



**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT (METRO)
BOARD OF DIRECTORS AGENDA MEETING MINUTES*
OCTOBER 25, 2019 – 9:00 AM
METRO ADMIN OFFICES
110 VERNON STREET, SANTA CRUZ, CA**

A regular meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District (METRO) was convened on Friday, October 25, 2019 at the METRO Admin Offices, 110 Vernon Street, Santa Cruz, CA.

The Board Meeting Agenda Packet can be found online at www.SCMTD.com and is available for inspection at Santa Cruz METRO's Administrative offices at 110 Vernon Street, Santa Cruz, California. *Minutes are "summary" minutes, not verbatim minutes. Audio recordings of Board meeting open sessions are available to the public upon request.

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SECTION I: OPEN SESSION

CALL TO ORDER at 9:01 AM by Chair Bottorff.

ROLL CALL: The following Directors were present, representing a quorum:

Director Ed Bottorff	City of Capitola	
Director Trina Coffman-Gomez	City of Watsonville	<i>Arrived during closed session</i>
Director Aurelio Gonzalez	City of Watsonville	
Director John Leopold	County of Santa Cruz	
Director Donna Lind	City of Scotts Valley	
Director Cynthia Mathews	City of Santa Cruz	<i>Arrived during closed session</i>
Director Donna Meyers	City of Santa Cruz	<i>Arrived 9:04AM</i>
Director Bruce McPherson	County of Santa Cruz	
Director Larry Pageler	County of Santa Cruz	
Director Dan Rothwell	County of Santa Cruz	<i>Arrived 9:04AM</i>
Director Mike Rotkin	County of Santa Cruz	
Ex-Officio Dir. Alta Northcutt	Cabrillo College	<i>Arrived 9:10AM</i>
Ex-Officio Dir. Stephen Preston	UCSC	

Director Gonzalez and Ex-Officio Director Preston were absent.

STAFF PRESENT:

Alex Clifford
Julie Sherman

METRO CEO/General Manager
METRO General Counsel

METRO EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT (IN ALPHABETICAL ORDER) WERE:

None signed in

3 ANNOUNCEMENTS

Chair Bottorff introduced Mindy Esqueda and her Spanish Language interpretation services. Ms. Esqueda announced her services in Spanish for the assembly. Chair Bottorff also announced that Community Television of Santa Cruz County is televising the meeting with technician, Mr. Lynn Dunton.

1 REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Julie Sherman, General Counsel, announced the three closed session items on the agenda, adding an announcement is anticipated when the meeting reconvenes.

Donna Meyers and Dan Rothwell arrived at 9:04AM

Directors Coffman-Gomez and Mathews arrived during the closed session.

Director Northcutt arrived at 9:10AM

2 RECESS TO CLOSED SESSION 9:04AM

SECTION II: CLOSED SESSION

3 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – One Potential Case

4 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(a)(1) – Jane Doe v. Santa Cruz Metropolitan Transit District Case No. 19V02170

5 CONFERENCE WITH LABOR NEGOTIATORS (GOVERNMENT CODE SECTION 54957.6)

Agency Negotiators: Alex Clifford, CEO/General Manager
Jerri-Kay Philips, Labor Counsel

Employee Organizations: SEIU, Local 521

SECTION III: RECONVENE TO OPEN SESSION

6 REPORT OF CLOSED SESSION ITEMS

Counsel Sherman reported that the Board had received a report on labor negotiations with SEIU and will now discuss and consider the ratification of the Tentative Agreement (TA) reached with SEIU for approval.

Director Rotkin thanked both teams for their efforts through these negotiations to reach a good contract for the employees and the agency. The class and compensation study was not the best we have received at the district. However, based on the report received and the terms of the Tentative Agreement, the board has agreed to approve.

Director Leopold also acknowledged the staff and negotiating team. He believes the TA reflects they were listening to the employees and heard their concerns. He looks forward to moving on to regular business.

Chair Bottorff echoed his appreciation to the team.

Ex-Officio Director Northcutt, as a representative of Cabrillo College, thanked everyone for the negotiation outcome.

There was no public comment:

ACTION: MOTION TO APPROVE THE RATIFICATION OF THE SEIU TENTATIVE AGREEMENT AS PRESENTED.

MOTION: DIRECTOR ROTKIN

SECOND: DIRECTOR LEOPOLD

MOTION PASSED WITH 10 AYES (Directors Bottorff, Coffman-Gomez, Leopold, Lind, Mathews, McPherson, Meyers, Pageler, Rothwell and Rotkin) Director Gonzalez was absent.

10 BOARD OF DIRECTORS COMMENTS

Hearing none, Chair Bottorff moved to the next agenda item

11 ORAL AND WRITTEN COMMUNICATIONS TO THE BOARD OF DIRECTORS

Speaking to the slide projected at the meeting, which portrayed the passing of Ms. Felipa de Leon, Mr. Daugherty acknowledged her contributions to METRO and the community.

Veronica Elsea added a few comments, noting Ms. De Leon often spoke passionately about METRO and service across the community when attending the MAC and other community meetings.

Director Mathews suggested Chair Bottorff write a note to the de Leon family on behalf of METRO.

After observing a moment of silence and hearing no further comments, Chair Bottorff moved to the next agenda item.

12 WRITTEN COMMUNICATIONS FROM MAC

Having none, Chair Bottorff moved to the next agenda item.

13 LABOR ORGANIZATION COMMUNICATIONS

Michael Rios thanked his bargaining team and the management team for their efforts during the long negotiation process.

Joan Jeffries also thanked everyone for encouraging the continuing of efforts to hash things out, leading to the successful outcome today.

Olivia Martinez thanked her team, all of the members and the management for their efforts during the negotiations. The members care about service to the community, as evidenced by not striking. She acknowledged that the salary study did complicate the situation. She hopes to work closely with management to avoid grievances and arbitrations over the next three years. She also thanked the board for supporting and listening to the members.

Hearing no further comments, Chair Bottorff moved to the next item.

14 ADDITIONAL DOCUMENTATION

News Clips were posted to the website and are available at the back of the room.

CONSENT AGENDA

- 14-01 ACCEPT AND FILE THE MINUTES OF THE SEPTEMBER 27, 2019 METRO BOARD OF DIRECTORS MEETING AND THE AUGUST 21, 2019 METRO ADVISORY COMMITTEE (MAC) MEETING
- 14-02 ACCEPT AND FILE PRELIMINARY APPROVED CHECK JOURNAL DETAIL FOR THE MONTH OF SEPTEMBER 2019
- 14-03 ACCEPT AND FILE THE YEAR TO DATE MONTHLY FINANCIAL REPORT AS OF AUGUST 31, 2019
- 14-04 APPROVE: CONSIDERATION OF DECLARING VEHICLES AND/OR EQUIPMENT AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION
- 14-05 RECOMMENDED ACTION ON TORT CLAIMS
- 14-06 APPROVAL OF SEIU RECLASSIFICATION FOR ADMINISTRATIVE ASSISTANT TO ADMINISTRATIVE SPECIALIST IN THE ADMINISTRATION DEPARTMENT
- 14-07 CONSIDERATION OF DECLARATION OF AN EMERGENCY AND AUTHORIZATION FOR PURCHASE AND INSTALLATION OF GATES AT MAINTENANCE FACILITY FOR AN AMOUNT NOT TO EXCEED \$75,000

There was no public comment.

ACTION: MOTION TO ACCEPT THE CONSENT AGENDA AS PRESENTED.

MOTION: DIRECTOR LEOPOLD

SECOND: DIRECTOR McPHERSON

MOTION PASSED WITH 10 AYES (Directors Bottorff, Coffman-Gomez, Leopold, Lind, Mathews, McPherson, Meyers, Pageler, Rothwell and Rotkin) Director Gonzalez was absent.

REGULAR AGENDA

15 PRESENTATION OF EMPLOYEE LONGEVITY AWARDS FOR

15 YEARS: Luis Rocha, Bonita Cramer, Esmeralda Arias, Alma Gutierrez, Paul Camacho, Israel Zaragoza, Brenda Roman, Miguel Escarcega, Jr., Robert Maldonado, Daniel Zaragoza

35 YEARS: Dennis Baldwin

Vice Chair Rotkin read brief bios of the employees and congratulated them, while Chair Bottorff presented the plaques.

Paul Camacho, Miguel Escarcega, Jr, Brenda Roman and Daniel Zaragoza thanked the board and the public for giving them the opportunity. They reminded the assembly that ParaCruz was a new entity when they were hired.

16 ORAL CEO UPDATE

CEO Clifford said there had been no new hires or promotions since the last board meeting. He provided a brief update on various federal and state funding programs.

CEO Clifford added commentary to the projected slides showing the recent zero emission training provided by Sunline. The plaques will be displayed around the agency.

CEO Clifford asked Jayme Ackemann, Marketing, Communications & Customer Service Director to speak to one of the options available for wrapping the new electric buses. Rewrapping offers the option to add advertisements in the future, etc. Ms. Ackemann is available for any feedback from the board. There was no board objection to the proposed artwork.

Director Coffman-Gomez suggested Wi-Fi be advertised on the buses. Isaac Holly, Director of IT and ITS, noted that while the buses will be capable of Wi-Fi, it will not be immediately available.

Director Mathews and CEO Clifford to discuss a possible presentation to the Santa Cruz City Council of Santa Cruz regarding METRO's work with electric vehicles.

There was no public comment.

17 CONSIDERATION OF A RESOLUTION TO ESTABLISH THE BOARD OF DIRECTORS MEETING SCHEDULE & LOCATIONS FOR THE 2020 CALENDAR YEAR

Alex Clifford, CEO/General Manager, introduced the agenda item and provided commentary to the two exhibits: Exhibit A: Friday meetings, Exhibit B: Wednesday meetings.

After discussion among the Board Members, the motion below was made.

Public comment:

Veronica Elsea, MAC Chair, expressed concern about being able to submit timely communication if the meeting date is changed.

ACTION: MOTION TO TABLE THE RESOLUTION TO ESTABLISH THE BOARD OF DIRECTORS MEETING SCHEDULE AND LOCATIONS FOR THE 2020 CALENDAR YEAR UNTIL THE NOVEMBER BOARD MEETING WHERE THE FIRST AND THIRD WEDNESDAYS AND FRIDAYS WILL BE ADDED AS OPTIONS.

MOTION: DIRECTOR ROTKIN

SECOND: DIRECTOR LIND

MOTION PASSED WITH 10 AYES (Directors Bottorff, Coffman-Gomez, Leopold, Lind, Mathews, McPherson, Meyers, Pageler, Rothwell and Rotkin) Director Gonzalez was absent.

18 ORAL PACIFIC STATION UPDATE

Barrow Emerson, Planning and Development Director, provided an update on Pacific Station and funding therefor.

Director Mathews suggested Mr. Emerson reach out to the City about an additional possible joint project.

There was no public comment

15 ADOPTION OF AMENDMENT TO METRO'S DISCOUNT FARE POLICY TO INCLUDE A FREE FARE PROGRAM FOR LEGALLY BLIND INDIVIDUALS

Jayme Ackemann, Marketing, Communications & Customer Service Director, spoke to the agenda item, noting she plans to provide a status update in six months.

Public comment

Catherine Fisher, an attorney representing certain riders, said she maintains her position that the current TVMs violate ADA; and, still takes issue with the burden on the customer to avoid the medical certification requirement. However, they do support a free fare program as an interim solution but only if it's a true program. She suggests that the policy build on Operator training and requested the policy not be adopted as presented today.

Len Burns said he is not aware of any additional outreach occurring since the September board meeting. The draft policy is confusing, he does not need a card to certify that he is blind; it is obvious. He does not see why the rider should be inconvenienced in any way. He asked METRO to work with them through additional outreach to develop a policy acceptable to everyone.

Veronica Elsea, said she sees a revamped amendment, which is more confusing. She urged the Board to conduct additional outreach and not adopt the policy as written at this time.

Brandon Freeman thanked COO Aguirre and Ms. Ackemann for meeting with them on the issue. He noted the Operator training includes awareness of individuals as they board the bus. He has no further concerns with the policy as drafted.

Board comment:

Chair Bottorff asked if there are nuances or guidance the board/METRO should be aware of.

General Counsel Sherman recommended the board move forward with the policy and revisit in a few months, checking in with the community for comment as the policy is implemented. She reminded the assembly that the Board is entitled to make changes at any time if issues were to arise.

Ms. Ackemann said the card is not a requirement for individuals who can clearly be identified by Operators; these riders would be guaranteed the free fare. Rather, it is a protection for individuals who do not present as blind in the event an operator is unsure if they qualify for the program. Operators make every effort to work with the rider and accommodate their needs. METRO also has to be sensitive to abuse of the policy, which though very rare, could occur.

Ms. Ackemann reminded the assembly that extensive outreach was conducted in September. She did not understand that she was to conduct further outreach activities. General Counsel Sherman clarified that the revised policy was sent to the parties' attorney(s).

Vice Chair Rotkin recognized the requested changes made by public commenters have already been reflected in section 4.6.A and listed the three ways the visually impaired can ride free:

1. If they present as obviously blind;
2. They can get a card through a medical provider; and/or
3. They can get a card thru METRO staff

Vice Chair Rotkin also requested the language from 4.6.A be moved to 2.2 so that it is more prominent (leaving the exact wording to staff) and reminded the assembly that the policy is a temporary measure. METRO plans to utilize newer technology rather than replace the current TVMs.

Further comments were provided by other board members.

ACTION: MOTION TO ADOPT THE DISCOUNT FARE POLICY TO INCLUDE A FREE FARE PROGRAM WITH AN AMENDMENT TO THE LANGUAGE HIGHLIGHTING AND ENUNCIATING THE POLICY INTENT AND RETURN TO THE BOARD IN JANUARY/FEBRUARY 2020 AFTER METRO STAFF HAS MET WITH THE COMMUNITY TO SEE HOW THE PROGRAM IS WORKING.

Attachment A

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MOTION: DIRECTOR ROTKIN

SECOND: DIRECTOR PAGELER

MOTION PASSED WITH 10 AYES (Directors Bottorff, Coffman-Gomez, Leopold, Lind, Mathews, McPherson, Meyers, Pageler, Rothwell and Rotkin) Director Gonzalez was absent.

19 ANNOUNCEMENT OF NEXT MEETING: FRIDAY, NOVEMBER 15, 2019 AT 9:00 AM, AT WATSONVILLE CITY CHAMBERS, 275 MAIN STREET, WATSONVILLE, CA, CA
Chair Bottorff announced the next meeting as above.

Chair Bottorff adjourned the meeting at 11:15AM

Respectfully submitted,

Gina Pye
Executive Assistant