

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

December 18, 2009

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, December 18, 2009 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

Chair Bustichi called the meeting to order at 9:03 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle
Lynn Robinson
Mike Rotkin (arrived after roll call)
Pat Spence
Mark Stone (arrived after roll call)
Marcela Tavantzis

DIRECTORS ABSENT

Emilio Martinez
Ellen Pirie
Ex-Officio Donna Blitzer

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angela Aitken, Finance Manager / Acting AGM
Frank Cheng, MB Project Manager
Bob Cotter, Maintenance Manager
Mary Ferrick, Fixed Route Superintendent

Margaret Gallagher, District Counsel
Debbie Kinslow, Asst Finance Manager
Robyn Slater, Human Resources Manager
Les White, General Manager

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

John Daugherty, SEA
Kimberly Lacrosse, United Way
Don Lane, SC City Councilmember
Marc Krovetz, Bus Operator
Steven Marcus, Bus Operator
Cynthia Matthews, SC City Councilmember
Uriel Mendoza, Bus Operator

Bonnie Morr, UTU
Arthur Muniz, Bus Operator
Peter S. Prince, Bus Operator
Will Regan, VMU
Mark Saunders, Bus Operator
Raymond F. Scargill, Super of Parts & Maint
Amy Weiss, Spanish Interpreter

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

- | | | | |
|----|---------------------------------|-----|-----------------------------|
| a. | Sandra Lipperd, UTU, Local 23 | Re: | ParaCruz Salary Tables |
| b. | Amy Weiss, Spanish Interpreter | Re: | Holiday Card |
| c. | Don Lane, SC City Councilmember | Re: | Project Homeless Bus Passes |

DIRECTOR ROTKIN ARRIVED

Oral:

None.

3. LABOR ORGANIZATION COMMUNICATIONS

John Daugherty, SEA, wished everyone Happy Holidays and spoke in remembrance of former METRO employees, Francisco DeVillires and Ray Mattos, and METRO passengers that he had personally known that passed away during 2009.

DIRECTOR STONE ARRIVED

Bonnie Morr, UTU, also wished everyone Happy Holidays and stated that she would like to “ditto” everything John Daugherty said and also wish the best of luck to METRO families struggling with health and medical issues and hope they are able to return to work soon.

Ms. Morr also expressed concern about disparaging comments towards UTU that were made by Chair Bustichi at a recent Board of Supervisors meeting. Ms. Morr stated that Chair Bustichi had been misinformed and requested that he confirm the accuracy of information prior to making comments about UTU going forward.

In response to Bonnie Morr, Chair Bustichi stated that he stands by his comments and that the comments had been made in support of Pat Spence.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

CONSENT AGENDA

- 5-1. **APPROVE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF OCTOBER 2009**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR OCTOBER 2009**
- 5-3. **CONSIDERATION OF TORT CLAIMS: NONE**
- 5-4. **ACCEPT AND FILE MAC AGENDA FOR DECEMBER 16, 2009 AND MINUTES OF OCTOBER 21, 2009**

- 5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF OCTOBER 2009
- 5-6. ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR OCTOBER 2009
- 5-7. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR OCTOBER 2009
- 5-8. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ MONTHLY SERVICE REPORT FOR OCTOBER 2009
- 5-9. ACCEPT AND FILE METROBASE PROJECT STATUS REPORT
- 5-10. APPROVE REGULAR BOARD MEETING MINUTES OF NOVEMBER 20, 2009
- 5-11. CONSIDERATION OF OWNED AND LEASED PROPERTY INVENTORIES TO DETERMINE IF THERE IS ANY PROPERTY IN EXCESS OF SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S FORESEEABLE NEEDS
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH SC FUELS FOR PURCHASE AND DELIVERY OF CARB ULTRA-LOW SULFUR DIESEL FUEL FOR AN AMOUNT NOT TO EXCEED \$1,500,000
- 5-13. CONSIDERATION OF AMENDING THE PURCHASE ORDER WITH DEVCO OIL, INC. FOR GASOLINE FUEL IN AN AMOUNT NOT TO EXCEED \$47,000
- 5-14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$21,734.10 FOR ENGINEERING SERVICES REQUESTED BY WEST BAY BUILDERS AND A DEDUCTIVE CHANGE ORDER TO WEST BAY BUILDERS' CONTRACT IN THE AMOUNT OF \$21,734.10 FOR THE MAINTENANCE BUILDING COMPONENT OF THE METROBASE PROJECT
- 5-15. NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING SETTLEMENT WITH JOSEPH BLAIR, CLAIM #09-0005
- 5-16. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH SUE CLARKE FOR CONTINUING TO AUDIT THE TALKING BUSES EXTERNAL ANNOUNCEMENTS AT THE BART CAVALLARO TRANSIT CENTER

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

Approve the Consent Agenda.

Regarding Item #5-6, Director Hagen commented that he feels that the previous and future Route 79 service reductions are a disservice and disparaging attack on the seniors in south county because there are 11 routes that have fewer total riders and 12 routes that have fewer riders per mile.

Director Rotkin amended his motion to include Director Hagen's comments, which was accepted by Director Graves with the amended motion reading:

Approve the Consent Agenda. Regarding Item #5-6, Director Hagen commented that he feels that the previous and future Route 79 service reductions are a disservice and disparaging attack on the seniors in south county because there are 11 routes that have fewer total riders and 12 routes that have fewer riders per mile.

Motion passed unanimously with Directors Martinez and 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

Manny Garbez, Bus Operator
Martin Gilbert, Bus Operator
Marc Krovetz, Bus Operator
Steven Marcus, Bus Operator
Uriel Mendoza, Bus Operator
Arthur Muniz, Bus Operator
Martin Olander, Bus Operator

FIFTEEN YEARS

Michael T. Smith, Custodial Service Worker I

TWENTY-FIVE YEARS

Gilberto Limas, Bus Operator
Raymond F. Scargill, Supervisor of Parts & Maintenance – Fleet Maint.

THIRTY YEARS

Peter S. Prince, Bus Operator

Les White noted that Peter Prince's name would be added to METRO's 30-Year Employee plaque upon his retirement at the end of the month.

7. CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF PAULA R. FLAGG AS ADMINISTRATIVE ASSISTANT FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Continue this item to January 2010.

Motion passed unanimously with Directors Martinez and Pirie being absent.

8. CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF RUTH JONES AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Bonnie Morr requested, on behalf of Ruth Jones, that this item be continued to next month.

ACTION: MOTION: DIRECTOR HAGEN SECOND: DIRECTOR ROTKIN

Continue this item to January 2010.

Motion passed unanimously with Directors Martinez and Pirie being absent.

9. CONSIDERATION OF ADOPTION OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF RICHARD E. PRUDDEN AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt Resolution of Appreciation for the services of Richard E. Prudden as Bus Operator for the Santa Cruz Metropolitan Transit District.

Motion passed unanimously with Directors Martinez and Pirie being absent.

10. CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO SUBMIT A GRANT APPLICATION AND SIGN NECESSARY AGREEMENTS FOR STATE FUNDING IN THE CALIFORNIA ENERGY COMMISSION'S ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE PROGRAM'S ALTERNATIVE AND RENEWABLE FUEL INFRASTRUCTURE GRANTS PROGRAM

Summary:

Angela Aitken reported that the CEC funding under this proposal will fund up to 23% or \$300,000 of the total project cost estimated at \$1.3 million for a second CNG storage tank. The remaining funds are anticipated via future grants that METRO will be applying for and a 20% local match.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt a resolution authorizing the General Manager to submit a grant application and sign necessary agreements for state funding in the California Energy Commission's Alternative and Renewable Fuel and Vehicle Program's Alternative and Renewable Fuel Infrastructure Grants Program

Motion passed unanimously with Directors Martinez and Pirie being absent.

11. CONSIDERATION OF ACCEPTING DONATION OF PROPERTY LOCATED ON HIGHWAY 9 IN BOULDER CREEK BY PROPERTY OWNER JOSE ORTEGA

Summary:

Les White reported that this property is an unbuildable parcel located on Highway 9 just north of Boulder Creek and a portion of the property is currently used by METRO as a bus stop. Staff recommends that the Board not accept the donation of the property due to the significant topographical issues as the maintenance cost, including erosion control and storm drainage, and

potential liability outweigh the benefits of ownership. METRO will also be evaluating whether to retain the bus stop there at all.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN

Do not accept the donation of property located on Highway 9 in Boulder Creek by property owner Jose Ortega and direct staff to write a letter to the owner thanking him for his generosity, but declining the offer.

Motion passed unanimously with Directors Martinez and Pirie being absent.

12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A THREE-YEAR LEASE WITH EXTENSIONS FOR KIOSK #5 AT THE WATSONVILLE TRANSIT CENTER WITH JOSE VILLA DBA LA MANCHA TO OPERATE A SANDWICH AND SMOOTHIE SHOP

Summary:

Margaret Gallagher reported that Jose Villa has been running his business successfully at the WTC since January 1, 2006. With the lease expiring on December 31, 2009, the space was advertised during the month of October and he was the only applicant. Staff is recommending that the lease be approved.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a three-year lease with extensions for Kiosk #5 at the Watsonville Transit Center with Jose Villa dba La Mancha to operate a sandwich and smoothie shop.

Motion passed unanimously with Directors Martinez and Pirie being absent.

13. CONSIDERATION OF APPROVING THE TITLE VI PROGRAM REGULATION AND COMPLAINT PROCEDURE

Summary:

Margaret Gallagher reported that METRO is required to comply with Title VI of the Civil Rights Act of 1964 as a recipient of Federal Transit Administration Funds. METRO staff reviewed the proposed regulation with E&D TAC and MAC and both committees provided recommendations which have been incorporated into the regulation. A Public Hearing was held on November 20, 2009 and METRO accepted and responded to all comments received through a 45-day comment period which ended on December 15, 2009.

Discussion:

Regarding Section 1.06 of the proposed policy on page #13.a1, Director Hagen stated that south county makes up the largest senior population with over 1100 homes and the fact that Route 79 is

on the block ready to be cut is not really a pro-active measure for the seniors in south county, but rather, it is another example of “dissing” the south county riders.

Les White responded that METRO applies a Title VI review to make sure that the distribution of transit benefits is applied according to the law whenever it looks at route adjustments.

Director Robinson thanked Director Spence for her review of the policy and suggestions she made at last month’s meeting and thanked staff for presenting a clear report and including all of the public comments received as listed on Attachment “C”.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR TAVANTZIS

Adopt the Title VI Program Regulation and Complaint Procedure.

Motion passed unanimously with Directors Martinez and Pirie being absent.

14. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH DOC AUTO LLC AND SPECIALIZED AUTO AND FLEET SERVICES, INC FOR MAINTENANCE SERVICES FOR PARACRUZ VEHICLES FOR A TOTAL AMOUNT NOT TO EXCEED \$87,000**

Summary:

Ciro Aguirre reported that these contracts will allow the flexibility of having north-central and south county access for ParaCruz Department vehicle repair, maintenance and CHP required inspection services.

ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR HINKLE

Authorize the General Manager to execute a contract with Doc Auto LLC (\$47,000) and Specialized Auto and Fleet Services, Inc. (\$40,000) for vehicle maintenance services for METRO’s ParaCruz Department for a total amount not to exceed \$87,000.

Motion passed unanimously with Directors Martinez and Pirie being absent.

15. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH ALWAYS UNDER PRESSURE FOR PURCHASE AND INSTALLATION OF THREE INDUSTRIAL GRADE, FRONT-LOAD, AUTOMATIC, AQUEOUS PARTS WASHERS FOR AN AMOUNT NOT TO EXCEED \$49,001.10**

Summary:

Bob Cotter reported that the Fleet Maintenance Department has a need for 3 industrial grade parts washers. Mr. Cotter explained that the current parts washers located in the shop on Dubois Street have a life expectancy ending in 2010 and that it would cost more to move them to the new Maintenance Facility than to replace them. Les White added that the funds to purchase these parts washers is included in the MetroBase budget.

ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR HAGEN

Authorize the General Manager to execute a contract with Always Under Pressure for purchase and installation of three industrial grade, front-load, automatic, aqueous parts washers for an amount not to exceed \$49,001.10.

Motion passed unanimously with Directors Martinez and Pirie being absent.

16. CONSIDERATION OF APPROVAL OF 2010 FEDERAL LEGISLATIVE ADVOCACY PROGRAM

Summary:

Les White reported that staff anticipates that 2010 will be a very active year for METRO legislatively on both the State and Federal levels.

Mr. White detailed METRO's proposed Federal Goals listed on Attachment "A" and explained that the current Federal Authorization Bill expired on September 30, 2009 and staff recommends that METRO urge Members of Congress to enact a new Authorization Bill as soon as possible that embodies the recommendations developed by the APTA Authorization Task Force, included in Attachment "B".

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt the proposed METRO 2010 Federal Legislative Advocacy Program and direct staff to prepare letters addressed to local City Mayors and the Chair of the County Board of Supervisors requesting their support of METRO's goals as a community-wide interest.

Motion passed unanimously with Directors Martinez and Pirie being absent.

17. CONSIDERATION OF APPROVAL OF 2010 STATE LEGISLATIVE ADVOCACY PROGRAM

Summary:

Les White reported that the dual priorities of METRO's proposed 2010 State Legislative Advocacy Program includes supporting legislation and litigation in the 2010 Legislative Session that would require the Governor to comply with the rulings of the Appellate Court that the diversion of transit funds was illegal and also to reinstate funding for the State Transit Assistance Account. The impact of the diversion on METRO has been a loss of approximately \$ 31 million in capital funds over the past three years and approximately \$45 million in funds over the next five years.

Mr. White detailed the key points included in METRO's proposed State Goals listed on Attachment "A" and added that there is an initiative currently being developed by California cities, counties, unions, and the California Transit Association as a local government protection measure that would stop the state from "borrowing" or "taking" funds from local governments in the future.

Discussion:

Director Stone pointed out that the first goal listed on Attachment “A” should be the *restoration* of funding rather than to *protect* funding.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR ROBINSON

Adopt the proposed METRO 2010 State Legislative Advocacy Program with a revision to improve Goal #1 by changing the word “protect” to “restore” and direct staff to prepare letters addressed to local jurisdictions requesting their support of METRO’s goals.

Motion passed unanimously with Directors Martinez and Pirie being absent.

18. CONSIDERATION OF REQUEST FOR FUNDING AND ADVERTISING SPACE FROM THE COMPLETE COUNT COMMITTEE

Summary:

Les White reported the Complete Count Committee has requested that METRO contribute \$5,000 in exterior bus advertising space and special one-day event bus passes to support the committee activities related to its 2010 Census Count event called Project Homeless Connect scheduled for March 30, 2010 at the Santa Cruz Civic Auditorium.

Mr. White stated that many state and federal programs use population counts in the formulation to distribute funds. However, funding for this request is not included in METRO’s budget and METRO’s current Advertising Policy restricts the sale or use of its bus advertising space to the commercial sale of products or services or information from METRO regarding its programs and services.

Discussion:

Director Tavantzis explained that this particular event does not benefit south county because the homeless population there are afraid to attend an event like this. The City of Watsonville is doing a separate, independently funded count by sending homeless advocates to the south county homeless in order to count them.

The following people spoke in favor of METRO’s support and participation in the Project Homeless Connect event: Cynthia Matthews and Don Lane, both Santa Cruz City Councilmembers involved in the event, Bonnie Morr of UTU, and John Daugherty and Will Regan of SEIU.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

- 1) Approve ads on the buses using language to comply with METRO’s Advertising Policy; and**
- 2) Approve \$5,000 donation to the county-wide effort and \$2,000 donation directly to Watsonville’s separate effort for a total donation of \$7,000; and**

3) Approve the one-day special event passes, reducing the cash contribution by the value of the passes

Discussion:

Les White responded to questions of actual cost by stating that METRO anticipates approximately 400 passes would be needed at \$3 each, or \$1,200 total for just the passes, plus \$6,000 in bus advertising, plus the \$5,000 requested donation, plus \$2,000 extra for Watsonville proposed in the current motion. Mr. White added that in order for METRO's participation to benefit all parts of the county, he would prefer to leave the Santa Cruz event date off of any bus advertisements.

Chair Bustichi expressed concern that this is not budgeted and would not support it at this level, but perhaps at a lower level.

After more discussion, Director Rotkin proposed the following amended motion, which was accepted by Director Graves:

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR GRAVES

- 1) Approve up to \$6,000 for ads on the buses using language to comply with METRO's Advertising Policy. External ads are to be general 2010 Census ads. Ads posted inside of buses can be more specific including the date of the Santa Cruz event; and**
- 2) Approve up to 400 one-day special event passes valued at \$3 each (\$1,200)**

Director Spence pointed out that METRO's overall contribution would be \$7,200.

Motion passed unanimously with Directors Martinez and Pirie being absent.

19. CONSIDERATION OF REAPPOINTING NAOMI GUNTHER AND DENNIS PAPADOPULO TO THE METRO ADVISORY COMMITTEE (MAC) FOR TERMS OF OFFICE ENDING DECEMBER 31, 2011

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR STONE

Reappoint of Naomi Gunther and Dennis Papadopulo to the Metro Advisory Committee (MAC) for terms of office ending December 31, 2011

Motion passed unanimously with Directors Martinez and Pirie being absent.

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

Les White reported that the Board would have a conference with its Real Property Negotiators regarding property located at 425 Front Street, Santa Cruz.

In recognition of outgoing Director Pat Spence, Chair Bustichi invited all attendees to participate in the refreshments and took a brief Recess at 11:05 a.m. and reconvened to Open Session at 11:15 a.m.

21. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Bustichi adjourned to Closed Session at 11:15 a.m. and reconvened to Open Session at 11:26 a.m.

SECTION III: RECONVENE TO OPEN SESSION

22. REPORT OF CLOSED SESSION

Les White stated that there was no reportable action taken in Closed Session.

ADJOURN

There being no further business, Chair Bustichi adjourned the meeting at 11:27 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator