

REVISED

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

July 28, 2006

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, July 28, 2006 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

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

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz (arrived after roll call)
Dene Bustichi
Michelle Hinkle
Mike Keogh
Kirby Nicol
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis
Ex-Officio Wes Scott

DIRECTORS ABSENT

None

STAFF PRESENT

Ciro Agguire, Operations Manager
Frank Cheng, MetroBase Project Manager
Mark Dorfman, Assistant General Manager
Mary Ferrick, Base Superintendent
Margaret Gallagher, District Counsel

Elisabeth Ross, Finance Manager
Steve Paulson, Paratransit Administrator
Robyn Slater, Human Resources Manager
Tom Stickel, Maintenance Manager
Les White, General Manager

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

George Dondero, SCCRTC
Alicia Hernandez, ParaCruz
Louise Keller, ParaCruz
Gary Klemz, SEIU Field Representative
Sandra Lipperd, UTU
Ian McFadden, Transit Planner
Robert Maldonado, ParaCruz

Gerry Pole, ParaCruz User
Will Regan, VMU
Pat Rodriguez, First Alarm Security
Mike Tomassee, "King of Marijuana"
April Warnock, ParaCruz
Amy Weiss, Spanish Interpreter
Bonnie Wilson, Admin Secty/Supervisor

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Paul Marcelin-Sampson, MAC
Bonnie Morr, UTU
Wally Parham

Bob Yount, MAC
Art Zamudio, ParaCruz/UTU Rep

2. ORAL AND WRITTEN COMMUNICATION

Written:

None.

Oral:

Chair Rotkin advised that there would be a three-minute limit on today's oral communications.

Gerry Pole, ParaCruz User, stated that he had been on the Tonight Show 31 times and requested more time to speak because what he has to say could not possibly be done in three minutes. Chair Rotkin offered to meet with Mr. Pole after today's Board meeting to hear his concerns.

Mr. Pole showed a photograph of Princess Diana and explained that she had been his closest female friend in the world, and that he was the Royal Photographer. Mr. Pole began to cry and said Princess Diana was mishandled so badly by everybody and he began to pull out another photograph.

DIRECTOR BEAUTZ ARRIVED

Chair Rotkin advised Mr. Pole that his time was up today.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

A Revised Attachment "B" for Item #7 and a Revised Attachment "A" for Item #9 were distributed at today's meeting. Chair Rotkin pulled Item #5-17 from the Consent Agenda and moved it to the Regular Agenda as Item #17.1.

SECTION I:

OPEN SESSION:

CONSENT AGENDA:

REVISE ITEM #5-1

APPROVE REGULAR BOARD MEETING MINUTES OF MAY 12 & 26
AND ~~JUNE 9 & 23~~, 2006

(June Minutes will be included in the August Board Packet)

ADD TO ITEM #5-3

ACCEPT AND FILE JUNE 2006 RIDERSHIP REPORT

(Insert Pages 1 and 4)

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- DELETE ITEM #5-6** ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2006 AND APPROVAL OF BUDGET TRANSFERS
(Will be included in the August Board Packet)
- INSERT ITEM #5-9** ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF MAY 2006
(Insert Report)
- DELETE ITEM #5-14** CONSIDERATION OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE WITH CALTIP FOR FY 06-07
(Deleted: Action taken at the July 14, 2006 Board Meeting)
- ADD ITEM #5-16** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO USE THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES CONTRACT FOR THE PURCHASE OF THREE EACH COMPACT SEDANS
(Insert Staff Report)
- ADD ITEM #5-17** CONSIDERATION OF FEDERAL TRANSIT ADMINISTRATION'S GRANT-FUNDED PROJECT OPPORTUNITIES FOR METRO IN THE FTA'S NEW FREEDOM PROGRAM
(Insert Staff Report)
- REGULAR AGENDA:**
- ADD TO ITEM #7** CONSIDERATION OF SERVICE REVISIONS FOR FALL 2006
(Insert REVISED Page #7.3 and Remaining Attachments)
- INSERT ITEM #9** CONSIDERATION OF RESPONSIVE COMMENTS TO DEPARTMENT OF TRANSPORTATION'S (DOT) NOTICE OF PROPOSED RULEMAKING DATED FEBRUARY 27, 2006 RE REQUEST FOR COMMENTS ON OTHER ISSUES
(Insert Staff Report)
- INSERT ITEM #10** CONSIDERATION OF RESPONSE TO RECOMMENDATIONS OF THE PARATRANSIT COORDINATION TASK FORCE
(Insert Staff Report)
- DELETE ITEM #12** CONSIDERATION OF APPROVAL OF INCREASED RATES FOR ADVERTISEMENTS ON METRO BUSES
(Deleted: Action taken at the July 14, 2006 Board Meeting)
- DELETE ITEM #13** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR EMPLOYER PAID FAMILY VISION INSURANCE COVERAGE
(Deleted: Action taken at the July 14, 2006 Board Meeting)
- DELETE ITEM #14** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR REPLACEMENT VEHICLE FOR TRANSIT SUPERVISORS
(Deleted: Action taken at the July 14, 2006 Board Meeting)
- DELETE ITEM #17** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A TWO-MONTH CONTRACT EXTENSION WITH CABRILLO COLLEGE FOR TRANSIT SERVICE
(Deleted: Action taken at the July 14, 2006 Board Meeting)

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- DELETE ITEM #21** CONSIDERATION OF APPROVAL OF A THREE-YEAR
MEMORANDUM OF UNDERSTANDING BETWEEN SEIU, LOCAL
415 AND SANTA CRUZ METRO
(Deleted: Action taken at the July 14, 2006 Board Meeting)

CONSENT AGENDA

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES MAY 12 & 26 AND JUNE 9 & 23, 2006 (June Minutes will be included in the August 2006 Board Packet)
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF JUNE 2006
- 5-3. ACCEPT AND FILE JUNE 2006 RIDERSHIP REPORT
- 5-4. CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF JASON SOUZA, CLAIM #06-0015
- 5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JULY 19, 2006 AND MINUTES OF MAY 17, 2006
- 5-6. DELETED: WILL BE INCLUDED IN THE AUGUST 2006 BOARD PACKET
(ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2006 AND APPROVAL OF BUDGET TRANSFERS)
- 5-7. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR APRIL 2006
- 5-8. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF APRIL 2006
- 5-9. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF MAY 2006
- 5-10. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JUNE 2006 MEETING(S) (Will be included in the August Board Packet)
- 5-11. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A RENEWAL OF CONTRACT WITH DEVCO OIL FOR DIESEL AND GASOLINE FUELS
- 5-13. ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF APRIL, MAY & JUNE 2006
- 5-14. DELETED: ACTION TAKEN AT THE JULY 14, 2006 BOARD MEETING
(CONSIDERATION OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE WITH CALTIP FOR FY 06-07)
- 5-15. CONSIDERATION OF RESOLUTION RATIFYING ACTIONS OF THE GENERAL MANAGER IN REQUESTING THE SCCRTC AND THE CALIFORNIA TRANSPORTATION COMMISSION TO PROGRAM AND ALLOCATE FUNDS TO METRO CAPITAL PROJECTS FOR BUS CONVERSIONS, BUS REPLACEMENT, AND METROBASE FUNDING IN THE 2006 – 2008 STIP
- 5-16. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO USE THE STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES CONTRACT FOR THE PURCHASE OF THREE EACH COMPACT SEDANS

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- 5-18. **CONSIDERATION OF ADOPTING AN ANNUAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION RATE FOR FEDERALLY-FUNDED PROCUREMENTS IN 2007**
(Moved to Consent Agenda at the July 14, 2006 Board Meeting. Retained original numbering as Item #8)
- 5-19. **CONSIDERATION OF THE CREATION OF THE POSITION OF FINANCE MANAGER DESIGNATE FOR THE PERIOD OF SEPTEMBER 1, 2006 THROUGH DECEMBER 31, 2006**
(Moved to Consent Agenda at the July 14, 2006 Board Meeting. Retained original numbering as Item #11)
- 5-20. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR SERVICE TRUCK FOR FLEET MAINTENANCE**
(Moved to Consent Agenda at the July 14, 2006 Board Meeting. Retained original numbering as Item #15)
- 5-21. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR HEAVY DUTY BRAKE DRUMS**
(Moved to Consent Agenda at the July 14, 2006 Board Meeting. Retained original numbering as Item #16)

Director Spence requested that the following change be made to the motion at the top of page 8 of the May 12, 2006 Board Minutes: “..two (2) 40 foot compressed natural gas buses ~~in the~~ **for an additional** amount of \$54,147.00.¹

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR NICOL

Approve the remainder of the Consent Agenda with requested change to the May 12, 2006 Board Minutes

Motion passed Motion passed by unanimous affirmative voice vote in lieu of a roll call vote for Item #5-15 with all Directors present.

REGULAR AGENDA

6. **PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

The following employee was awarded a longevity certificate for her years of service:

FIFTEEN YEARS

Bonnie J. Wilson, Admin Secretary Supervisor

7. **CONSIDERATION OF SERVICE REVISIONS FOR FALL 2006**

¹ This change has been made to the file copy of the May 12, 2006 Minutes.

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Summary:

Ian McFadden gave a presentation on the proposed changes to the Highway 17 service that were discussed yesterday at a JPA meeting. The suggested changes came from METRO Staff, Amtrak, and Paul Marcelin-Sampson. Nearly all of the modifications will improve connections with Amtrak and CalTrain schedules.

Mr. McFadden offered to answer any questions on the proposed changes to routes 3, 7N/68N, 16, 19, Hwy 17, 53, 54, 66, 68, 69, 71 and 91 that were presented at the last Board meeting. The estimated cost to METRO for this proposal is \$1,950.00 annually.

These changes will go into effect on September 7, 2006. The press will be notified, there will be handouts in the buses and the information will be posted on METRO's website at www.scmtd.com.

Les White complimented Ian McFadden, Harlan Glatt and Mark Dorfman for all the work they have done on this proposal, and also complimented Paul Marcelin-Sampson for his extensive research. Mr. White added that there are some lingering issues that will need to be addressed including continuous requests for a Highway 17 connection to the airport, continuous requests for a stop in Los Gatos, continuing to encourage Capitol Corridor partner agencies to provide METRO with advanced warning of their service changes to maintain connectivity between service providers, requests to eliminate the stop at Ocean and Water, and changing how the service is billed to accurately reflect the ridership.

Discussion:

Paul Marcelin-Sampson encouraged people to visit his website iridethebus.org for information on trip planning using public transit. Mr. Marcelin-Sampson thanked METRO Staff for all their hard work on this and for being receptive to and implementing several of his suggestions.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR SKILLICORN

Approve the proposed service adjustments for Fall 2006

Motion passed unanimously with all Directors present.

9. **CONSIDERATION OF RESPONSIVE COMMENTS TO DEPARTMENT OF TRANSPORTATION'S (DOT) NOTICE OF PROPOSED RULEMAKING DATED FEBRUARY 27, 2006 RE REQUEST FOR COMMENTS ON OTHER ISSUES**

Summary:

Margaret Gallagher reported that Staff is asking for authorization to submit the letter of comment that was distributed today as Revised Attachment "A". Ms. Gallagher stated that the two main issues are: 1) urging the DOT to retain the common wheelchair weight and dimension definition with the requirement that the definition and the significance of it be provided to mobility device

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users/purchasers, manufacturers, distributors and sellers, and 2) that a study should be conducted regarding how to count missed/denied trips.

Discussion:

Chair Rotkin suggested putting the common wheelchair definition disclosure requirement on John Laird and/or Joe Simitian's agenda because the legislature should require that the definition be disclosed.

Ex-Officio Director Scott suggested that the common wheelchair definition be available on METRO's website.

Gerry Pole suggested having two definitions of the common wheelchair, one for standard wheelchairs and one for motorized buggies or mobility devices.

Paul Marcelin-Sampson wished to recognize Staff for the tremendous effort in drafting this letter and he urged the Board to recognize MAC for recommending required disclosure of the common wheelchair definition.

ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR REILLY

Authorize METRO Staff to submit comments regarding DOT proposed rulemaking re other issues

Regarding Issue #7 on page #9.a5, Director Spence asked if a comment could be made here or that there be a policy requirement that bus operators ask people occupying the priority seating if they could move to a different seat to accommodate someone in a mobility device. **Director Spence stated that her comment was regarding passengers utilizing mobility devices being bypassed at bus stops because the priority seating areas were occupied.**

Chair Rotkin directed Staff to bring a policy on priority seating back to the Board on a future Agenda.

In response to Director Spence's comment, Bonnie Morr, UTU, stated that there is a policy in dealing with when the priority seating areas are filled and someone with a mobility device needs to board. Dispatch is always called to arrange for a ride for anyone with a mobility device so they are not stranded or left behind.

Motion passed unanimously with all Directors present.

10. CONSIDERATION OF RESPONSE TO RECOMMENDATIONS OF THE PARATRANSIT COORDINATION TASK FORCE

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Summary:

Steve Paulson reported that last month, the Board requested Staff to provide more definitive and in-depth responses to the more controversial recommendations of the PCTF. Mr. Paulson went through each of the responses included in the Staff Report and explained METRO's opposition to them.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR TAVANTZIS

Authorize Staff to forward responses to the recommendations of the Paratransit Coordination Task Force to the Regional Transportation Commission

Motion passed unanimously with all Directors present.

17.1 CONSIDERATION OF FEDERAL TRANSIT ADMINISTRATION'S GRANT-FUNDED PROJECT OPPORTUNITIES FOR METRO IN THE FTA'S NEW FREEDOM PROGRAM

Summary:

Mark Dorfman reported that SAFETEA-LU appropriated funds for the New Freedom Program to provide transportation alternatives to people with disabilities beyond those required by the ADA. Approximately \$9 million will go to the State of California. Informal estimates indicate that approximately \$255,000 will be available in the AMBAG region, which will be competitively awarded.

METRO Staff is proposing to fund the District's Accessible Services Coordinator position, among other possible projects.

Discussion:

Paul Marcelin-Sampson clarified that the New Freedom Program funds services for the elderly and disabled that are either new or above and beyond ADA requirements. Mr. Marcelin-Sampson suggested that all areas that METRO is providing service above and beyond the ADA be listed and included in the plan.

Director Spence suggested submitting a proposal to fund an internship to shadow new riders through the accessible services process and also to market mobility training more. Mark Dorfman explained that other possibilities could be looked at in the future but the objective right now is to meet the August 15th deadline to submit projects that would relieve pressure on the operating budget today.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR TAVANTZIS

Authorize the General Manager to assess project opportunities at METRO, submit applications to AMBAG, and execute grant agreements if funded

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Motion passed unanimously with all Directors present.

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

Margaret Gallagher reported that that the Board would have a conference with its Labor Negotiators regarding UTU, Local 23, ParaCruz Division; that the Board would have a conference with its Real Property Negotiators regarding the price and terms of payment of property located at 25 Sakata Lane in Watsonville; and that the Board would have a conference with its Legal Counsel regarding one case of existing litigation.

19. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Bonnie Morr, UTU, reminded the Board how well ParaCruz is doing and of the process of bringing the service in-house. Ms. Morr said the workers came to METRO from Community Bridges in good faith and hit the ground running and that their wages are still lower than any other METRO employee's starting wage. UTU is looking for a fair resolution to wages.

Robert Maldonado, ParaCruz, asked the Board for fair pay and said he deserves it because his job is not easy and includes a lot of stress, physical labor, verbal abuse, some threats, and biohazards.

Louise Keller, ParaCruz, said all ParaCruz employees work hard and deserve fair pay.

April Warnock, ParaCruz, reported that ParaCruz acts as a back-up when fixed-route cannot accommodate passengers. ParaCruz works as a team; everybody puts forth effort and deserves to be rewarded with fair pay for a stressful job.

Alicia Hernandez, ParaCruz, said she enjoys her job and thanked the Board.

Art Zamudio, Paracruz and UTU Representative, stated that Paracruz employees came to METRO for job security and he urged the Board to accept UTU's wage proposal.

Sandra Lipperd, UTU, reported that ParaCruz has been in negotiations for close to 4 months now and that the Union has made numerous concessions with wages being the only remaining issue. UTU has submitted their bottom line wage proposal, which they feel is fair and equitable because the ParaCruz employees are paid significantly less than any other District employee. Ms. Lipperd urged the Board to settle today.

Mike Tomassee, "King of Marijuana", urged the Board to give ParaCruz employees what they need at any cost or he supports a strike.

SECTION II: CLOSED SESSION

Chair Rotkin adjourned to Closed Session at 10:30 a.m. and reconvened to Open Session at 12:01 p.m.

SECTION III: RECONVENE TO OPEN SESSION

20. REPORT OF CLOSED SESSION

Chair Rotkin reported that the Board gave instructions to its Legal Counsel regarding existing litigation, instructions to its Property Negotiators, and instructions to its Labor Negotiators.

ADJOURN

There being no further business, Chair Rotkin adjourned the meeting at 12:03 p.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator