

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

November 20, 2009

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, November 20, 2009 at the Watsonville City Council Chambers, 275 Main Street, Watsonville, CA.

Chair Bustichi called the meeting to order at 9:07 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle
Emilio Martinez
Lynn Robinson
Mike Rotkin
Pat Spence
Mark Stone (arrived after roll call)
Marcela Tavantzis
Ex-Officio Donna Blitzer (arrived after roll call)

DIRECTORS ABSENT

Ellen Pirie

STAFF PRESENT

Angela Aitken, Finance Manager / Acting AGM	Erich Friedrich, Transit Planner
Bob Cotter, Maintenance Manager	Debbie Kinslow, Asst Finance Manager
Mary Ferrick, Fixed Route Superintendent	Robyn Slater, Human Resources Manager
Terry Gale, IT Manager	April Warnock, Paratransit Superintendent
Margaret Gallagher, District Counsel	Les White, General Manager
Harlan Glatt, Sr. Database Administrator	

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

Dennis Baldwin, Bus Operator	Eduardo Montesino, UTU
Kelly Blanton	Bonnie Morr, UTU
John Daugherty, SEA	Will Regan, VMU
Miguel Escarcega, Vehicle Service Worker II	Amy Weiss, Spanish Interpreter

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

a. New China Express Re: Restaurant Lease

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

Will Regan introduced John Daugherty as the new SEA Chapter President. John Daugherty described his history with METRO, the E&DTAC, and with SEIU. Chair Bustichi welcomed John Daugherty.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

EX-OFFICIO DIRECTOR BLITZER ARRIVED

CONSENT AGENDA

- 5-1. **APPROVE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF SEPTEMBER 2009**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR SEPTEMBER 2009**
- 5-3. **CONSIDERATION OF TORT CLAIMS:**
 - DENY THE CLAIM OF ZONIA BEECHER WALDON, CLAIM #09-0016(B)**
 - DENY THE CLAIM OF KIM COLEMAN, CLAIM #09-0022**
 - DENY THE CLAIM OF MARIANNE CLEWORTH, CLAIM #09-0024**
- 5-4. **ACCEPT AND FILE MAC AGENDA FOR NOVEMBER 18, 2009 AND MINUTES OF SEPTEMBER 16, 2009**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF SEPTEMBER 2009**
- 5-6. **ACCEPT AND FILE PARACRUZ FUELING STATUS REPORT**
- 5-7. **ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR SEPTEMBER 2009**
- 5-8. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR SEPTEMBER 2009**
- 5-9. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ MONTHLY SERVICE REPORT FOR SEPTEMBER 2009**
- 5-10. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-11. **APPROVE REGULAR BOARD MEETING MINUTES OF OCTOBER 23, 2009**
- 5-12. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE OCTOBER 2009 MEETING(S)**

- 5-13. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FRICKE PARKS PRESS FOR PRINTING OF HEADWAYS
- 5-14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CLASSIC GRAPHICS FOR VEHICLE BODY REPAIR AND PAINT SERVICES
- 5-15. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH SHAW/YODER/ANTWIH, INC. FOR STATE LEGISLATIVE SERVICES
- 5-16. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CAPITALEDGE ADVOCACY, LLC (FORMERLY CAROLYN C. CHANEY & ASSOCIATES) FOR FEDERAL LEGISLATIVE SERVICES
- 5-17. ACCEPT AND FILE REPORT ON STATUS OF WEBSITE REDESIGN
- 5-18. ACCEPT AND FILE REPORT ON STATUS OF BUS STOP STICKER REDESIGN
- 5-19. CONSIDERATION OF APPROVING THE REVISED ADA COMPLAINT PROCEDURE REGULATION TO UPDATE NEW ADMINISTRATION OFFICE ADDRESS AND PERSONNEL CHANGES EFFECTIVE DECEMBER 4, 2009

Regarding Item #5-19, Director Spence commented that the Complaint Form should be posted on the website in a fillable format. Les White said that it would be on the new website.

DIRECTOR STONE ARRIVED

Director Hagen said he had concerns about the numbers used in the September Ridership Report (item #5-7). Les White explained how the data and terminology are used. Director Tavantzis complimented ParaCruz on their improved numbers, and asked if the report in item # 5.5 was gone for good, or if it would eventually return for Board review. April Warnock explained that due to technological difficulties, the report was not available, and that it would return at the next Board of Directors meeting. Les White commended the staffs of ParaCruz and the IT Department for implementing the ParaCruz phone system installation and setup.

ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR ROTKIN

Approve the Consent Agenda.

Motion passed unanimously with Director Pirie 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

Miguel A. Escarcega, Vehicle Service Worker II

TWENTY-FIVE YEARS

Ascencion G. Sanchez, Bus Operator
Dennis R. Baldwin, Bus Operator
Mario R. Espinoza, Bus Operator
Mary E. Miller, Bus Operator

7. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON METRO'S PROPOSED
TITLE VI PROGRAM REGULATION AND COMPLAINT PROCEDURE**

Summary:

Margaret Gallagher explained that as a recipient of Federal Transit Administration (FTA) Funds, METRO is required to comply with Title VI of the Civil Rights Act of 1964 and implement a Title VI Program to provide that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. Ms. Gallagher said that the Federal government encourages recipients to include within their Title VI Programs, age, sex and disability protected classifications, and because METRO has a separate ADA/504 Regulation, METRO staff has only included the “age” and “sex” classifications into its Title VI Program. Ms. Gallagher said that METRO also included “sexual orientation” as a specific classification, as suggested at the October 23, 2009 Board meeting, and that on November 18, 2009, the METRO Advisory Committee (MAC) suggested that the Board consider adding “Gender Identity” to the list of protected classifications. Ms. Gallagher said that she supported the MAC recommendation.

CHAIR BUSTICHI OPENED THE PUBLIC HEARING AT 9:25 A.M.

Director Spence asked if language was a protected classification. Margaret Gallagher said that Limited English Proficient Individuals are covered in section 6. There was a discussion about the verbiage used in the policy. Director Spence asked about the reference to complainant representatives in section 7. Director Spence asked that the complaint form be changed to bear the mailing address for METRO. There was a discussion about the timelines in the METRO procedure for Investigating Complaints, and Director Spence asked that the timelines be made more linear, and that section 7.11.a1-3 be re-arranged in reverse order.

Director Spence asked how complainants could be encouraged to use the METRO Procedures first. Margaret Gallagher said that there was no way to dissuade people from filing Federal complaints, and the current order encourages complainants to use the METRO procedure first. Director Martinez asked if the timelines followed standard procedure. Director Martinez said he was concerned that that the investigative process might be too slow and thought that it might be looked into.

Director Hagen made reference to the Outreach/Public Comment Period on page 7.3. Director Hagen said that *Headways* should have a larger-font Spanish-language notice on the cover, with the starting page number included, and he suggested that a Spanish-language presentation be made at the Watsonville Senior Center. Director Rotkin said that although Director Martinez'

comments are helpful, the timelines in the complaint procedures should remain the same, and he pointed out that there is no dedicated staff to meet such accelerated timelines.

CHAIR BUSTICHI CLOSED THE PUBLIC HEARING AT 9:40 A.M.

8. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON METRO'S PROPOSED DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 1.73% FOR FISCAL YEAR 2010 (FY10) AND THE METHODOLOGY USED TO SET THE GOAL AND EXTEND PUBLIC COMMENT PERIOD**

Summary:

Margaret Gallagher reported that as a recipient of Federal Transit Administration (FTA) Funds, METRO is required to comply with Title 49 of the Code of Federal Regulations, Part 26 (49 CFR Part 26), which states that grantees must establish and implement a Disadvantaged Business Enterprise (DBE) program and annually set DBE participation targets. Ms. Gallagher said that Caltrans created methodology for calculating the Annual Anticipated DBE Percentage Level (AADPL), which includes Underutilized DBEs, and that METRO has received permission to use the aforementioned methodology, resulting in a DBE Goal of 1.73%. Ms. Gallagher asked that the Board extend the comment period on the proposed DBE Goal for FY10 through January 7, 2010.

CHAIR BUSTICHI OPENED THE PUBLIC HEARING AT 9:41 A.M.

Director Rotkin stated that at one time the DBE goal was 30%, and then it gradually began decreasing. Director Rotkin said that the goal is embarrassingly low, but that there would be consequences for not meeting a goal that is set too high. Chair Bustichi asked if METRO must adhere to the Disadvantaged Veteran Business Enterprise program. Margaret Gallagher said that it was not covered under the DBE program. Chair Bustichi explained that many times contractors don't receive any bids from DBE subcontractors, and how subcontractors often use a DBE supplier to meet the DBE requirement. Les White said that the Federal and State governments used to be more aggressive, but court decisions have resulted in the Federal Government moving away from preferential selection. Director Rotkin said that Proposition 209 has hurt minority businesses.

CHAIR BUSTICHI CLOSED THE PUBLIC HEARING AT 9:51 A.M.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Extend the Public Comment period on the proposed DBE Goal for FY10 through January 7, 2010.

Motion passed unanimously with Director Pirie being absent.

9. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH iXP CORPORATION FOR CONSULTANT SERVICES FOR UPGRADE OF METRO'S CLOSED CIRCUIT TELEVISION SURVEILLANCE SYSTEM**

Summary:

Angela Aitken reported that proposals were sought from qualified CCTV surveillance consultant firms to conduct an analytical review of METRO's CCTV surveillance system for METRO facilities, and 12 proposals were received. Ms. Aitken said that the evaluation committee is recommending that a contract be established with iXP Corporation for consulting services for upgrade of METRO's CCTV Surveillance System for an amount not to exceed \$47,677.50. Les White explained that the funds come from State Proposition 1B bond program where the State authorized \$1 billion in bonds to improve security systems, primarily in response to post-9/11 concerns, and in recognition that the Department of Homeland Security has not stepped up to provide the funding necessary for the types of security systems and monitoring that they were proposing the transit systems implement. Mr. White explained the reasons for choosing iXP Corporation. Staff recommends that the Board authorize the General Manager to execute a contract with iXP Corporation for consultant services for upgrade of METRO's Closed Circuit Television Surveillance System.

Discussion:

Director Rotkin said that METRO needs this improvement, and that the money is well-spent. Director Martinez asked if any notification was posted about the use of video cameras. Les White said that notifications are posted at all METRO facilities that currently have cameras. John Daugherty said that employees need to be safe and suggested that before the cameras are bought, it was important to confer with Union representatives and affected employees to explain what the cameras will and will not do. Mr. Daugherty stated that there is no notification at the METRO Center employee lounge.

Director Martinez said that he was concerned that employees were going to be surveilled on their personal time. Les White said that there should be a notification about the use of cameras, and he shared the history of maintenance problems due to vandalism at the restrooms in question. Mr. White emphasized that the camera is focused on the door and asserted that he believed it was not METRO employees, but rather the vendors and the people whom they allow to use the restrooms. Mr. White said that the camera is not intended to intrude on employees' privacy, but is a short-term installation to determine where the vandalism is coming from so it can be stopped. Director Robinson suggested adding language to consult Unions and affected employees. Les White said that iXP was merely designing a plan, and that the Unions and affected employees would be consulted in preparation. John Daugherty stated that meet and confer opportunities are not necessarily meet and "all agree" opportunities, and that the employees are looking for an opportunity to be consulted early on in the process.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a contract with iXP Corporation for consultant services for upgrade of METRO's Closed Circuit Television Surveillance System.

Motion passed unanimously with Director Pirie being absent.

10. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH SOUTHERN COMPUTER WAREHOUSE FOR PURCHASE OF MICROSOFT OFFICE 2007 PRO LICENSES PLUS SOFTWARE ASSURANCE**

Summary:

Terry Gale said that METRO is currently using Microsoft Office 2000 in its daily operations, which is no longer supported, and recommends that the Board of Directors authorize the General Manager to sign a purchase order with Southern Computer Warehouse for purchase of 130 each Microsoft Office 2007 Pro Licenses Plus Software Assurance for an amount not to exceed \$55,000.

Discussion:

Director Tavantzis asked if training expenses have been accounted for. Terry Gale said ½ day trainings are planned. Director Spence asked if the upgrades would include all applications. Terry Gale said that they would, and come with a software assurance for the upcoming 2009 update. Angela Aitken said that all costs for training are already incorporated in the budget. Director Tavantzis offered to share a guide to the new operating system. There was a discussion about alternatives to Windows.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a purchase order/contract with Southern Computer Warehouse for the purchase of 130 each Microsoft Office 2007 Pro Licenses Plus Software Assurance for an amount not to exceed \$55,000.

Motion passed unanimously with Director Pirie being absent.

DIRECTOR TAVANTZIS LEFT THE MEETING

11. **CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SUBMIT A GRANT APPLICATION AND SIGN NECESSARY AGREEMENTS FOR STATE FUNDING IN THE AMERICAN RECOVERY AND REINVESTMENT ACT'S CALIFORNIA ENERGY COMMISSION'S STATE ENERGY PLAN'S MUNICIPAL AND COMMERCIAL BUILDING TARGETED MEASURE RETROFIT GRANTS PROGRAM**

Summary:

Angela Aitken said that she wished to address both Agenda item #11 and Agenda item #12, which are both grants. Ms. Aitken reminded the Board about the loss of STA funds, the poor state of sales tax revenue, and said that METRO's interim Grants Analyst had found two grants. Ms. Aitken described the nature of the two grant applications. Staff recommends that the Board adopt a resolution authorizing the General Manager to submit an application to the American Recovery and Reinvestment Act's California Energy Commission's State Energy Plan's Municipal and Commercial Building Targeted Measure Retrofit Grants Program.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Authorize the General Manager to submit an application to the American Recovery and Reinvestment Act's California Energy Commission's State Energy Plan's Municipal and Commercial Building Targeted Measure Retrofit Grants Program.

Motion passed unanimously with Directors Pirie and Tavantzis being absent.

12. **CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SUBMIT A GRANT APPLICATION AND SIGN NECESSARY AGREEMENTS FOR FEDERAL FUNDING IN THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S COMMERCIAL MOTOR VEHICLE OPERATOR SAFETY TRAINING GRANT PROGRAM**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Authorize the General Manager to submit applications to Federal Motor Carrier Safety Administration and to execute necessary agreements for grant funds from the Commercial Motor Vehicle Operator Safety Training grant program.

Motion passed unanimously with Directors Pirie and Tavantzis being absent.

13. **CONSIDERATION OF TERM EXPIRATIONS AND VACANCIES ON THE METRO ADVISORY COMMITTEE**

DIRECTOR TAVANTZIS RETURNED TO THE MEETING

Summary:

Les White reported that there are three MAC appointments that expire at the end of December, 2009, and detailed the efforts made to advertise the vacancies. Mr. White recommended that Board Members contact their appointments regarding re-appointment, and that the Board revisit the issue on December 18, 2009. There was a discussion of recruitment methods.

14. **CONSIDERATION OF HOW TO DESIGN AN ADOPT-A-STOP BUS STOP BENCH/SHELTER DONATION PROGRAM THAT WORKS FOR SANTA CRUZ METRO IN ACCORDANCE WITH ITS NEEDS AND POLICIES**

Summary:

Chair Bustichi announced that item #14 would be continued. Margaret Gallagher said that a subcommittee should be established to study and evaluate the program. Bonnie Morr said it would be appreciated if the Bus Stop Advisory Committee could be included. Director Spence asked if advertising was going to be allowed on the bus shelters. Margaret Gallagher said that the policies needed to be established first.

15. **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 case of Joe Blair and that the Board of Directors will conduct a Public Employee evaluation of the General Manager.

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

SECTION II: CLOSED SESSION

Chair Bustichi adjourned to Closed Session at 10:34 a.m. and reconvened to Open Session at 11:25 a.m.

SECTION III: RECONVENE TO OPEN SESSION

17. **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 11:25 a.m.

Respectfully submitted,

ANTHONY TAPIZ
Administrative Assistant