



A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, December 16, 2011 at the Santa Cruz City Council Chambers, located at 809 Center Street in Santa Cruz, California.

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

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Margarita Alejo
Hilary Bryant
Dene Bustichi
Daniel Dodge
Ron Graves
Donald Hagen
Michelle Hinkle
John Leopold
Ellen Pirie
Lynn Robinson
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

Mark Stone

STAFF PRESENT

April Warnock, Paratransit Superintendent
Tom Hiltner, Grants Analyst
Frank Cheng, IT & MB Project Manager
Bob Cotter, Maintenance Manager
Margaret Gallagher, District Counsel
Angela Aitken, Acting AGM/Finance Mgr.

Mary Ferrick, Fixed Route Superintendent
Debbie Kinslow, Asst Finance Manager
Robyn Slater, Human Resources Manager
Leslie R. White, General Manager
Tove Beatty, Grants Analyst
Anthony Tapiz, Administrative Svcs Coordinator

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

Will Regan, VMU
John Daugherty, SEA
Bonnie Morr, UTU

Brent Fouse, PSA
Eduardo Montesino, UTU
Ron Gordon

2. ORAL ANNOUNCEMENT: SPANISH LANGUAGE INTERPRETATION

Amy Weiss announced that she was available for Spanish language interpretation.

3. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

WRITTEN:

- a. P. Skiadas RE: Letter of Compliment
- b. Mary Miller RE: Letter of Thanks
- c. Barbara Jongewaard RE: Letter of Compliment

ORAL:

Chair Pirie announced that this would be the last meeting for Director Hagen. Director Hagen addressed the Board and thanked everyone for their friendship. Director Robinson, Bonnie Morr (UTU), John Daugherty (SEIU), Will Regan (VMU), Director Bustichi, and Director Dodge thanked Director Hagen for his service.

4. LABOR ORGANIZATION COMMUNICATIONS

None.

5. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

CONSENT AGENDA

6-1. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF WILLIE THOMAS, CLAIM #11-0026; REJECT THE CLAIM OF CHAD ELLIS, CLAIM #11-0029; REJECT THE CLAIM OF RONALD GORDAN, CLAIM #11-0030

Submitted By: Margaret Gallagher, District Counsel

Ronald Gordan addressed the Board about his claim.

6-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF AUGUST 2011

Submitted by: Angela Aitken, Acting Asst. General Manager & Finance Manager

6-3. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF SEPTEMBER 2011

Submitted by: Angela Aitken, Acting Asst. General Manager & Finance Manager

6-4. MONTHLY BUDGET STATUS REPORTS FOR AUGUST 2011 AND APPROVAL OF BUDGET TRANSFERS

Presented by: Angela Aitken, Acting Asst. General Manager & Finance Manager

- 6-5. MONTHLY BUDGET STATUS REPORTS FOR SEPTEMBER 2011 AND APPROVAL OF BUDGET TRANSFERS**
Presented by: Angela Aitken, Acting Asst. General Manager & Finance Manager
- 6-6. APPROVE MINUTES OF PREVIOUS BOARD MEETINGS**
Presented by: Tony Tapiz, Administrative Services Coordinator
- 6-7. ACCEPT AND FILE ACCESSIBLE SERVICES REPORT FOR MONTH OF OCTOBER 2011**
Submitted by: John A. Daugherty, Accessible Services Coordinator
- 6-8. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF OCTOBER 2011**
Submitted by: April Warnock, Paratransit Superintendent
- 6-9. ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR OCTOBER 2011**
Submitted by: Angela Aitken, Acting Asst. General Manager & Finance Manager
- 6-10. ACCEPT AND FILE STATUS REPORT OF ACTIVE GRANTS AND SUBMITTED GRANT PROPOSALS FOR DECEMBER 2011**
Submitted by: Tom Hiltner, Grants/Legislative Analyst
- 6-11. ACCEPT AND FILE STATUS REPORT OF FEDERAL AND STATE LEGISLATION AND CURRENT LEGISLATIVE ISSUES**
Submitted by: Tove Beatty, Grants/Legislative Analyst
- 6-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN SANTA CRUZ METROPOLITAN TRANSIT DISTRICT AND THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION TO PARTICIPATE IN THE PLANNING AND IMPLEMENTATION OF THE ON-BOARD TRANSIT RIDERSHIP STUDY FUNDED BY CALTRANS**
Submitted by: Tove Beatty, Grants/Legislative Analyst
- Director Hagen said that the Ridership study was invaluable.
- This item was moved to the Regular Agenda as item #7.a
- 6-13. ITEM DELETED**
- 6-14. CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO REQUEST A LETTER OF NO PREJUDICE (LONP) FROM CALTRANS, SUBMIT AN ALLOCATION REQUEST FOR THE BALANCE OF PTMISEA FUNDS, AND SIGN NECESSARY AGREEMENTS IN ORDER TO BEGIN CONSTRUCTION OF THE METROBASE OPERATIONS FACILITY**
Submitted by: Tom Hiltner, Grants/Legislative Analyst

6-15. CONSIDERATION OF DECLARING TWO (2) CHEVROLET VENTURES AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION

Submitted by: Angela Aitken, Acting Asst. General Manager & Finance Manager

6-16. 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

Submitted by: Margaret Gallagher, District Counsel

6-17. ACCEPT AND FILE VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR PREVIOUS MEETINGS

Submitted by: Tony Tapiz, Administrative Services Coordinator

6-18. ACCEPT AND FILE THE AGENDA AND MINUTES FROM THE METRO ADVISORY COMMITTEE MEETINGS

Submitted by: Tony Tapiz, Administrative Services Coordinator

ACTION: MOTION: DIRECTOR GRAVES SECOND: DIRECTOR LEOPOLD

Approve Consent Agenda as amended.

Motion passed unanimously with Director Stone being absent.

REGULAR AGENDA

7.a CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN SANTA CRUZ METROPOLITAN TRANSIT DISTRICT AND THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION TO PARTICIPATE IN THE PLANNING AND IMPLEMENTATION OF THE ON-BOARD TRANSIT RIDERSHIP STUDY FUNDED BY CALTRANS

There was a discussion about the Limited English Proficiency measures the study would employ. Director Dodge said that he would like to be involved in reviewing the questions to be asked in the study. Director Leopold said that the concern for LEP issues be noted in the RFP.

ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR LEOPOLD

Authorize the General Manager to sign a Memorandum of Understanding between Santa Cruz Metropolitan Transit District and the Santa Cruz County Regional Transportation Commission to participate in the planning and implementation of the On-board Transit Ridership Study funded by CalTrans.

Motion passed unanimously with Director Stone being absent.

7. CONSIDERATION OF APPOINTMENTS THE METRO ADVISORY COMMITTEE (MAC)

Leslie R. White, General Manager, presented the Staff Report on appointments to the Metro Advisory Committee. Director Bustichi asked if nominees were limited to jurisdictions. Mr. White said that there were no limitations. Director Bustichi suggested that Donald Hagen would be a good nominee for MAC, and expressed his thanks for the efforts of all the members of MAC.

ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR BRYANT

Approve appointment of Steve Johnson to the Metro Advisory Committee (MAC) and consideration of reappointment of Naomi Gunther and Dennis Papadopulo to the Metro Advisory Committee (MAC) for terms of office ending December 31, 2013.

Motion passed unanimously with Director Stone being absent.

8. CONSIDERATION OF AMENDING ARTICLE V, SECTION 5.1 OF THE METRO ADVISORY COMMITTEE (MAC) BYLAWS TO MODIFY THE FREQUENCY OF MAC MEETINGS TO NOT LESS THAN ONCE PER CALENDAR QUARTER

Leslie R. White, General Manager, presented the Staff Report on the MAC bylaws.

ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR HAGEN

Approve amending Article V, Section 5.1 of the Metro Advisory Committee (MAC) bylaws to modify the frequency of MAC meetings to not less than once per calendar quarter.

Motion passed unanimously with Director Stone being absent.

9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LETTER OF AGREEMENT WITH THE ASSOCIATION OF MONTEREY BAY AREA GOVERNMENTS (AMBAG) THAT RESTRICTS CALVANS, A VANPOOL OPERATOR BASED IN KINGS COUNTY, FROM COMPETING FOR FUNDS THAT METRO IS ELIGIBLE TO RECEIVE

Leslie R. White, General Manager, presented the Staff Report on CalVans. Mr. White said that AMBAG had agreed to a letter of non-competition restricting CalVans from competing with METRO for like funds. Director Dodge noted that the agreement could be revisited in a year, and said that it was an important issue in the agriculture industry. Mr. White said that services for agricultural workers hasn't even been addressed yet, but that METRO would now have time to explore the potential for vanpool programs.

ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR ROBINSON

Authorize the General Manager to execute a letter of agreement with the Association of Monterey Bay Area Governments (AMBAG) that restricts Calvans, a vanpool operator based in Kings County, from competing for funds that METRO is eligible to receive.

Motion passed unanimously with Director Stone being absent.

10. CONSIDERATION OF ADOPTING A RESOLUTION AMENDING THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT RECORDS RETENTION SCHEDULE

Margaret Gallagher, District Counsel, requested that item #10 be pulled from the Agenda and revisited at the first Board of Directors meeting in January, 2012.

ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR DODGE

Remove item #10 from Agenda and revisit at the first Board of Directors meeting in January, 2012.

Motion passed unanimously with Director Stone being absent.

11. CONSIDERATION OF CANCELLATION OF SELECTION OF CHART INC. AND SUBSTITUTE IN ITS PLACE PRENTEX ALLOY FABRICATORS AS THE CONTRACTOR FOR THE PURCHASE OF A 15,000 GALLON VERTICAL LNG FUEL STORAGE TANK IN AN AMOUNT NOT TO EXCEED \$657,975

This item will be considered after CLOSED SESSION.

12. ORAL ANNOUNCEMENT

Ellen Pirie, Chair, announced that the next regularly scheduled board meeting will be held Friday, January 13, 2012 at 8:30 a.m. at the Administrative Offices of Santa Cruz METRO, 110 Vernon Street, Santa Cruz.

13. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Margaret Gallagher, District Counsel, said that the Board would have a conference with Legal Counsel regarding the claims of Manny Garbez and Chad Ellis, a conference regarding the real property negotiations with Greyhound, and one potential case of litigation involving a contractor and bid.

14. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Pirie adjourned to Closed Session at 9:40 a.m. and reconvened to Open Session at 9:57 a.m.

SECTION III: RECONVENE TO OPEN SESSION

15. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there were no reportable actions taken in Closed Session.

**11.0 CONSIDERATION OF CANCELLATION OF SELECTION OF CHART INC. AND
SUBSTITUTE IN ITS PLACE PRENTEX ALLOY FABRICATORS AS THE
CONTRACTOR FOR THE PURCHASE OF A 15,000 GALLON VERTICAL LNG FUEL
STORAGE TANK IN AN AMOUNT NOT TO EXCEED \$657,975**

Margaret Gallagher, District Counsel, recommended that the Board of Directors cancel the selection of Chart, Inc., and that all proposals be rejected and that the purchase of the LNG tank be put out to bid again.

ACTION: MOTION: DIRECTOR GRAVES

SECOND: DIRECTOR BUSTICHI

Cancel the selection of Chart, Inc. as the contractor, reject all proposals received for the purchase of a 15,000 gallon vertical LNG fuel storage tank and issue a new Request for Proposals.

Motion passed unanimously with Director Stone being absent.

16. ADJOURNMENT

There being no further business, Chair Pirie adjourned the meeting at 10:01 a.m.

Respectfully submitted,



ANTHONY TAPIZ
Administrative Services Coordinator