

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

August 8, 2003

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, August 8, 2003 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice Chairperson Keogh called the meeting to order at 9:00 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth (arrived after roll call)
Jeff Almquist (arrived after roll call)
Michelle Hinkle
Mike Keogh
Ana Ventura Phares
Emily Reilly
Mike Rotkin
Pat Spence
Marcela Tavantzis

DIRECTORS ABSENT

Jan Beautz
Dennis Norton
Ex-Officio Wes Scott

STAFF PRESENT

Mark Dorfman, Asst. General Manager	Elisabeth Ross, Finance Manager
Margaret Gallagher, District Counsel	Judy Souza, Base Superintendent
Steve Paulson, Paratransit Administrator	Tom Stickel, Fleet Maint. Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT

Heather Boerner, *Sentinel*
Jake Hurley, SEIU
Manny Martinez, PSA
Eileen Pavlik, SEA

Karena Pushnik, SCCRTC
Will Regan, VMU
Jim Taylor, UTU

2. ORAL AND WRITTEN COMMUNICATION

Written:

a. R. Paul Marcelin-Sampson

RE: Paratransit

Oral:

Jan Van Boeschoten resides in the area proposed for the second phase of the MetroBase project. He wants to have input into mitigating what will be happening around his residence if the second phase of the MetroBase project is approved. He wants to be involved in the early

stages of the process. He is considering selling his property and would be interested in METRO purchasing it. Director Rotkin informed Mr. Van Boeschoten that there is no timeline for building Phase II of MetroBase at this time.

DIRECTOR AINSWORTH ARRIVED.

3. LABOR ORGANIZATION COMMUNICATIONS

Nothing to report.

4. METRO USERS GROUP (MUG) COMMUNICATIONS

Nothing to report.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

Nothing to report.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None

CONSENT AGENDA

7-1. APPROVE REGULAR BOARD MEETING MINUTES OF JULY 11 AND JULY 25, 2003

No questions or comments.

7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS

No questions or comments.

**7-3. ACCEPT AND FILE JULY RIDERSHIP REPORT
PAGE 1 WILL BE PRESENTED FOR CONSIDERATION AT THE AUGUST 22, 2003
BOARD MEETING**

No questions or comments.

7-4. CONSIDERATION OF TORT CLAIMS: Deny the claim of: April Short, Claim #03-0023

No questions or comments.

7-5. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF AUGUST 14, 2003 AND THE MINUTES OF THE JULY 17, 2003 MEETING

No questions or comments.

7-6. ACCEPT AND FILE AGENDA FOR THE MUG COMMITTEE MEETING OF AUGUST 20, 2003; There was no MUG meeting held in July

No questions or comments.

7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JUNE 2003; APPROVAL OF BUDGET TRANSFERS; DESIGNATION OF EXCESS SALES TAX FUNDS IN THE AMOUNT OF \$950,000 FOR CARRYOVER IN THE FY 03-04 BUDGET, AND THE REMAINDER, IF ANY, FOR CAPITAL RESERVES; AND ADOPTION OF SCHEDULE OF RESERVE ACCOUNTS

Director Rotkin commented that it would be helpful to know how many legal claims are pending. Margaret Gallagher stated that there are no major litigation cases at this time. There are three or four civil litigation cases, however.

There was discussion of the FTA Formula Operating Assistance funds. The budgeted allocation should have been from FY 01-02 instead of FY 02-03. The \$2.8 million figure will be used in the FY 03-04 budget. Also discussed were the Intensive Transit Formula and the new Reauthorization numbers.

DIRECTOR ALMQUIST ARRIVES.

7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR MAY 2003

Director Reilly asked if there were fewer rides in May because of the recertification and was told that the recertification is proceeding and may be affecting ridership.

7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JUNE 2003 WILL BE PRESENTED TO CONSIDERATION AT THE AUGUST 22, 2003 BOARD MEETING

No questions or comments.

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

Mark Dorfman pointed out that ridership has definitely increased this summer vs. last.

7-11. ACCEPT AND FILE METROBASE STATUS REPORT

Mr. Dorfman stated that two weeks have been lost due to delays, however, if the Board approves the award of contract today, a Notice to Proceed would be issued this afternoon.

7-12. CONSIDERATION OF REVISION TO POLICY ON ISSUANCE OF FREE PASSES

No questions or comments.

**7-13. ACCEPT AND FILE REPORT ON GENERAL MANAGER LES WHITE'S RECENT TRIP TO WASHINGTON, DC FOR THE APTA LEGISLATIVE CONFERENCE AND LOBBY DAY
ORAL PRESENTATION WILL TAKE PLACE AT THE AUGUST 22, 2003 BOARD MEETING**

No questions or comments.

REGULAR AGENDA

ITEM #14 WAS TAKEN OUT OF ORDER.

14. CONSIDERATION AND APPROVAL OF CONTRACT WITH RNL INTERPLAN, INC., D.B.A. RNL DESIGN FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE METROBASE PROJECT

Summary:

Mark Dorfman cited the changes made to this staff report: The actual contract is included in the August packet, along with Exhibit C which outlines 5 stipulations pertaining to the contractor's scope of work, billing rates, key personnel, and fees and costs. A modified project schedule is also included. Mr. Dorfman added that the fees and costs are fixed and cannot be modified without written approval from METRO.

Discussion:

Mr. Dorfman stated that the individual proposals from subcontractors were bid to RNL Design, not METRO. Director Tavantzis expressed concern that there are no penalties to RNL Design for not meeting the schedule and asked the Board to direct staff to inform RNL of the seriousness of adhering to the schedule. Director Tavantzis will see if she has language in this regard for future boilerplate RFPs. It was determined that RNL will submit a mini-proposal for change orders utilizing the same rates. Staff will return to the Board if they feel a project insurance policy is necessary.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ALMQUIST

Approve the contract with RNL Interplan, Inc. dba RNL Design in the amount of \$2,530,761 to design and engineer the MetroBase project.

Motion passed unanimously with Directors Beautz and Norton being absent.

8. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

This presentation will take place at the August 22, 2003 Board Meeting.

Discussion:

There was a brief discussion regarding moving employees to the next month to accept their longevity awards when they do not attend the Board Meeting at which they were originally scheduled. It was determined that it would be left up to the employee's manager as to whether the anniversary employees are carried over to the next month's Board meeting or not.

9. **CONSIDERATION OF REQUEST FOR SHUTTLE SERVICES TO THE CAPITOLA ART & WINE FESTIVAL**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Move to Consent Agenda.

Motion passed unanimously with Directors Beautz and Norton being absent.

10. **CONSIDERATION OF CONTRACT RENEWAL WITH SHAW YODER FOR STATE LEGISLATIVE SERVICES**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Move to Consent Agenda.

Motion passed unanimously with Directors Beautz and Norton being absent.

11. **CONSIDERATION OF CONTRACT RENEWAL WITH CAROLYN CHANEY & ASSOCIATES FOR FEDERAL LEGISLATIVE SERVICES**

ACTION: MOTION: DIRECTOR HINKLE SECOND: DIRECTOR PHARES

Move to Consent Agenda.

Motion passed unanimously with Directors Beautz and Norton being absent.

12. **DELETED**

13. **CONSIDERATION OF REQUEST TO DESIGNATE AREAS FOR PUBLIC DISTRIBUTION OF LEAFLETS AT METRO-OWNED TRANSIT CENTERS WILL BE PRESENTED FOR CONSIDERATION AT THE AUGUST 22, 2003 BOARD MEETING**

No questions or comments.

15. **CONSIDERATION OF ENDORSING A RESOLUTION SUBMITTING THE BUDGET ACCOUNTABILITY ACT TO THE VOTERS OF THE STATE OF CALIFORNIA**

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Move to Consent Agenda.

Motion passed unanimously with Directors Beautz and Norton being absent.

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

17. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

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

Margaret Gallagher reported that there would be a conference with Legal Counsel regarding civil litigation in the Erdem Essengil case. Also being discussed are the cases of Gamble vs. METRO and Bailey vs. METRO. The case of Ellen Adams will not be discussed today. There is also one anticipated litigation case in which Robert Yount threatened a lawsuit during a MASTF meeting.

19. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Irving, who has been visiting Santa Cruz for 30 years, expressed his outrage that the Board is considering a threatened lawsuit. He asked why the Board is considering such a casual remark and added that it should be the responsibility of the complainant to give a bill of particulars when demanding \$1.5 billion. He asked the Board to: 1) ignore the threatened suit; 2) challenge the complainant to present a bill of particulars or to indicate where he came up with the figure of \$1.5 billion.

Director Almquist asked staff to agendize the status of the JPA agreement for Highway 1 on the 8/22/03 agenda. At the JPA committee level, there has been discussion regarding the design build and whether METRO should be a party to it. He also informed the Board of the Dutra bill which would be a design build model utilizing Caltrans engineers instead of private engineers.

SECTION II: CLOSED SESSION

Vice Chairperson Keogh adjourned to Closed Session at 9:40 a.m. and reconvened to Open Session at 10:12 a.m.

SECTION III: RECONVENE TO OPEN SESSION

20. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there is nothing to report at this time.

ADJOURN

There being no further business, Vice Chairperson Keogh adjourned the meeting at 10:12 a.m.

Respectfully submitted.

Dale Carr
Administrative Services Coordinator