

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

October 25, 2002

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, October 25, 2002, at the City Hall Council Chambers, 809 Center Street, Santa Cruz, California. .

Vice-Chairperson Reilly called the meeting to order at 9:04 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jeff Almquist
Michelle Hinkle
Mike Keogh
Emily Reilly
Pat Spence
Marcela Tavantzis
Ex-Officio Mike Rotkin

DIRECTORS ABSENT

Sheryl Ainsworth
Jan Beautz (arrived after roll call)
Tim Fitzmaurice (arrived after roll call)
Dennis Norton
Ana Ventura Phares (arrived after roll call)

STAFF PRESENT

Bryant Baehr, Operations Manager
Mark Dorfman, Asst. General Manager
Elisabeth Ross, Finance Manager

Robyn Slater, Interim H.R. Manager
Tom Stickel, Fleet Maint. Manager
Leslie R. White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT

Linda Clayton, SEA
Jake Hurley, SEIU
Manny Martinez, PSA
Bonnie Morr, UTU

Will Regan, VMU
Link Spooner, Lift Line
Linda Wilshusen, SCCRTC

2. ORAL AND WRITTEN COMMUNICATION

Written:

- a. Carl Del Grande, Principal, Loma Prieta High School RE: Free Bus Passes
- b. Fred Keeley, Speaker pro Tem of Assembly RE: SB 1802

Oral:

Bonnie Morr of UTU distributed information regarding Thanksgiving dinner at the local Veterans Hall. She stated the need for volunteers two days prior to Thanksgiving up until Thanksgiving Day.

DIRECTOR FITZMAURICE ARRIVED

3. LABOR ORGANIZATION COMMUNICATIONS

Jake Hurley, METRO'S new field representative with SEIU Local 415 introduced himself to the Board.

4. METRO USERS GROUP (MUG) COMMUNICATIONS

Nothing to report at this time.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

With the absence of a MASTF representative at this meeting, Director Keogh made the following motion:

ACTION: MOTION: DIRECTOR KEOGH SECOND: DIRECTOR TAVANTZIS

Table Item 15 for a short period of time until the announcing system is up and running and until there is time to discuss this issue with the staff before going public.

Motion passed with Directors Ainsworth, Beautz, Norton and Phares being absent.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

SECTION I:

CONSENT AGENDA:

- | | |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| ADD TO ITEM #7-3 | ACCEPT AND FILE 2002 RIDERSHIP REPORT
(Insert Page 1) |
| ADD TO ITEM #7-4 | CONSIDERATION OF TORT CLAIMS: Deny the claim of: Steve Senko, Claims #02-0030
(Insert Claim) |
| ADD TO ITEM #7-13 | ACCEPT AND FILE REPORT ON VIOLENCE AT BUS STOPS
(Insert Report) |
| ADD TO ITEM #7-14 | ACCEPT AND FILE REPORT REGARDING THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION'S ANNUAL CONFERENCE
(Insert Report) |

REGULAR AGENDA:

- | | |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DELETE ITEM #9 | CONSIDERATION OF APPROVAL OF REVISION TO BY-LAWS OF SANTA CRUZ CIVIC IMPROVEMENT CORPORATION TO CHANGE THE ANNUAL MEETING DATE TO THE FOURTH FRIDAY IN OCTOBER
(Action taken at the 10/11/02 Board Meeting) |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- ADD TO ITEM #11** CONSIDERATION OF APPROVAL OF APPLICATION TO PARTICIPATE IN THE METRO USER GROUP (MUG) COMMITTEE
(Add Application)
- ADD TO ITEM #12** CONSIDERATION OF APPROVAL OF CONTRACT AMENDMENT TO ARCHITECTURAL AND ENGINEERING SERVICES CONTRACT WITH WATERLEAF ARCHITECTURE AND INTERIOR
(Add Staff Report)
- ADD TO ITEM #13** CONSIDERATION OF EXTENDING CONTRACT FOR WORKERS' COMPENSATION, THIRD PARTY CLAIMS ADMINISTRATION
(Add Staff Report)
- ADD TO ITEM #14** CONSIDERATION OF ALTERNATIVES TO COPE WITH OPERATOR STAFFING SHORTFALLS
(Add Staff Report)
- ADD TO ITEM #15** CONSIDERATION OF DISCIPLINARY PROGRAM WHEN STOPS ARE NOT ANNOUNCED
(Add Staff Report)

CONSENT AGENDA

- 7-1. APPROVE REGULAR BOARD MEETING MINUTES OF SEPTEMBER 13 AND SEPTEMBER 27, 2002
- 7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS
- 7-3. ACCEPT AND FILE SEPTEMBER 2002 RIDERSHIP REPORT
- 7-4. CONSIDERATION OF TORT CLAIMS: Deny the claim of: Steve Senko, Claim #02-0030
- 7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF SEPTEMBER 19, 2002
- 7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF SEPTEMBER 18, 2002
- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR AUGUST 2002, APPROVAL OF BUDGET TRANSFERS
- 7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR JULY 2002
- 7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR AUGUST 2002
- 7-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 7-11. ACCEPT AND FILE METROBASE STATUS REPORT
- 7-12. CONSIDERATION OF AWARD OF CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM
(Moved to Consent Agenda at the October 11, 2002 Board Meeting. Staff report retained original numbering as Item #10)
- 7-13. ACCEPT AND FILE REPORT ON VIOLENCE AT BUS STOPS
- 7-14. ACCEPT AND FILE REPORT REGARDING THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION'S ANNUAL CONFERENCE

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR HINKLE

Approve Consent Agenda.

Motion passed with Directors Ainsworth, Beautz, Norton and Phares being absent.

REGULAR AGENDA

8. CONSIDERATION OF ADOPTION OF RESOLUTION AMENDING FY 02-03 BUDGET

Summary:

Staff is asking the Board to adopt a resolution amending the budget to take care of the shortfalls year-to-date. Ms. Ross reported that it is also being requested that the Administrative Secretarial position in the Finance Dept. be changed to Accounting Technician which more accurately identifies the tasks being performed. Lastly, staff is asking for Board approval to hold a budget workshop at the Board Meeting scheduled for November 8th. Ms. Ross added that there is a correction to the Budget Revisions as follows: The \$16,000 to add two servers for the IT Dept. should be changed to three (3) servers. There is no financial impact for this change.

DIRECTOR PHARES ARRIVED

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR TAVANTZIS

Adopt the Resolution amending the FY 02-03 budget in accordance with Exhibit A of the staff report, authorize the change of one Administrative Secretary position to one Accounting Technician position in the Finance Dept., and schedule a budget workshop for the Board meeting of November 8, 2002.

Motion passed with Directors Ainsworth, Beautz and Norton being absent.

9. DELETED

10. MOVED TO CONSENT AGENDA AS ITEM #7-12

11. CONSIDERATION OF APPROVAL OF APPLICATION TO PARTICIPATE IN THE METRO USERS GROUP (MUG) COMMITTEE

Summary:

Mark Dorfman reported that R. Paul Marcelin submitted an application to participate on the Metro Users Group (MUG) committee.

Discussion:

Director Fitzmaurice asked what the current process is for becoming a MUG member. Mr. Dorfman will ensure that the MUG bylaws and membership breakdown are supplied to the Board and informed Director Fitzmaurice that the Board approves all applications for membership to MUG. Mr. White added that bus cards could be included in the buses informing people about MUG and giving contact information on how to join.

DIRECTOR BEAUTZ ARRIVED

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR FITZMAURICE

Approve R. Paul Marcelin's application for participation in MUG with direction to staff to thank Mr. Marcelin for the work he has already done in making transit more usable.

Motion passed with Directors Ainsworth and Norton being absent.

12. CONSIDERATION OF APPROVAL OF CONTRACT AMENDMENT TO ARCHITECTURAL AND ENGINEERING SERVICES CONTRACT WITH WATERLEAF ARCHITECTURE AND INTERIOR

Summary:

Mr. Dorfman reported that METRO is making an amendment to the contract with WaterLeaf to address the changes to the environmental work as a result of a new preferred alternative (i.e. changing from Harvey West Consolidated to Harvey West Cluster). These changes would affect the scope of work but not the overall contract. WaterLeaf is the primary contractor with Denise Duffy & Associates being the sub-contractor who is completing the environmental work.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR FITZMAURICE

Approve a contract amendment to the Architectural and Engineering contract with WaterLeaf Architecture and Interiors to address the changes related to the environmental work for the MetroBase project as a result of a new preferred alternative.

Motion passed with Directors Ainsworth and Norton being absent.

Discussion:

Director Keogh was informed that the Draft EIR was received by staff for review and will be released for circulation within one week. The Board will receive a copy of it at that time. There will be a 45-day period for review and comments. Staff will approach the Board in January with a recommendation to certify the EIR. Mr. White gave the Board advanced notice that staff would ask that the contract with WaterLeaf be either terminated or amended for the design phase of the project once the EIR is certified. The fueling capacity will be addressed first since the conversions of the diesel convertibles to CNG will be taking place.

13. CONSIDERATION OF EXTENDING CONTRACT FOR WORKERS' COMPENSATION, THIRD PARTY CLAIMS ADMINISTRATION

Summary:

Tom Stickel stated that METRO's contract with Tristar Insurance Services for administration of the worker's compensation claims would expire in October 2002. Tristar is offering a discounted rate for an additional two-year contract. Staff is recommending that the contract be amended to

take advantage of the savings. Mark Dorfman discussed the benefit of guaranteeing a price tied to the Bay Area CPI index in the second year rather than the cost being based on actual claims experience for the prior year.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR KEOGH

Authorize the General Manager to execute a contract amendment with TRISTAR Insurance Services as the District's worker's compensation administrator to extend the contract two additional years.

AMENDMENT TO MOTION:

Staff is directed to retain copies of employee complaints regarding the worker's compensation procedures and how they are resolved and inform the Board of this on a monthly basis for the next six months.

Discussion:

Bonnie Morr reported that it is difficult for employees to get the procedures they need in order to return to work.

CARMEN MAGDALENO, INTERPRETER, ARRIVED.

Robyn Slater, Interim Human Resource manager, stated that the delay is usually not on the part of the representative but on the part of getting the procedure scheduled. It was recommended that staff be given information on how to proceed through the worker's compensation system. The Board discussed a procedure in which employees' complaints with the system would be documented along with information on how the complaints were resolved. The original motion was amended to reflect this direction to the staff.

Jake Hurley of SEIU spoke to the issue of providing information for the employees and he stated that this is the responsibility of the Human Resource Dept. Mr. White added that it is METRO's goal to get the injured employees rehabilitated, healthy and back on the job and this is the direction given to the third party administrator. Meetings of Labor Management and the Injury Prevention Program take place monthly and semi-monthly, with the intention of maximizing safety in the workplace.

Motion passed with Director Keogh voting no and Directors Ainsworth and Norton being absent.

14. CONSIDERATION OF ALTERNATIVES TO COPE WITH OPERATOR STAFFING SHORTFALLS

Summary:

Bryant Baehr reported that currently there are numerous people out of work for a number of reasons. However, service still needs to be provided. There has been a drastic increase in injuries in the last 1.5 – 2 months; plus, anywhere from 3-5 operators and sometimes as high as

10 operators call in sick per day. Staff is having a hard time filling the positions with staff who are already working overtime. Staff offered three options for the Board to consider. These are: reduce bus service until operators return from medical leaves, hire additional operators, approach retired operators to see if they are interested in working part-time. If the Board approves approaching the retirees, staff would work with UTU to negotiate the process.

Discussion:

Les White added that if the retirees are utilized for part-time driving, staff would recommend to UTU that a time limit of three or four months be imposed on this authority and staff would then return to the Board to determine if Operations is still in an emergency situation. It was confirmed that the retirees would receive the same pay rate as when they were employees. There was discussion regarding the difficulty in obtaining current drivers for more overtime than they are currently doing. Director Almquist questioned why staff would pay overtime expenses when retirees could be utilized at no overtime.

Linda Wilshusen will research the restrictions, if any, that METRO might have on the funding it receives in regards to part-time work. Bonnie Morr commented that there are lots of problems with utilizing part-time drivers. She reiterated that service has not been dropped and drivers have been working overtime. Ms. Morr was concerned that this wasn't discussed by the Board in closed session first to avoid inflaming UTU members. Ex-Officio Rotkin commented that a side agreement could be done with UTU that would make it clear that this was NOT a permanent program. Elisabeth Ross will return to the Board with a September/October report on overtime.

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ALMQUIST

Authorize staff to start discussion with UTU to reach an agreement on an emergency program to use retirees for emergency purposes. Do not bring this item back to the Board if no agreement can be reached with UTU. Limit the amount of time staff spends on the negotiations with UTU.

Manny Martinez, Chair of PSA, spoke as one of the employees who ensures that service is on the streets and he expressed how critical this situation is. He cited how difficult it is on a daily basis to ensure shifts are covered since the current bus operators are at a "burn out" level for overtime. Jake Hurley of SEIU stated that he would like to be included in the discussions since the PSA members fall under SEIU.

DIRECTOR PHARES LEFT THE MEETING.

Motion passed with Director Fitzmaurice voting no and Directors Ainsworth, Norton and Phares being absent.

15. CONSIDERATION OF DISCIPLINARY PROGRAM WHEN STOPS ARE NOT ANNOUNCED

This item was tabled per Director Keogh's request under Item #5 - METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS.

ADJOURN

Vice Chairperson Reilly reminded the Board and Staff that the November 22, 2002 Board meeting would be held at the Watsonville City Council Chambers. There being no further business, Vice-Chairperson Reilly adjourned the meeting at 11:03 a.m.

Respectfully submitted.

DALE CARR
Administrative Services Coordinator