

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**Minutes- Board of Directors**

**September 13, 2002**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 13, 2002 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice-Chairperson Reilly called the meeting to order at 9:04 a.m.

**SECTION 1: OPEN SESSION**

**1. ROLL CALL:**

**DIRECTORS PRESENT**

Tim Fitzmaurice  
Michelle Hinkle  
Mike Keogh  
Emily Reilly  
Pat Spence  
Marcela Tavantzis

**DIRECTORS ABSENT**

Sheryl Ainsworth (arrived after roll call)  
Jeff Almquist (arrived after roll call)  
Jan Beautz  
Dennis Norton  
Ana Ventura Phares  
Ex-Officio Mike Rotkin

**STAFF PRESENT**

Bryant Baehr, Operations Manager  
Mark Dorfman, Asst. General Manager  
Margaret Gallagher, District Counsel

Elisabeth Ross, Finance Manager  
Tom Stickel, Fleet Maint. Manager  
Les White, General Manager

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

April Axton, Lift Line  
Linda Clayton, SEA  
Joe Hall, City Redevelopment Agency  
Ed Kramer, Bus Rider  
Jeff LeBlanc, Bus Rider

Fahmey Ma'Awad, Bus Rider  
Bonnie Morr, UTU  
Will Regan, VMU  
Marian Taylor, League of Women Voters  
Candace Ward, UCSC  
Linda Wilshusen, SCCRTC

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

- a. Linda Wilshusen, SCCRTC RE: Employee Bus Passes  
b. Kate K. Stafford RE: Bus Shelter

Oral:

Ed Kramer offered his services as a visually impaired individual in the programming aspects of the "talking bus" technology.

**DIRECTOR AINSWORTH ARRIVED.**

Mr. Kramer met with Bryant Baehr and thinks that some of the announcements could be eliminated while others are added, although he doesn't believe that Mr. Baehr has the authority to add announcements to the "Board authorized" list.

**DIRECTOR ALMQUIST ARRIVED.**

Mr. Kramer added that the calling of landmarks is not addressed and extraneous talking should be "weeded out", such as Spanish wording that is easily understandable in English. Mr. Baehr confirmed that he met with both Mr. Kramer and Mr. Ma'Awad and that the "Board authorized" call list is what is currently being programmed. Mr. White added that it would be the fall of 2003 when all stops are electronically called and that to have a different set of call stops for manually called vs. electronically called would be problematic. Secondly, since the "Board authorized" list has been challenged in Federal Court, modifying it would change METRO's status regarding the current litigation.

Mr. Fahmey Ma'Awad thanked the Board for responding to his request for the automated technology and asked that the person designing the system be given a free hand to do what needs to be done.

Director Fitzmaurice discussed the High Street bus and that the "stop request sign" is not operating. He was informed that this feature is not yet working.

**3. LABOR ORGANIZATION COMMUNICATIONS**

Will Regan, VMU, thanked the Board for moving forward with the CNG fueling station and retrofit to the Golf Club facility.

Bonnie Morr stated that there would be an event at the Ideal Fish Co. on October 3<sup>rd</sup> between 6:30 – 7:00 p.m. to honor the recent retirees.

**4. METRO USERS GROUP (MUG) COMMUNICATIONS**

Nothing to report at this time.

**5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS**

Nothing to report at this time.

**6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

An amended agenda was placed at the Director's seats changing Item #7-14 from "Accept and File" to "Consideration of".

**CONSENT AGENDA**

**7-1. APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 9 AND SPECIAL BOARD MEETING OF AUGUST 30, 2002**

No questions or comments.

**7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**

No questions or comments.

**7-3. ACCEPT AND FILE AUGUST 2002 RIDERSHIP REPORT & JULY/AUGUST RIDERSHIP FIGURES**

Director Tavantzis inquired as to why bus #8090 fails so often. Tom Stickel will look into this.

**7-4. CONSIDERATION OF TORT CLAIMS: Deny the Claims of: Michelle Conway, Claim #02-0028; Mary Kourie, Claim #02-0027  
ACTION REQUIRED AT THE SEPTEMBER 13, 2002 BOARD MEETING**

**ACTION: MOTION: DIRECTOR FITZMAURICE SECOND: DIRECTOR AINSWORTH**

**Deny the claims of Michelle Conway and Mary Kourie.**

**Motion passed with Directors Beautz, Norton and Phares being absent.**

**Deny the Claim of: Beverly Beams, Claim #02-0029**

No questions or comments.

**7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF AUGUST 15, 2002**

No questions or comments.

**7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF AUGUST 14, 2002**

No questions or comments.

**7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JULY 2002; APPROVAL OF BUDGET TRANSFERS**

No questions or comments.

**7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR JUNE 2002**

No questions or comments.

**7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2002  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2000  
BOARD MEETING**

No questions or comments.

**7-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE**

No questions or comments.

**7-11. ACCEPT AND FILE METROBASE STATUS REPORT**

Les White reported that the submission date of August 5<sup>th</sup> for the Draft EIR/EIS was met by Denise Duffy & Associates. The 45-day review period begins on October 7 and will end on November 20, 2002. He added that if there are clean construction specs and clean EIR certification, METRO would not have to wait until June 20<sup>th</sup> to issue requests for construction bids. Any slippage in the timetable would be in the EIR process.

**7-12. ACCEPT AND FILE CALL STOP AUDIT REPORT**

It was noted that 23 of the 28 missed call stops were on two routes. Mr. Baehr confirmed that he is following the Board-adopted disciplinary process regarding the drivers of these two routes. These audits will continue through August 2003 when the fleet is 100% electronically outfitted with the call stop technology, with the exception of 8 Highway 17 buses. In the event of a malfunction of the electronic system, the drivers would call out the stops manually, and Fleet would send out a replacement bus. Mr. Baehr reiterated that if a customer requests a specific stop, the bus operators need to call these out as well. He also confirmed that the head sign is integrated with the electronic call stops and therefore cannot be turned off unless the head sign is turned off as well; the high floor fliers are the only concern since the head sign and call stop technology are not yet integrated. If a bus operator is doing something unsafe, someone other than the auditor would need to witness this in order for any action to be taken.

**7-13. CONSIDERATION OF AUTHORIZATION FOR DISPOSAL OF ASSETS: SEVEN  
GILLIG BUSES; ONE NEW FLYER BUS; AND ASSOCIATED PARTS INVENTORY;  
AND DISPOSAL OF FOREIGN AND MUTILATED COIN COLLECTED IN FAREBOXES**

Elisabeth Ross stated that approximately 4 bags of coins have been collected since 1995 and a coin collector would buy the foreign and mutilated coins to sort through.

**7-14. CONSIDERATION OF ADOPTION OF REVISED FINAL RESOLUTION TO APPROVE  
AN AMENDMENT TO THE CALPERS CONTRACT TO PROVIDE SECTION 21354.4  
(2.5% @ 55 FULL FORMULA) AND SECTION 21022 (PUBLIC SERVICE CREDIT FOR  
PERIODS OF LAYOFF)**

Elisabeth Ross reported that this entails a decision by the legislature regarding employees who left the District prior to this year and who left their contributions in PERS. The previously approved resolution must be revised to reflect only the group of employees who were actively employed and to whom this amendment applies.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR AINSWORTH**

**Adopt a revised final resolution to approve an amendment to the CalPERS contract to provide Section 21354.4 (2.5% @ 55 Full Formula) and Section 21022 (Public Service Credit for periods of layoff)**

**Motion passed with Directors Beautz, Norton and Phares being absent.**

**7-15. CONSIDERATION OF MINOR SERVICE ADJUSTMENTS EFFECTIVE SEPTEMBER 5, 2002  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002  
BOARD MEETING**

#### **REGULAR AGENDA**

**8. CONSIDERATION OF PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

No questions or comments at this time.

**ITEMS 13, 16 AND 18 WERE TAKEN OUT OF ORDER.**

**13. CONSIDERATION OF AWARD OF CONTRACT FOR RELIABUILT CERTIFIED  
FACTORY REMANUFACTURED DETROIT DIESEL ENGINES  
ACTION REQUIRED AT THE SEPTEMBER 13, 2002 BOARD MEETING**

#### **Summary:**

Tom Stickel reported that staff needs to purchase five engines in the RTS Highway 17 fleet. These need to be purchased prior to October.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR FITZMAURICE**

**Authorize the General Manager to execute a contract with Complete Coach Works for five (5) each Reliabuilt certified factory remanufactured Detroit Diesel engines.**

Director Tavantzis asked about the price discrepancy between the contract and the staff report and was informed that the contract does not reflect the cost of the fifth engine. Director Tavantzis asked that the motion be amended to amend the contract to include the fifth bus engine. Les White added that the actual cost vs. the budgeted cost should be reflected.

**ACTION: AMENDED MOTION:  
DIRECTOR ALMQUIST SECOND: DIRECTOR FITZMAURICE**

**Amend the contract to include the fifth bus engine.**

**Motion passed with Directors Beautz, Norton and Phares being absent.**

**16. CONSIDERATION OF AMENDING PURCHASE ORDER/AGREEMENT WITH WEBER HAYES & ASSOCIATES FOR THE RENOVATION PROJECT AT SANTA CRUZ METRO CENTER  
ACTION REQUIRED AT THE SEPTEMBER 13, 2002 BOARD MEETING**

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR KEOGH**

**Authorize the General Manager to execute a revision to the purchase order with Weber, Hayes and Associates to add an additional \$10,120 to the purchase order for additional field testing and laboratory analysis of lead and solvents detected at the Greyhound Bus Depot.**

**Motion passed with Directors Beautz, Norton and Phares being absent.**

**13. CONSIDERATION OF APPROVAL OF SANTA CRUZ METRO ADVERTISING POLICY AND REGULATIONS  
ACTION REQUIRED AT THE SEPTEMBER 13, 2002 BOARD MEETING**

**Summary:**

Margaret Gallagher reported that METRO has a contract with Obie Media for advertising. In that contract certain items were banned, however, an advertising standard had never been set by the Board. For this purpose, there is protected and unprotected speech. In its capacity as "property owner" and "business owner", METRO can make reasonable restrictions to promote the purpose of its forum if the forum has not been opened to all type of speech. Ms. Gallagher explained the categories of 1) traditional public forum, 2) designated public forum, and 3) non-public forum.

**DIRECTOR ALMQUIST LEFT THE MEETING.**

**Discussion:**

There was discussion regarding commercial ads vs. public service notices. Ms. Gallagher added that promotion of METRO's own service is acceptable in a "commercial" advertising forum. It is critical at this time to determine the course of METRO advertising since the contract with Obie Media is expiring and this information is needed for the new bidders. The respondents to the Request for Proposals being sent out have been told to bid on frames and/or stick-on ads. The bids will be brought to the Board for a final decision.

Ms. Gallagher stated that METRO currently adheres to the designated public forum category, which includes political ads. Will Regan asked if there would be a problem with any damaged buses (due to removal of ads) being repainted prior to a new contract being awarded and was informed that Obie is contractually obligated to return the bus paint to pre-advertising condition.

**ACTION: MOTION: DIRECTOR AINSWORTH SECOND: DIRECTOR FITZMAURICE**

**Continue this item to the Board Meeting of September 27, 2002.**

**Motion passed with Directors Almquist, Beautz, Norton and Phares being absent.**

Les White asked the Board to think about what the monetary level would be at which METRO would simply not do any advertising? If METRO changes to framed advertising, at what level would it not be worthwhile to advertise? Mr. Dorfman added that Obie is required to maintain a current bond in the amount of \$50,000 to be used for damages and that contractually all existing ads have to be “assignable” at the conclusion of the contract.

9. **CONSIDERATION OF ADOPTION OF RESOLUTIONS OF APPRECIATION FOR DISTRICT RETIREES**  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002  
BOARD MEETING

No questions or comments.

10. **CONSIDERATION OF APPOINTMENT OF DIRECTORS TO THE SANTA CRUZ CIVIC IMPROVEMENT CORPORATION**

No questions or comments.

11. **CONSIDERATION OF OFFERING CALPERS OPTION FOR PUBLIC SERVICE CREDIT FOR PEACE CORPS OR AMERICORPS: VISTA SERVICE, FOR DISTRICT EMPLOYEES ENROLLED IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Moved to Consent Agenda for the September 27, 2002 Board Meeting.

12. **CONSIDERATION OF RESOLUTION AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE TO SUBMIT APPLICATIONS AND EXECUTE GRANTS WITH THE U.S. DEPT. OF TRANSPORTATION FOR FEDERAL FUNDING ASSISTANCE**

Moved to Consent Agenda for the September 27, 2002 Board Meeting.

14. **CONSIDERATION OF AWARD OF CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM**  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002  
BOARD MEETING

15. **CONSIDERATION OF EXTENDING CONTRACTS WITH BLYMYER ENGINEERS, INC.**

Moved to Consent Agenda for the September 27, 2002 Board Meeting.

19. **CONSIDERATION OF LETTER OF CORRECTION TO COMMUNITY BRIDGES TO ACHIEVE COMPLIANCE WITH CURRENT PARACRUZ CONTRACT**  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002  
BOARD MEETING

20. **CONSIDERATION OF THE ROLE OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT IN THE DEVELOPMENT AND CONSTRUCTION OF THE HIGHWAY 1 WIDENING PROJECT**  
WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002 BOARD MEETING

**Discussion:**

Director Keogh wanted to make it clear that Les White's recommendation for additional staff to manage this project would yield the possibility of him spending about two hours a month of his personal time to take care of this issue. All costs of this should be borne by the Regional Transportation Commission.

21. **CONSIDERATION OF RESOLUTION TO APPROVE A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN FOR ACQUISITION OF 425 FRONT STREET, SANTA CRUZ (APN #005-152-30) FOR METRO CENTER RENOVATION**  
PUBLIC HEARING WILL BE HELD AT THE SEPTEMBER 27, 2002 BOARD MEETING

**Summary:**

Joe Hall of the City of Santa Cruz Redevelopment Agency was on hand to answer questions.

**Discussion:**

Ed Kramer asked if METRO's offices could be housed over the renovated Metro Center to cut down on District overhead expenses. Mr. Hall explained that this is one of the uses that are being looked into.

**ACTION: MOTION: DIRECTOR FITZMAURICE SECOND: DIRECTOR REILLY**

**Move Items #11, 12 and 15 to the Consent Agenda.**

17. **CONSIDERATION OF AMENDING BYLAWS TO ENSURE REGULAR BOARD MEETINGS ARE NOT SCHEDULED WITHIN 5 DAYS OF A RECOGNIZED DISTRICT HOLIDAY (THANKSGIVING, CHRISTMAS, NEW YEAR'S DAY)**

**Summary:**

Margaret Gallagher reported that there are two options for the Board to consider: 1) the Board would look at the meeting calendar each January to determine if meetings fall within five (5) days of the Thanksgiving, Christmas or New Year's Day holidays; 2) the Board would, at a regular meeting held during the month preceding, determine when and if the affected meeting should be held.

**ACTION: AMENDED MOTION: DIRECTOR FITZMAURICE SECOND: DIRECTOR REILLY**

**Move Item #17 designating Option 1 for approval to the Consent Agenda also.**

**Motion passed with Directors Almquist, Beautz, Norton and Phares being absent.**

**22. CONSIDERATION OF STAFF AND FEDERAL TRANSIT ADMINISTRATION (FTA) ACTIONS TO PRESERVE FEDERAL CAPITAL DISCRETIONARY EARMARKED FUNDS**

WILL BE PRESENTED FOR CONSIDERATION AT THE SEPTEMBER 27, 2002 BOARD MEETING

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

**24. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None

**SECTION II: CLOSED SESSION**

Vice-Chairperson Reilly adjourned to Closed Session at 10:35 a.m. and reconvened to Open Session at 12:05 p.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**25. REPORT OF CLOSED SESSION**

There was nothing to report at this time.

**ADJOURN**

There being no further business, Vice-Chairperson Reilly adjourned the meeting at 12:05 p.m.

Respectfully submitted.

DALE CARR  
Administrative Services Coordinator