

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**November 22, 2002**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, November 22, 2002 at the Watsonville City Council Chambers, 250 Main Street, Watsonville, CA

Chairperson Ainsworth called the meeting to order at 9:15 a.m.

### **SECTION 1: OPEN SESSION**

#### **1. ROLL CALL:**

##### **DIRECTORS PRESENT**

Sheryl Ainsworth  
Jeff Almquist  
Michelle Hinkle  
Mike Keogh  
Dennis Norton  
Ana Ventura Phares  
Emily Reilly  
Pat Spence  
Marcela Tavantzis

##### **DIRECTORS ABSENT**

Jan Beautz  
Tim Fitzmaurice  
Ex-Officio Mike Rotkin

##### **STAFF PRESENT**

Bryant Baehr, Operations Manager	Elisabeth Ross, Finance Manager
John Daugherty, Assess. Svcs. Coordinator	Robyn Slater, Interim H.R. Manager
Margaret Gallagher, District Counsel	Tom Stickel, Fleet Maint. Manager
Herbert Palacios, Interpreter	Leslie White, General Manager

##### **EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT**

Connie/Shelly Day, Transit Riders	Karena Pushnik, SCCRTC
Tom Hiltner, SEA	Will Regan, VMU
Jake Hurley, SEIU	Josh Shaw, Shaw & Yoder
Manny Martinez, PSA	Marian Taylor, League of Women Voters
Bonnie Morr, UTU	

#### **2. ORAL AND WRITTEN COMMUNICATION**

##### **Oral:**

Tila Guerrero of the Watsonville Chamber of Commerce and owner of the Watsonville McDonald's franchise welcomed the Transit Board to the Watsonville facilities. She thanked the Board for their efforts in regard to an incident that occurred in which one of her employees was accosted. She praised David Konno, Les White, Director Phares and

Directors Almquist and Beautz both of whom are on the County Board of Supervisors. A gate was installed as a deterrent to this happening in the future.

Jake Hurley of SEIU informed the Board that METRO staff was accommodating in dealing with issues and concerns related to his transition as the new field representative. He offered his thanks to the staff.

**3. LABOR ORGANIZATION COMMUNICATIONS**

Nothing to report.

**4. METRO USERS GROUP (MUG) COMMUNICATIONS**

Two Motions were made at the MUG meeting of 11/13/02:

- 1) MUG supports the Board of Directors in adopting the Draft ADA/504 Accessibility Policies & Procedures as written.
- 2) MUG recommends that the Talking Bus System be stabilized and running smoothly with the current call stop list prior to changing or adding any more call stops.

**5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS**

Connie Day stated to the Board that if METRO has cutbacks on service that the Route 71 not be cut. The following Motion was made at the November 14<sup>th</sup> MASTF Meeting:

If service cuts are needed, that they not be made in the Watsonville area.

**6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

Margaret Gallagher requested that an additional item be added to the agenda, as follows:

CONSIDERATION OF AMENDMENTS TO JESSICA'S GROCERY STORE LEASE AND THE METRO MARKET LEASE TO ALLOW TENANTS TO USE ROOFS OF THE TRANSIT CENTERS FOR WIRELESS EQUIPMENT FOR LOTTERY SALES. The tenants were given only until the end of November to facilitate this request, thus the need for this to be added to the agenda.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR KEOGH**

**Move the item to the agenda and make the necessary findings.**

**Motion passed unanimously with Directors Beautz and Fitzmaurice being absent.**

Chairperson Ainsworth added this as Item #23 to the agenda.

**SECTION I:**

**ADD TO ITEM #2** ORAL AND WRITTEN COMMUNICATION  
**(Insert one letter: Letter from MASTF Chair)**

**CONSENT AGENDA:**

**ADD TO ITEM #7-3** ACCEPT AND FILE 2002 RIDERSHIP REPORT  
**(Insert Page 1)**

**DELETE ITEM #7-13** CONSIDERATION OF CHANGE OF USE FROM CHILDREN'S  
CLOTHING STORE TO ELECTRONIC SUPPLY SHOP FOR  
WATSONVILLE TENANT FLOR BELLA  
**(Tenant did not renew lease)**

**REGULAR AGENDA:**

**ADD TO ITEM #9** UPDATE FROM JOSH SHAW ON STATE LEGISLATIVE ISSUES  
**(Mr. Shaw will make an oral presentation)**

**DELETE ITEM #10** CONSIDERATION OF WORKSHOP SESSION ON BUDGET  
ISSUES  
**(Presentation made at the 11/8/02 Board Meeting)**

**DELETE ITEM #12** CONSIDERATION OF AMENDING THE DRUG AND ALCOHOL  
TESTING POLICY  
**(Unions requested additional time to review)**

**DELETE ITEM #13** CONSIDERATION OF AMENDMENT AND REINSTATEMENT OF  
THE DISTRICT'S DEFERRED COMPENSATION PLAN AND  
TRUST, IN ORDER TO IDENTIFY A NEW TRUSTEE AND TO  
FACILITATE CHANGES IN THE LAWS FOR 457 PLANS  
**(Unions requested additional time to review)**

**DELETE ITEM #14** CONSIDERATION OF AWARD OF CONTRACT FOR BUS  
ADVERTISING  
**(Action taken at the 11/8/02 Board Meeting)**

**DELETE ITEM #16** CONSIDERATION OF AMENDING CONTRACT FOR  
COMPRESSED NATURAL GAS (CNG) FUEL STATION  
EQUIPMENT  
**(Action taken at the 11/8/02 Board Meeting)**

**ADD TO ITEM #17** CONSIDERATION OF APPROVAL OF 2003 FEDERAL  
LEGISLATIVE PROGRAM  
**(Add Staff Report)**

- ADD TO ITEM #18**            CONSIDERATION OF APPROVAL OF 2003 STATE LEGISLATIVE PROGRAM  
**(Add Staff Report)**
- ADD TO ITEM #19**            CONSIDERATION OF AWARD OF CONTRACT FOR LICENSED BROKER SERVICES FOR EXCESS WORKER'S COMPENSATION COVERAGE  
**(Add Staff Report)**
- ADD TO ITEM #20**            CONSIDERATION OF A RESOLUTION AUTHORIZING A GRANT APPLICATION THROUGH SANTA CRUZ COUNTY TO CALTRANS FOR BICYCLE TRANSPORTATION ACCOUNT FUNDS TO PURCHASE NEW BIKE RACKS FOR BUSES  
**(Add Staff Report)**
- ADD TO ITEM #21**            CONSIDERATION OF TALKING BUS SYSTEM STATUS  
**(Add Staff Report)**
- ADD TO ITEM #22**            CONSIDERATION OF SUBMITTING A RESPONSE TO THE GRAND JURY REGARDING PROVIDING BUS SERVICE TO THE SANTA CRUZ COUNTY JUVENILE DETENTION CENTER ON GRAHAM HILL ROAD  
**(Add Staff Report)**

#### CONSENT AGENDA

- 7-1. APPROVE REGULAR BOARD MEETING MINUTES OF OCTOBER 11 AND OCTOBER 25, 2002
- 7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS
- 7-3. ACCEPT AND FILE OCTOBER 2002 RIDERSHIP REPORT
- 7-4. CONSIDERATION OF TORT CLAIMS: Deny the Claim of: Dorothy Spaventa, Claim #02-0031
- 7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF OCTOBER 17, 2002
- 7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF OCTOBER 16, 2002
- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR SEPTEMBER 2002, APPROVAL OF BUDGET TRANSFERS
- 7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR AUGUST 2002
- 7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR SEPTEMBER 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 ADOPTION OF RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CALPERS CONTRACT TO PROVIDE SECTION 21023.5 (PUBLIC SERVICE CREDIT FOR PEACE CORPS OR AMERICORPS: VISTA SERVICE)
- 7-13. DELETED

- 7-14. **CONSIDERATION OF AMENDING CONTRACT FOR REVENUE AND NON-REVENUE TIRES**
- 7-15. **CONSIDERATION OF AWARD OF CONTRACT FOR FOUR EACH COMPRESSED NATURAL GAS (CNG) POWERED PASSENGER VANS**
- 7-16. **CONSIDERATION OF CHANGING MENU TO INCLUDE BREAKFAST FOR SUSHI NOW, A SANTA CRUZ METRO CENTER TENANT**
- 7-17. **CONSIDERATION OF ACCEPTANCE OF FINANCIAL STATEMENTS AND REPORTS OF INDEPENDENT AUDITOR FOR YEAR ENDING JUNE 30, 2002**  
(Moved to Consent Agenda at the November 8, 2002 Board Meeting. Staff report retained original numbering as Item #11)
- 7-18. **CONSIDERATION OF AUTHORIZATION TO PURCHASE PARATRANSIT VANS USING STATE CONTRACT**  
(Moved to Consent Agenda at the November 8, 2002 Board Meeting. Staff report retained original numbering as Item #15)

**ACTION: MOTION: DIRECTOR PHARES SECOND: DIRECTOR ALMQUIST**

**Approve Consent Agenda**

**Motion passed unanimously in lieu of a roll call vote for Item #7-12 with Directors Beautz and Fitzmaurice being absent.**

#### **REGULAR AGENDA**

#### **8. CONSIDERATION OF PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

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

##### **FIFTEEN YEARS**

Polly J. McGinnis, Bus Operator  
Domingo Tovar, Bus Operator

##### **TWENTY YEARS**

Adela P. Bates, Customer Service Representative  
Glenn A. Lynch, Bus Operator

##### **TWENTY-FIVE YEARS**

Arlette J. Abacherli, Bus Operator  
Thomas J. Bradford, Transit Supervisor  
Frederick B. Dempsey, Bus Operator

#### **9. UPDATE FROM JOSH SHAW ON STATE LEGISLATIVE ISSUES**

Josh Shaw of Shaw & Yoder and the California Transit Association made a power point presentation on the state of transit funds in the legislature. He discussed in detail the following

topics: Transit funds at risk, Dept. of Finance's projections, Legislative Analyst's projections, Impact on transit funding – TDA, PTA, TCRP, STA.

Mr. Shaw reviewed the state of the California State Budget citing the legislative analyst's prediction for FY 03/04 of a \$15 billion difference between anticipated revenues and expected expenditures.

**Discussion:**

**CHAIRPERSON AINSWORTH LEFT THE MEETING.**

Mr. Shaw discussed what could be done in light of the recent economic downturn. He suggested that METRO educate and send letters to Senator McPherson, Assembly Member Laird, County Supervisors, talk to local officials, such as, the City Council, SCCRTC, Labor Unions, Downtown Business Association, Chamber of Commerce, the Press, the riding public.

He informed the Board that there would be a special session of the legislature held on December 9, 2002 for the purpose of cutting \$5 billion out of the current budget. He will keep METRO staff informed as to the outcome of this special session.

**ITEM #18 WAS TAKEN OUT OF ORDER**

**18. CONSIDERATION OF APPROVAL OF 2003 STATE LEGISLATIVE PROGRAM**

**Summary:**

Mr. White segued right into this item from Josh Shaw's presentation.

**Discussion:**

The main concern at this point is the STA funds since these funds are used for any project that has a local match. This will affect the replacement of buses, the Metro Center redevelopment project and the MetroBase project all of which will require a local share of approximately twenty (20%) percent. This portion will either need to come from capital sources or the capital projects will need to be suspended. Mr. White re-stated that METRO is spending \$600,000 per year on leasing facilities. Mr. White stated that he will "step up" talking with Assembly Member Laird and other appropriate legislative leaders. He added that staff is ready to request an allocation from the CTC for fund in the Traffic Congestion Relief Program (TCRP) for acquisition of the Greyhound property which we are currently leasing. He expressed further concern regarding the twenty-nine (29) new buses scheduled to be received in approximately ninety (90) days and the \$6 million invoice that will accompany the shipment. Also, eleven (11) Highway 17 buses are scheduled to go into production this spring and will arrive in August with a \$3 million invoice. Historically, the CTC has treated signed contracts as "committed" money; however, these funds are still at risk.

Director Reilly asked that Mr. White add a ninth goal as follows: Prepare and implement a county-wide public awareness program to inform the public of the impacts of lowered or cancelled state funding on METRO service and projects. Involve all stakeholders in the design

and implementation of the program. Encourage communication of concerns to members of the State Legislature with emphasis on those individuals representing Santa Cruz County.

**ACTION: MOTION: DIRECTOR NORTON SECOND: DIRECTOR KEOGH**

**Adopt the proposed METRO 2003 State Legislative Program attached to this staff report with the addition of the ninth goal and endorse the adopted Legislative Program of the California Transit Association.**

**Motion passed unanimously with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

10. DELETED
11. MOVED TO CONSENT AGENDA AS ITEM #7-17
12. DELETED
13. DELETED
14. DELETED
15. MOVED TO CONSENT AGENDA AS ITEM #7-18
16. DELETED
17. CONSIDERATION OF APPROVAL OF 2003 FEDERAL LEGISLATIVE PROGRAM

**Summary:**

Leslie White recapped the goals that METRO would like to achieve while working with Congress. With the Senate majority shifting to the Republican Party, Senator Shelby will be returning to sit on the Transportation Committee and will assume the Chair of the Banking Committee. This will affect multi-year transit and appropriating money on an annual basis. California and New York may be negatively impacted by his return to these two positions.

**Discussion:**

There was discussion regarding bringing Carolyn Chaney out to Santa Cruz to discuss the federal goals and the level of priority of these goals and the Metro Center project. There is a need for her to be here for the Reauthorization Committee for Highway 1 as well. February may be the target date for this. Mr. White stated that the Transportation Equity Act (TEA-21) Program would conclude on September 30, 2003. Director Phares suggested that all the legislative representatives be brought out at one time to meet with the Board and the public to publicly discuss transit issues. The Watsonville city officials will hold one of these meetings with Congressional and House representatives on December 13, 2002. Director Tavantzis will ensure that the state and federal METRO items are on their legislative agenda for that meeting.

**ACTION: MOTION: DIRECTOR PHARES SECOND: DIRECTOR NORTON**

**Adopt the proposed METRO 2003 Federal Legislative Program attached to the staff report.**

**Motion passed unanimously with Directors Ainsworth, Beutz and Fitzmaurice being absent.**

**19. CONSIDERATION OF AWARD OF CONTRACT FOR LICENSED BROKER SERVICES FOR EXCESS WORKER'S COMPENSATION COVERAGE**

**Summary:**

Tom Stickel reported that the District is self-insured up to \$350,000 for individual worker's compensation claims. This has been increased to a \$500,000 limit per claim for which the District would be liable. The Excess coverage would cover any amount over the \$500,000 limit.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR NORTON**

**Authorize the General Manager to execute a contract for licensed broker services for excess worker's compensation coverage with Loveland and Smart Insurance Services, Inc.**

Robyn Slater informed the Board that Loveland and Smart Insurance Services is the same vendor as before, with a name change only. Ms. Slater reviewed some of the more expensive claims to the District recently.

**Motion passed unanimously with Directors Ainsworth, Beutz and Fitzmaurice being absent.**

**20. CONSIDERATION OF A RESOLUTION AUTHORIZING A GRANT APPLICATION THROUGH SANTA CRUZ COUNTY TO CALTRANS FOR BICYCLE TRANSPORTATION ACCOUNT FUNDS TO PURCHASE NEW BIKE RACKS FOR BUSES**

**Summary:**

Tom Stickel reported that staff had worked with Sportworks to acquire the current bicycle racks on the buses. Santa Cruz has the highest degree of bicycle usage with more demand for bike slots than the buses' ability to carry them. The new bike rack accommodates three (3) bikes at a time and was recently viewed at the APTA Expo in Las Vegas. The new rack meets the state requirements for length and will allow independent loading and unloading of individual bikes.

Staff is recommending that the Board allow METRO staff to apply through Santa Cruz County Public Works for \$81,000 to purchase these new bike racks. Staff would also enter into an agreement with Sportworks to turn in the old bike racks for a credit against the cost of the new racks. By doing this, there would be no financial impact to the District for the new racks.



**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR NORTON**

**Authorize a grant application through Santa Cruz County to Caltrans for Bicycle Transportation Account Funds to purchase new bike racks for buses.**

**Motion adopted the Resolution by unanimous roll call vote with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

Les White explained the reason for the bike racks not being installed on the back of the buses – bus operators cannot see behind the bus to know when the bike and bike rider are clear of the vehicle prior to departing.

**21. CONSIDERATION OF TALKING BUS SYSTEM STATUS**

**Summary:**

Bryant Baehr outlined three categories under this topic: programming and troubleshooting; the new 12-satellite GPS systems which are currently being installed, and a claim that bus operators are interfering with the Talking Bus System. Mr. Baehr addressed the last category by talking with bus operators and checking wiring to ensure no tampering had taken place. It was confirmed that no tampering had occurred. When Mr. Baehr reported back to the person making the allegation, however, he was not believed. The customer alleged that Fleet Maintenance was supplying information on how to disable the Talking Bus System. Mr. Baehr assured the Board that this complaint was promptly and thoroughly investigated and no evidence was found to back up the allegation of tampering.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR SPENCE**

**Accept the report.**

**Motion passed unanimously with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

**22. CONSIDERATION OF SUBMITTING A RESPONSE TO THE GRAND JURY REGARDING PROVIDING BUS SERVICE TO THE SANTA CRUZ COUNTY JUVENILE DETENTION CENTER ON GRAHAM HILL ROAD**

**Summary:**

Margaret Gallagher reported that the Grand Jury recommended that METRO provide bus routes with stops available to those wanting to get to and from the Juvenile Hall facilities on Graham Hill Road. The Grand Jury requested a response from METRO and Ms. Gallagher had attached a proposed response to her staff report. It was further reported that METRO attempted to generate riders to Juvenile Hall via a special shuttle service in 1998. This route was unsuccessful in generating ridership at that time. Due to METRO's current financial situation and the fact that the bus cannot turn around in the Juvenile Hall parking lot, staff is recommending that no stops be available at this location.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR REILLY**

**Approve submission of the proposed response to the Grand Jury indicating that METRO cannot provide bus service to the Santa Cruz County Juvenile Detention Center located on Graham Hill Road.**

Director Almquist and Les White both gave a history of service provided to the Juvenile Hall, which resulted in less than one passenger a day even with an aggressive promotion of this service to the public.

**Motion passed unanimously with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

**23. CONSIDERATION OF AMENDMENTS TO JESSICA'S GROCERY STORE LEASE AND THE METRO MARKET LEASE TO ALLOW TENANTS TO USE ROOFS OF THE TRANSIT CENTERS FOR WIRELESS EQUIPMENT FOR LOTTERY SALES**

**Summary:**

Margaret Gallagher stated that the California Lottery approached owners of both Jessica's Grocery Store and Metro Market regarding installation of wireless equipment on the roofs of these businesses to facilitate the sale of lottery tickets. There was initially a deadline of November 6<sup>th</sup> for a decision to be made, however, the deadline was then moved to the end of November. Staff is requesting Board approval to permit lease amendments to allow the California Lottery to use the roofs for their wireless equipment.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR REILLY**

**Approve lease amendments to Jessica's Grocery and Metro Market to allow for wireless equipment to be installed on the roofs to facilitate sale of California Lottery tickets.**

**Motion passed unanimously with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

Bonnie Morr of UTU spoke on three items previously discussed on the Agenda. 1) ADA reporting on Talking Buses – Ms. Morr reiterated the commitment from all the bus operators to do their jobs. She confirmed that there has been no tampering with this equipment. 2) No bus operators or Union representatives have been informed of or have seen any information on the new bike racks. She would like UTU to be included in this process. 3) Regarding Josh Shaw's report on the state of the California budget, she wanted to remind the Board of the power of the unions both on a state and federal level. She requested a copy of all handouts from Mr. Shaw's presentation today. She added that the more informed the unions are, the more assistance they can offer on both state and federal levels.

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

Ms. Gallagher reported that the Board would discuss the existing litigation case of Jeff Long, Nina Carlotta and Lane/Loya in Closed Session. She also asked that the case of Bass vs.

SCMTD be added to the Closed Session Agenda since a piece of the proposed agreement needs to be discussed.

**ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR TAVANTZIS**

**Add a discussion on the Bass case to the agenda and make the necessary findings to do so.**

**Motion passed unanimously with Directors Ainsworth, Beautz and Fitzmaurice being absent.**

**25. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

None

**SECTION II: CLOSED SESSION**

Vice Chairperson Reilly adjourned to Closed Session at 11:13 a.m. and reconvened to Open Session at 11:45 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**26. REPORT OF CLOSED SESSION**

There was nothing to report at this time.

**ADJOURN**

There being no further business, Vice-Chairperson Reilly adjourned the meeting at 11:45 a.m.

Respectfully submitted,

DALE CARR  
Administrative Services Coordinator