Report.

II. SUMMARY OF ISSUES

- On October 14, 2005, Board of Director will receive new options in regards to services, bid process, and timeline for the MetroBase Project.
- On September 26, 2005, METRO rejected the bid from Hensel Phelps.
- On August 25, 2005, METRO received one bid for \$38,400,000 from Hensel Phelps Construction. Budget for construction is \$31,000,000.
- Last Addendum for IFB sent out August 18, 2005.
- Issuance of Invitation For Bids (IFB) were sent on June 1, 2005. IFB available to bidders on June 15, 2005 with a Pre-Bid Conference on June 29, 2005 and sealed bids due August 25, 2005 at 2 p.m.
- On June 29, 2005, representatives of eight general contractors and various subcontractors attended the Pre-Bid Conference.
- Real estate acquisition phase complete.
- Fleet maintenance Storage at 115 Dubois Street for bus parking complete.
- AB390 Reimbursement approved by California Transportation Commission on July 14, 2005.
- Federal Reauthorization Bill approved on July 29, 2005.

III. DISCUSSION

On August 25, 2005, Santa Cruz Metropolitan Transit District (SCMTD) received one bid for the MetroBase project. Hensel Phelps Construction provided the one bid at \$38,400,000. The budget for construction is \$31,000,000. Due to the bid being 27% over the engineers estimate, staff is working diligently to find other options that will continue the projects process. Staff is presenting a recommendation with regard to the next steps on the project on October 14, 2005.

5-2.1

The completed components of the project for the review period are as follows:

A. Right Of Way (ROW)

- Ground-Breaking Ceremony was held on January 14, 2005.
- Land acquisition for 1122 River Street & 120 Golf Club Drive complete.
- METRO signed 110 Vernon Street lease for the location of Fleet Maintenance Administration and Construction Management Personnel, and have relocated there.
- Board of Directors approved lease of property at 115 Dubois Street for bus parking and storage during construction on January 21, 2005. The lease has been signed with Iuliano 1977 Trust. The site work construction of bus parking improvements complete. Site is fully operational.

B. Finance

- 25 Sakata Lane, Watsonville property received no bids. The Board of Directors approved a Request For Proposals (RFP) for Broker Service. RFP due date is September 9, 2005. One proposal was received from Hirsch and Associates.
- The proposal by Hirsch and Associates has been reviewed and is a fair proposal. Hirsch and Associates will be marketing the property to its greatest ability.
- FTA approved concurrence letter with appraisal for Watsonville property.
- AB3090 approved by CTC on July 14, 2005 Meeting.
- Federal Reauthorization Bill (TEA-21) approved July 29, 2005.

C. Architectural & Engineering (A&E)

- Subsequent to Board approval, RNL will proceed with new options to split the MetroBase Project.
- Final addendum for MetroBase IFB released August 18, 2005.
- Issuance of Invitation For Bids released June 1, 2005.
- Issuance of IFB and expression on intent to use sales tax backed debt presented to the Board of Directors on May 27, 2005.
- RNL Design presented to the Board of Directors options for bidding strategies in regards to cost, schedule, and benefits. Board of Directors approved one project bid option on February 25, 2005.

D. Construction Management (CM)

- Further meetings are scheduled for reviewing new options for the MetroBase Project.
- MetroBase Site Plan Check reviews completed by LP2A, City Of Santa Cruz Public Works, and Harris & Associates.

5-2.2

E. Construction Schedule

- On September 26, 2005, METRO rejected the bid from Hensel Phelps.
- In August 25, 2005, SCMTD received one bid from Hensel Phelps Construction at \$38,400,000. Construction budget is \$31,000,000.
- IFB due date was extended to August 25, 2005 2:00pm PST.
- Approved and executed L/CNG Fueling Station long lead item LNG tank on September 10th, 2004. LNG tank was delivered in May 2005.
- Approved and executed L/CNG Fueling Station long lead item CNG Vessels on September 24th, 2004. CNG Vessels was delivered on March 2005.
- Nica DMT, demolition contractor, completed demolition on 1122 River Street and 120 Golf Club Drive on April 29, 2005.

IV. FINANCIAL CONSIDERATIONS

On August 25, 2005, METRO opened Sealed Bids for the Construction Phase of the MetroBase Project. Unfortunately only one bid was received and it was 27% over the construction budget of \$31,000,000. The receipt of a single bid is problematic for the Federal Transit Administration for a construction project of the size of MetroBase. Additionally there are no sources of fund available to METRO at this time to fun the additional \$7.4 million that would be required to award a full contract. Therefore METRO staff rejected the bid from Hensel Phelps Construction on Monday September 26, 2005.

V. ATTACHMENTS

NONE

5-2.3

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: October 28, 2005
TO: Board of Directors
FROM: Frank L. Cheng, Project Manager
SUBJECT: CONSIDERATION OF A REQUEST BY HOWARD CONNER FOR ACCESS TO 120 GOLF CLUB DRIVE PROPERTY FOR SOILS TESTING ADJACENT TO RAYNE WATER COMPANY BUILDING

I. RECOMMENDED ACTION

That the Board of Directors authorize the General Manager to allow access to the 120 Golf Club Drive property for soils testing by the Rayne Water Company.

II. SUMMARY OF ISSUES

- Howard Conner, owner of Rayne Water Company, is currently in the process of repairing foundation settling problems with his building that is located adjacent to the 120 Golf Club Drive Bus Parking Lot.
- METRO has received a letter from Howard Conner requesting access to 120 Golf Club Drive Bus Parking Lot for the purpose of drilling the soil test bores that are necessary to design the repairs to the building.

III. DISCUSSION

Howard Conner, owner of Rayne Water Company, is currently in retrofitting his building to repair foundation problems caused by settling of the soil. After inspections, his architect is requiring soils tests to be performed. Due to the building being located adjacent to the property line, the best method to assess the soil condition is to drill two test bores adjacent to the building on the METRO property. METRO has provided the soils report conducted as a part of the MetroBase Project to Mr. Conner.

Staff recommends that the Board of Directors approve request. Currently, the lot is empty and the drilling will not impact operations.

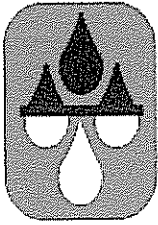
IV. FINANCIAL CONSIDERATIONS

Approval of the request from Howard Conner will not have a financial impact on the METRO Operating/Capital Budget.

V. ATTACHMENTS

Attachment A: Letter and Map received from Howard Conner, Rayne Water Company

5-3.1



Rayne[®]

Water Conditioning

Rayne of Santa Cruz Inc. 1231 River Street Santa Cruz Ca. 95060 CA State Contractors
License 439851
Phone 831-423-0517 Fax 831-423-5903

To: Santa Cruz Metropolitan Transit District
At: Frank Cheng
Fr: Howard Conner
Dt: October 7, 2005

Re: Geologic test bore on Vernon Street Metro Property.

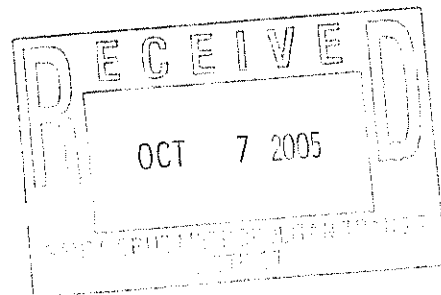
Dear Mr. Cheng,

Our building at 1231 River Street is experiencing some settling of the foundation on the northwest corner of the structure. We have retained Haro, Kasunich and Associates, Inc engineering firm of Watsonville Ca. to assess the settling and recommend a corrective course of action. The responsible engineer on the project is Greg Bloom. He can be reached at 831-722-4175 if you have any questions about the project. Greg proposes to drill two 6" diameter test bores about 5 feet from the back of our building. Each test bore will be several feet from the two ends of the building. I have enclosed a map of the lots for a representative description of the proposed drilling area.

I am seeking permission from the Metro to proceed with this geologic drilling and would greatly appreciate your consideration in this matter

Sincerely,

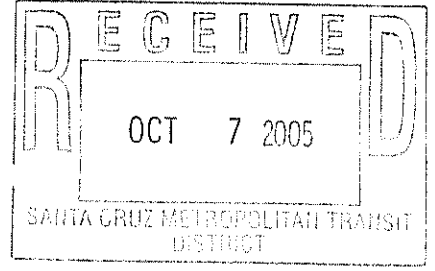
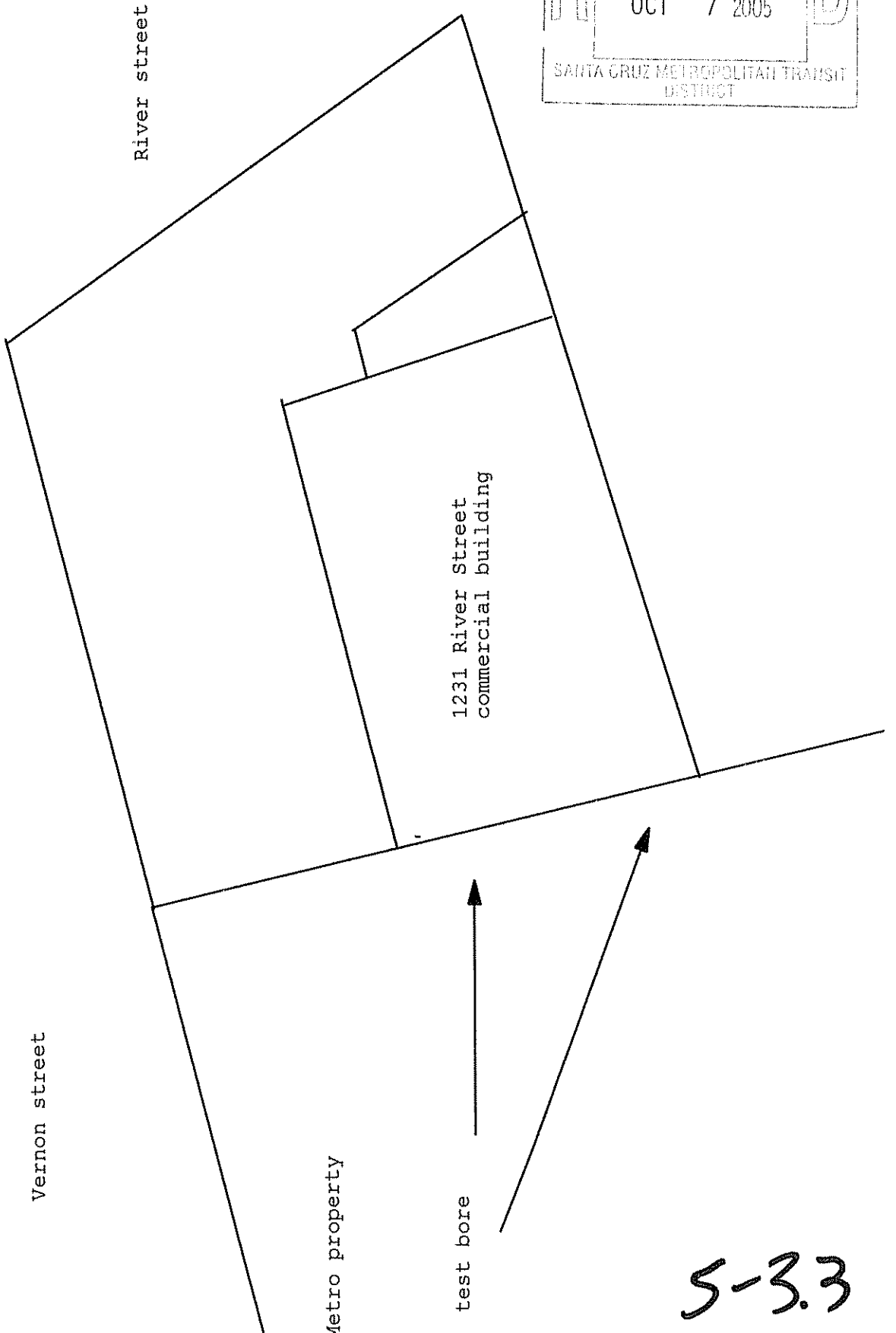

Howard Conner Jr
President



5-3.2



North



5-3.3

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: October 14, 2005

TO: Board of Directors

FROM: Frank L. Cheng, Project Manager

SUBJECT: CONSIDERATION OF A REQUEST FOR A CHANGE ORDER IN THE AMOUNT OF \$282,036 FROM RNL DESIGN, AND PROVIDING STAFF WITH THE AUTHORITY TO SOLICIT BIDS FOR THE CONSTRUCTION OF THE FUEL/SERVICE BUILDING.

I. RECOMMENDED ACTION

That the Board of Directors authorize the General Manager to execute a change order in the amount of \$282,036 to provide additional funds to the Architectural/Engineering contract to accommodate costs related to preparing bid documents to solicit bids for the construction of the fuel/service building, and to authorize the General Manager to solicit bids for the construction of the fuel/service building.

II. SUMMARY OF ISSUES

- On August 8th, 2003, Santa Cruz METRO entered into a contract with RNL Design for Architectural/Engineering Services for the MetroBase Project in the amount of \$2,530,761.
- On September 24th, 2004, the Board of Directors approved a change order of \$398,688 to incorporate design changes related to a replacement versus a remodeled Maintenance Building.
- As a part of the design process, the RNL Design Team was requested to analyze the feasibility of requesting bids for the construction for the MetroBase Project in one package or two packages due to potential funding constraints.
- The final construction specification approved by the Board of Directors on May 27, 2005 identified a construction schedule duration of 30 months versus the 20 months that was originally anticipated for the project.
- As a part of the design process, the Board of Directors requested that the RNL Design Team analyze and respond to various requests for improvements that were submitted by the City of Santa Cruz Public Works Department.
- In the original proposal to the Board on June 24, 2005 the RNL Design Team submitted a request for a change order to increase the Architectural/Engineering contract by \$79,200 for the One Bid vs. Two Bid Analysis
- On June 24, 2005, the Board of Directors recommended staff to instruct RNL Design Inc. to further explain each item and "sharpen their pencil."

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- On August 11, 2005, RNL Design, Inc. resubmitted their proposal for the one vs. two bid analysis and reduced the request for \$79,200 to \$66,445.
- An Invitation For Bids (IFB) was sent on June 1, 2005. The IFB was available to bidders on June 15, 2005 with a Pre-Bid Conference being held on June 29, 2005 and sealed bids due August 25, 2005 at 2 p.m.
- On August 25, 2005, METRO received one bid for \$38,400,000 from Hensel Phelps Construction. The METRO Budget for construction is \$31,000,000.
- On September 26, 2005, METRO rejected the bid from Hensel Phelps Construction.
- On October 6, 2005, METRO instructed RNL Design, Inc. to submit a proposal repackaging the MetroBase Phase I Construction to provide for three bids, add supplemental value engineering, and develop costs and time for the preparation of a bid package for the construction of the fuel/service building. .
- Staff has analyzed the RNL Design, Inc. contract and recommends that the Board of Directors approve the costs associated with One Bid/Two Bid Analysis (\$66,445), and the repackaging of the MetroBase Phase I Construction to provide bid documents for the construction of the fuel/service building (\$220,591).
- Staff recommends that the General Manager be authorized to solicit formal bids for the construction of the fuel/wash building.

III. DISCUSSION

On August 8th, 2003, Santa Cruz METRO entered into a contract with RNL Design for Architectural/Engineering Services for the MetroBase Project in the amount of \$2,530,761. During the design process, some aspects of the Maintenance Building were not meeting requirements. The main aspect was the remodeling of the Maintenance Building. In order to achieve requirements and a more efficient building, a proposal was introduced to build one replacement building and eliminate the renovation component. On September 24th, 2004, the Board of Directors approved a change order of \$398,688 to incorporate design changes related to a replacement versus a remodeled Maintenance Building.

As a part of the design process, the RNL Design Team was requested to analyze the feasibility of requesting bids for the construction for the MetroBase Project in one package or two packages due to potential funding constraints. Under the One Bid approach, the entire project would be bid at one time including the Service Facility, Operations Building & Site Work, and Maintenance Building & Site Work. The Two Bid approach split the Operations Building & Site Work on River Street into a separate package to be bid at a later time. The RNL Design Team did a cost impact analysis and presented it to the Board of Directors on February 25, 2005. The Board of Director selected the single bid approach at this meeting. On June 24, 2005 RNL submitted a request for a change order to cover the cost of analyzing the One Bid vs. Two Bid options as well as the preliminary document preparation.

On June 24, 2005, the Board of Directors denied the change order request and directed staff to instruct RNL Design Inc. to further explain each item and "sharpen their pencil." On August 11, 2005, RNL Design, Inc. resubmitted their proposal regarding the One Bid vs. Two Bid work and reduced the cost from \$79,200 to \$66,445.

METRO issued an Invitation For Bids (IFB) on June 1, 2005. The IFB was available to bidders on June 15, 2005 with a Pre-Bid Conference held on June 29, 2005. On August 25, 2005, METRO received one bid for \$38,400,000 from Hensel Phelps Construction. The Budget for construction is \$31,000,000. On September 26, 2005, METRO rejected the bid from Hensel Phelps Construction. On October 6, 2005, METRO instructed RNL Design, Inc. to submit a proposal repackaging the MetroBase Phase I Construction to develop a bid specification and solicitation for the construction of the Fuel/Service Building. In order to repackage the Fuel/Service Facility of the MetroBase Project, the cost will be an additional \$220,591 in design fees with a four week timeline to prepare the bid, four weeks for bidding, and twelve months to construct the facility.

Staff has analyzed the RNL Design, Inc. contract and recommends that the Board of Directors approve the \$66,445 in costs associated with One Bid/Two Bid Analysis, and the \$220,591 in costs associated with the repackaging of the MetroBase Phase I Construction for the construction of the Fuel/Service Building. The total increase in fees for this component of the MetroBase Facility will be \$287,036. Staff also recommends that the General Manager be authorized to solicit formal bids for the construction of the Fuel/Service Building.

IV. FINANCIAL CONSIDERATIONS

Approval of the staff recommendation would increase the contract with RNL Design Inc. by two hundred eighty two thousand thirty-six dollars (\$282,036).

V. ATTACHMENTS

None

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

DATE: October 14, 2005
TO: Board of Directors
FROM: Margaret Gallagher, District Counsel
SUBJECT: CONSIDER REQUEST OF ABDO AZZUBAIDI TO CANCEL LEASE AGREEMENT FOR THE KIOSK SPACE AT PACIFIC STATION

ACTION REQUESTED

I. RECOMMENDED ACTION

Consider the request of tenants at Pacific Station to cancel the Lease Agreement for the kiosk space formerly occupied by Storti's Pizzeria.

II. SUMMARY OF ISSUES

- The new tenant of the Pacific Station Suite C, Abdo Azzubaidi, has requested permission to cancel his Lease Agreement that was signed and effective September 1, 2005.

III. DISCUSSION

On September 1, 2005, a Lease Agreement was signed by Abdo Azzubaidi, the new tenant of Pacific Station, and Santa Cruz METRO for a five-year term. The Agreement allowed the new tenant two months to prepare the property for business, rent-free.

On September 20, 2005 METRO received a letter from Mr. Azzubaidi regarding the need to comply with city codes in installing an oven hood, and the requirement to construct ventilation to the restaurant site as well as to Pacific Station. Attached is the letter from the new tenant.

Mr. Azzubaidi telephoned me to let me know that he believes it will be too costly, if even possible, to install the necessary requirements to make the site compliant with the city codes. He is requesting permission to cancel the Lease Agreement effective as soon as possible.

IV. FINANCIAL CONSIDERATIONS

The current rent for the site is \$1,500.00, however the new tenant is not scheduled to start paying the rent until November 1, 2005. September and October were defined as free months during the remodeling period in the Lease Agreement.

V. ATTACHMENTS

Attachment A: Letter dated September 20, 2005 from Abdo Azzubaidi

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September 20, 2005

Santa Cruz Metropolitan Transit District
Margaret Gallagher, District Counsel
370 Encinal Street, Suite 100
Santa Cruz, CA 95060

Dear Margaret:

I have spent time with several contractors regarding the installation of an oven hood for the old pizza place at Metropolitan Transit Bus station on Pacific. The site is not up to code with current city codes for installing an oven hood to current structure. The upgrade as well as a new hood does require construction to the site that would involve constructing a ventilation install to the pizza site as well as to the Metro Station facility. Contractor used is Brent Gallick at Bogner Sheet Metal (831) 423-4322 License #264075.

If you need other contractors information please request, furthermore I can be helpful to any questions you may have. Please contact me at (831) 262-1148

Sincerely,

~~ABD~~ AZZUBAIDI

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