

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

January 28, 2005

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, January 28, 2005 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Reilly called the meeting to order at 9:00 a.m.

SECTION 1: OPEN SESSION

1a. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz
Dene Bustichi
Michelle Hinkle
Mike Keogh
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis

DIRECTORS ABSENT

Dennis Norton
Ex-Officio Wes Scott

STAFF PRESENT

Bryant Baehr, Operations Manager
Frank Cheng, MetroBase Project Manager
Margaret Gallagher, District Counsel
Elisabeth Ross, Finance Manager

Robyn Slater, Human Resources Manager
Judy Souza, Base Superintendent
Tom Stickel, Fleet Maintenance Manager
Les White, General Manager

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

Ron Dean, Bus Operator
Jeff Le Blanc, MASTF
Gary Klemz, SEIU
Ian McFadden, SEA
Bonnie Morr, UTU

Jeff North, Bus Operator
Will Regan, VMU
Tegan Speiser, SCCRTC
Amy Weiss, Spanish Interpreter
Bob Yount, MAC/MASTF/E&D TAC

1b. CONSIDERATION OF ELECTION OF DIRECTORS TO SERVE AS BOARD OFFICERS, AND ELECTION OF APPOINTEES TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY AND TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2005

Chair Reilly clarified that the election of Board Officers would take place prior to appointing representatives to the HCA and RTC. The following nominations, elections and appointments were made:

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Elect Director Keogh as Board Chair

Motion passed unanimously with Director Norton being absent.

Newly elected Chair Keogh presided over the remainder of the meeting.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR REILLY

Elect Director Rotkin as Board Vice Chair

Motion passed unanimously with Director Norton being absent.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR SPENCE

Re-appoint Director Tavantzis to the HCA

Motion passed unanimously with Director Norton being absent.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SPENCE

Re-appoint Director Keogh to the HCA as the alternate

Motion passed unanimously with Director Norton being absent.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Appoint Directors Keogh, Spence and Tavantzis to the RTC

Director Reilly removed herself from the RTC nominees.

Motion passed unanimously with Director Norton being absent.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR SPENCE

Appoint Directors Bustichi, Reilly and Skillicorn as 1st, 2nd and 3rd alternates, respectively.

Chair Keogh removed himself from the RTC alternates nominees

Motion passed unanimously with Director Norton being absent.

2. ORAL AND WRITTEN COMMUNICATION

Written:

- | | | |
|-----------|-------------------------------|--|
| a. | <u>Dan Roth</u> | <u>RE: UCSC Service</u> |
| b. | <u>Bradna Mackey</u> | <u>RE: Bus Stop</u> |
| c. | <u>Director Spence</u> | <u>RE: HWY 1 EIR Alternatives</u> |

Oral:

Director Spence pointed out a few typographical errors in Item #2c and offered to answer any questions the Board may have.

Director Tavantzis commented on Item #2a that she was concerned about the public misunderstanding that Mr. Roth expresses: “METRO is obligated to ensure that its schedules meet the needs of the students, faculty and staff who live off campus” because it is a cooperative agreement, but we are not obligated to re-route our buses and would like Staff to respond in this regard. Vice Chair Rotkin stated that he does not believe this misconception is widely held on campus. Les White said that both letters would get a proper response.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Items #7 (revised) and #17 (new) were distributed at this Board Meeting.

OPEN SESSION:
ADD ITEM #1b

CONSIDERATION OF ELECTION OF DIRECTORS TO SERVE AS BOARD OFFICERS, AND ELECTION OF APPOINTEES TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY AND TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2005

INSERT ITEM #2

(Insert Staff Report)
ORAL AND WRITTEN COMMUNICATION
(Insert Written Communication)

CONSENT AGENDA:
ADD TO ITEM #5-3

ACCEPT AND FILE DECEMBER 2004 RIDERSHIP REPORT
(Insert Page 1 of the Ridership Report)

ADD TO ITEM #5-4

CONSIDERATION OF TORT CLAIMS
(Insert 3 Additional Claims)

DELETE ITEM #5-6

ACCEPT AND FILE THE MASTF COMMITTEE MINUTES OF DECEMBER 16, 2004
(Minutes will be included in the February Board Packet)

INSERT ITEM #5-11

ACCEPT AND FILE METROBASE STATUS REPORT
(Insert Staff Report)

ADD ITEM #5-19 **CONSIDERATION OF APPROVAL OF LICENSE AGREEMENT FOR BUS STOP LOCATED AT SOQUEL AND FRONT STREETS**
(Insert Staff Report)

REGULAR AGENDA:

REPLACE ITEM #6 PRESENTATION OF EMPLOYEE LONGEVITY AWARDS
(Insert REVISED Attachment A, Page #6.a1)

REPLACE ITEM #7 CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE
(PCTF) AND MINUTES OF DECEMBER 15, 2004
(Replace DRAFT Minutes with FINAL Minutes)

INSERT ITEM #8 CONSIDERATION OF STATUS REPORT ON POSSIBLE PARACRUZ REPORTING FORMATS
(Insert Staff Report)

INSERT ITEM #9 CONSIDERATION OF AWARD OF CONTRACT FOR THIRD PARTY ADMINISTRATION OF WORKERS COMPENSATION CLAIMS
(Insert Staff Report)

DELETE ITEM #10 CONSIDERATION OF RENEWAL OF CONTRACT FOR HAZARDOUS WASTE REMOVAL SERVICES
(Action taken at the January 14, 2005 Board Meeting)

DELETE ITEM #16 CONSIDERATION OF NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS FOR 2005, AND NOMINATIONS FOR APPOINTMENTS TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY AND TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2005
(Action taken at the January 14, 2005 Board Meeting)

ADD ITEM #17 **CONSIDERATION OF AWARD OF CONTRACT FOR DEMOLITION SERVICES FOR 1122 RIVER STREET AND 120 GOLF CLUB DRIVE INCLUDING THE WAIVER OF MINOR IRREGULARITIES**
(Insert Staff Report)

CONSENT AGENDA

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF DECEMBER 10 AND DECEMBER 17, 2004**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**
- 5-3. **ACCEPT AND FILE DECEMBER 2004 RIDERSHIP REPORT**
- 5-4. **CONSIDERATION OF TORT CLAIMS: DENY THE CLAIMS OF JACKIE LYNN MARQUEZ, CLAIM #05-0002; JOE BLAIR, CLAIM #05-0001; DIESKAU REED, CLAIM #05-0003; AND DEBORAH GUADIAN, CLAIM #05-0004**
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JANUARY 19, 2005 AND MINUTES OF NOVEMBER 17, 2004**
- 5-6. **DELETED: WILL BE INCLUDED IN THE FEBRUARY BOARD PACKET (ACCEPT AND FILE THE MASTF COMMITTEE MINUTES OF DECEMBER 16, 2004)**

- 5-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR NOVEMBER 2004 AND APPROVAL OF BUDGET TRANSFERS
- 5-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR OCTOBER 2004
- 5-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR OCTOBER AND NOVEMBER 2004
- 5-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 5-11. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-12. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE DECEMBER MEETING
- 5-13. ACCEPT AND FILE NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE WORKERS COMPENSATION CLAIM OF GUILLERMO CHAVEZ
- 5-14. REVIEW AND ACCEPT SANTA CRUZ METRO BYLAWS AS MODIFIED REGARDING SECTIONS 6.01 (ELECTION OF PRESIDING OFFICERS) AND 14.02 (APPOINTMENT OF SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION REPRESENTATIVES)
- 5-15. CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND MINUTES OF DECEMBER 15, 2004
(Moved to Consent Agenda at the January 14, 2005 Board Meeting. Retained original numbering as Item #7)
- 5-16. CONSIDERATION OF RENEWAL OF CONTRACT FOR FINANCIAL AUDIT AND TAX SERVICES
(Moved to Consent Agenda at the January 14, 2005 Board Meeting. Retained original numbering as Item #11)
- 5-17. CONSIDERATION OF AWARD OF CONTRACT FOR PURCHASE OF VEHICLES
(Moved to Consent Agenda at the January 14, 2005 Board Meeting. Retained original numbering as Item #12)
- 5-18. CONSIDERATION OF AWARD OF CONTRACT FOR PURCHASE OF LUBRICATION PRODUCTS
(Moved to Consent Agenda at the January 14, 2005 Board Meeting. Retained original numbering as Item #13)
- 5-19. CONSIDERATION OF APPROVAL OF LICENSE AGREEMENT FOR BUS STOP LOCATED AT SOQUEL AND FRONT STREETS

Director Spence pulled Item #5-15 from the Consent Agenda for discussion. Chair Keogh assigned it Item #17a on the Regular Agenda.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Approve the remainder of the Consent Agenda

Motion passed unanimously with Director Norton being absent.

DIRECTOR BUSTICHI LEFT THE MEETING AT THIS TIME

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

The following employees were awarded longevity certificates for their years of service:

TWENTY YEARS

Ronald C. Dean, Bus Operator
Jeffrey A. North, Bus Operator

TWENTY- FIVE YEARS

William D. De Vivo, Bus Operator
Mary C. Ferrick, Schedule Analyst

It was noted that Mary Ferrick was unable to attend this meeting and will be attending the February 25th meeting to receive her longevity certificate and award.

8. CONSIDERATION OF STATUS OF REPORT ON POSSIBLE PARACRUZ REPORTING FORMATS

Summary:

Bryant Baehr reported that beginning in February the Board would begin receiving monthly status reports on in-house ParaCruz operations. Staff recommends that the monthly reports include Category A performance indicators which are considered critical monitoring tools to ensure compliance with the ADA, and Category B performance indicators which are useful in determining the efficiency of the ParaCruz Service.

Discussion:

Director Rotkin requested that the average number of rides by each person and the largest number of rides per person be included, without identifying the person. Director Skillicorn asked that trip distance be included, such as what percentage are under 5 miles or over 10 miles. Director Spence requested information on supplemental service providers be included and how many times the “ready window” was missed by 30 – 60 minutes and that the report include each month for comparison.

Bryant Baehr explained that he has only one staff person available to compile all this data and that he would look into all these requests and see what is possible.

9. CONSIDERATION OF AWARD OF CONTRACT FOR THIRD PARTY ADMINISTRATION OF WORKERS COMPENSATION CLAIMS

Summary:

Tom Stickel reported that out of the 10 proposals received, a six-member interview panel comprised of District Staff and representatives from the County and the City of Santa Cruz interviewed the top six rated firms. Staff recommends Octagon because they are familiar with

medical providers in Santa Cruz and Monterey Counties since they are the Third Party Administrator for Dominican Hospital, all UCSC campuses, and the County of Santa Cruz.

Discussion:

Ian McFadden commented that the unions are normally involved in selecting benefit providers, but were excluded from this selection and he does not know why. Mr. McFadden requested that the unions be included in the selection process of all benefit providers going forward.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR SKILLICORN

Authorize the General Manager to execute a contract for Workers Compensation Claims Administrative Services with Octagon Risk Services, Inc.

Directors Beautz and Rotkin both strongly recommended Octagon.

Motion passed unanimously with Directors Bustichi and Norton being absent.

14. CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPLICATION TO CALTRANS FOR FY 2005 RURAL OPERATING ASSISTANCE

Summary:

Les White reported that each year, METRO makes application to the FTA through Caltrans for operating funds. The FTA apportions federal funds through the state to assist public transit operators in non-urbanized areas. This year, Caltrans has apportioned \$65,475 to Santa Cruz County.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Move passage of a Resolution authorizing the General Manager to submit a grant application for FY2005 Rural Operating Assistance to the California Department of Transportation to assist funding public transit operations in the non-urbanized part of Santa Cruz County.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Directors Bustichi and Norton being absent.

15. CONSIDERATION OF CALL STOP AUDIT REPORT

Summary:

Bryant Baehr reported that this is a quarterly report covering October - December 2004. Most of the 36 stops not called were the result of one bus operator, who has been put into the disciplinary program for failure to call stops on Route 35.

Discussion:

Vice Chair Rotkin asked if the District's utilization of the disciplinary action would be helpful in court. Margaret Gallagher responded yes, that it would be evidence that the District is serious about its legal requirements.

Director Beautz reported that she is continuing to receive complaints of the loud volume and would like the Board to discuss it.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Accept and file the Call Stop Audit Report.

Bonnie Morr commented that there had been a previous discussion about having an audio engineer evaluate and set the volume level, but UTU has not heard anything more about it.

Motion passed unanimously with Directors Bustichi and Norton being absent.

17. CONSIDERATION OF AWARD OF CONTRACT TO NICA DMT, INC. FOR DEMOLITION SERVICES FOR 1122 RIVER STREET AND 120 GOLF CLUB DRIVE INCLUDING THE WAIVER OF MINOR IRREGULARITIES

Summary:

Frank Cheng reported that bids were received from six firms. Staff recommends awarding the contract to NICA DMT, Inc. who submitted the lowest bid. However, NICA neglected to include their DBE certification number and date, which were easily found in the State DBE Database and did not affect the price. Staff recommends waiving this minor irregularity.

Discussion:

Vice Chair Rotkin asked if this poses any legal issues and if it has to be re-bid. Margaret Gallagher replied that it is a minor irregularity and does not affect the price, it is in the District's best interest to go forward without a re-bid.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Authorize the General Manager to execute a contract with NICA DMT, Inc. for demolition of structures located at 1122 River Street and 120 Golf Club Drive, Santa Cruz, including the waiver of minor irregularities.

Motion passed unanimously with Directors Bustichi and Norton being absent.

17a. CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND DRAFT MINUTES OF DECEMBER 15, 2004

Summary:

Director Spence reported that Supervisor Pirie has asked for a one-month extension of the Task Force. Director Spence reported that the majority of the current recommendations do not address the long-term goals the Task Force was charged with. The Board was encouraged to review the recommendations and attend the last meeting to give input.

Discussion:

Director Beautz stated she wants to review the recommendations before the RTC approves them. Tegan Speiser replied that the complete preliminary recommendations including those discussed at the January Task Force meeting will be forwarded to District Staff for distribution to the METRO Board on approximately February 10th, which is before the February 16th Task Force meeting, and the finalized Task Force recommendations will be available as soon as possible after February 17th, which is before the RTC meeting of March 3rd, when the RTC would approve them.

Direction from Vice Chair Rotkin: Agendize this for the next Board meeting so the District representatives on the Task Force have time to review it before the February 16th Task Force meeting.

Director Spence asked Tegan Speiser if the short and long-term goals have been typed up and requested a copy of the draft preliminary recommendations. Ms. Speiser replied that they would be available on approximately February 10th.

Director Reilly clarified that the Task Force is making advisory recommendations to the RTC and the District's RTC representatives are also going to want to review this information to have input at the March RTC meeting.

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

Margaret Gallagher reported that the Board would discuss with their Legal Counsel the Workers Compensation case of Mary Kohama and one case of anticipated litigation.

19. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Keogh adjourned to Closed Session at 10:18.a.m. and reconvened to Open Session at 11:07 a.m.

SECTION III: RECONVENE TO OPEN SESSION

20. REPORT OF CLOSED SESSION

Margaret Gallagher had nothing to report at this time.

ADJOURN

There being no further business, Chair Keogh adjourned the meeting at 11:08 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator