

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

October 27, 2006

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, October 27, 2006 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Rotkin called the meeting to order at 9:04 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz
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 Aguirre, Operations Manager
Mark Dorfman, Assistant General Manager
Mary Ferrick, Base Superintendent
Steve Paulson, Paratransit Administrator

Elisabeth Ross, Finance Manager
Robyn Slater, Human Resources Manager
Les White, General Manager

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

John Mellon, VMU
Ivan Rusch, Transit User
Mike Thomassi, "King of Marijuana"

Amy Weiss, Spanish Interpreter
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

- | | | | |
|-----------|--|------------|---|
| a. | R. Paul Marcelin-Sampson, MRU | Re: | Proposed Monterey Peninsula Service Realignment |
| b. | Bonnie Morr, UTU | Re: | ParaCruz Labor Agreement |
| <u>c.</u> | <u>A. John Daugherty, Chair, E&D TAC</u> | <u>Re:</u> | <u>ParaCruz Customer Guide</u> |
| <u>d.</u> | <u>Rosa Dinatale</u> | <u>Re:</u> | <u>Service Request Petition</u> |

Oral:

Director Spence inquired about the font size of the ParaCruz Customer Guide. Steve Paulson replied that it is 14 point font, which is the smallest font considered “large print” size.

Ivan Rusch, Transit User, stated that he was happy to see a 3-bike rack on a Route 71 bus.

Mike Thomassi, “King of Marijuana”, stated that he believes METRO has the best bus service in America and asked the Board to give all the employees everything they need to do their jobs and have a good life.

3. LABOR ORGANIZATION COMMUNICATIONS

Bonnie Morr, UTU, asked when employees would be notified that the Board had approved the purchase of “air time” with 457 funds at their last meeting. Robyn Slater replied that notices would be posted at all sites.

Sandra Lipperd, UTU, reported that METRO had posted her drivers license number, which was included in a tort claim, on its website. Ms. Lipperd feels this was totally inappropriate and is concerned about identity theft and asked that METRO’s procedures be looked at to make sure checks and balances are in place to prevent this in the future.

Direction: Director Stone requested a report regarding METRO’s procedures in place to protect employees’ identifying information.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

SECTION I:

OPEN SESSION:
ADD TO ITEM #2

ORAL AND WRITTEN COMMUNICATION
(Insert new Written Communication)

CONSENT AGENDA:
ADD TO ITEM #5-1

APPROVE REGULAR BOARD MEETING MINUTES OF
SEPTEMBER 8 & 22, 2006
(Insert Minutes)

ADD TO ITEM #5-3

ACCEPT AND FILE AUGUST 2006 RIDERSHIP REPORT
(Insert Page 1)

- ADD TO ITEM #5-4** CONSIDERATION OF TORT CLAIMS
(Insert new Claims #06-0028 and #06-0031)
- ADD TO ITEM #5-5** ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC)
AGENDA FOR OCTOBER 18, 2006 **AND MINUTES OF AUGUST 16, 2006**
(Insert Minutes)
- INSERT ITEM #5-6** ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR
JULY 2006 AND APPROVAL OF BUDGET TRANSFERS
(Insert Staff Report)
- INSERT ITEM #5-7** ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY
2006
(Insert Report)

REGULAR AGENDA:

- DELETE ITEM #7** CONSIDERATION OF APPROVAL OF A
RESOLUTION DECLARING OCTOBER 19, 2006 AS METRO
EMPLOYEE RECOGNITION DAY
(Deleted: Action taken at the October 13, 2006 Board Meeting)
- DELETE ITEM #8** CONSIDERATION FOR THE HUMAN RESOURCES DEPARTMENT
TO AUTHORIZE THE USE OF AN EMPLOYEE'S 457 ACCOUNT,
WHEN REQUESTED, FOR THE PURCHASE OF "AIR TIME"
(Deleted: Action taken at the October 13, 2006 Board Meeting)
- DELETE ITEM #9** CONSIDERATION OF APPOINTMENT OF DIRECTORS TO THE
SANTA CRUZ CIVIC IMPROVEMENT CORPORATION
(Deleted: Action taken at the October 13, 2006 Board Meeting)
- ADD ITEM #10** **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER
TO PROVIDE SHUTTLE SERVICE FOR A COUNTY PUBLIC
HEALTH DRILL/EXERCISE ON DECEMBER 9, 2006**
(Insert Staff Report)
- ADD ITEM #11** **CONSIDERATION OF THE APPOINTMENT OF A MEMBER OF THE
BOARD OF DIRECTORS TO THE SANTA CRUZ COUNTY
REGIONAL TRANSPORTATION COMMISSION'S
TRANSPORTATION FUNDING TASK FORCE AS A
REPLACEMENT FOR DIRECTOR PAT SPENCE**
(Insert Staff Report)
- ADD ITEM #12** **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER
TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE
METROBASE MAINTENANCE BUILDING**
(Insert Staff Report)
- ADD ITEM #13** **CONSIDERATION OF APPROVING THE UPDATED EQUAL
EMPLOYEE OPPORTUNITY PLAN (EEOP)**
(Insert Staff Report)

- ADD ITEM #14** **CONSIDERATION OF RESOLUTION AUTHORIZING AN AMENDED CLAIM TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR FY 2007 STATE TRANSIT ASSISTANCE FUNDS (STA) AND TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS**
(Insert Staff Report)
- ADD ITEM #15** **ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR NOVEMBER 17, 2006 – WATSONVILLE CITY COUNCIL CHAMBERS, 250 MAIN STREET, WATSONVILLE**
(Oral Announcement – no documentation)

CONSENT AGENDA

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES SEPTEMBER 8 & 22, 2006**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF SEPTEMBER 2006**
- 5-3. **ACCEPT AND FILE SEPTEMBER 2006 RIDERSHIP REPORT**
- 5-4. **CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF CANDIDO VELASCO, CLAIM #06-0029; DENY THE CLAIM OF JOHN RAMSAY, CLAIM #06-0028; DENY THE CLAIM OF ZANAIDA SUMANO, CLAIM #06-0031**
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR OCTOBER 18, 2006 AND MINUTES OF AUGUST 16, 2006**
- 5-6. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JULY 2006 AND APPROVAL OF BUDGET TRANSFERS**
- 5-7. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2006**
- 5-8. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JULY 2006**
- 5-9. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF AUGUST 2006**
- 5-10. **DELETED: WILL BE INCLUDED IN THE NOVEMBER 2006 BOARD PACKET**
(ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE AUGUST 2006 MEETING(S))
- 5-11. **ACCEPT AND FILE METROBASE STATUS REPORT**
- 5-12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH ALLIANT INSURANCE SERVICES FOR LONG TERM DISABILITY INSURANCE**
- 5-13. **ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JULY, AUGUST & SEPTEMBER 2006**
- 5-14. **CONSIDERATION OF APPROVAL OF BOARD OF DIRECTORS REGULAR MEETING SCHEDULE FOR 2007**

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR SKILLICORN

Approve the Consent Agenda

Motion passed unanimously with all Directors present.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

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

TWENTY FIVE YEARS
Bruce I. Grobman, Bus Operator

10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO PROVIDE SHUTTLE SERVICE FOR A COUNTY PUBLIC HEALTH DRILL/EXERCISE ON DECEMBER 9, 2006 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO PROVIDE SHUTTLE SERVICE FOR A COUNTY PUBLIC HEALTH DRILL/EXERCISE ON DECEMBER 9, 2006

Mark Dorfman requested that this item be deleted because the County has selected another location for the drill and will no longer need shuttle service.

11. CONSIDERATION OF THE APPOINTMENT OF A MEMBER OF THE BOARD OF DIRECTORS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S TRANSPORTATION FUNDING TASK FORCE AS A REPLACEMENT FOR DIRECTOR PAT SPENCE

Summary:

Chair Rotkin reported that Director Spence had submitted a letter of resignation from the TFTF because of her concern about not being able to attend all of the meetings due to the locations not being completely accessible. Les White reported that he had communicated personally with George Dondero who had indicated to him that the SCCRTC staff were working diligently to find accessible meeting locations, but made no guarantees.

Discussion:

Chair Rotkin asked for volunteers to serve on the TFTF and received no response. Director Beautz nominated Director Nicol, who accepted. Chair Rotkin stated that no second was required for the nomination.

ACTION: MOTION: DIRECTOR BEAUTZ

Appoint Director Nicol to serve on the Santa Cruz County Regional Transportation Commission's Transportation Funding Task Force to replace Director Spence

Motion passed unanimously with all Directors present.

12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE METROBASE MAINTENANCE BUILDING

Summary:

Les White reported that this new Vehicle Maintenance Building is intended to replace the current facilities at 138 Golf Club Drive and the leased facilities at 111 Dubois. Mr. White explained that the 138 Golf Club Drive facility will operate during construction at that site. The contract calls for building half of the new facility, installing a temporary wall, moving the Golf Club maintenance operations into the new facility, demolishing the current Golf Club facility, then completing the other half of the new facility, removing the temporary wall, and finally moving the Dubois maintenance operations into the new facility.

Staff recommends that the Board award the 32-month construction contract to West Bay Builders, Inc. The engineer's estimate was \$15,550,000 and the contractor's bid was \$15,195,000 and the difference will be used towards change orders against the contract.

Discussion:

Bonnie Morr, UTU, asked that UTU be notified of how this project will impact METRO employees. Ms. Morr asked if there was a labor agreement with this company. Les White replied, no, but there is a Labor Harmony clause, and the executive order from the Bush administration prohibited METRO from formally entering into a Project Labor Agreement.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a contract for the construction of the MetroBase Vehicle Maintenance Building with West Bay Builders, Inc. for an amount not to exceed \$15,195,000.00. Approve the following construction contract change order procedures that will apply to this construction contract:

- 1) For any change order request from the contractor the exceeds \$50,000, District Staff will review and present such request to the District's Board of Directors for approval;**
- 2) For any change order request from the contractor that is \$50,000 or less, approval of the change order will require review and approval from the following three personnel: District's Construction Manager (Harris & Associates), District's Project Manager (Frank Cheng) and either the District's General Manager or Assistant General Manager; and**
- 3) District Staff shall report every month to the Board of Directors on all change orders processed for this contract.**

Motion passed unanimously with all Directors present.

13. CONSIDERATION OF APPROVING THE UPDATED EQUAL EMPLOYEE OPPORTUNITY PLAN (EEO)

Summary:

Robyn Slater reported that the FTA last approved METRO's EEO updated plan in 2003 and is now requiring METRO to submit an updated plan. METRO's plan has been updated based on workforce data through December 31, 2005. Ms. Slater added that METRO has significantly increased the number of recruitments over the last few years.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR TAVANTZIS

Adopt the Equal Opportunity (EEO) Plan for the Santa Cruz Metropolitan Transit District

Motion passed unanimously with all Directors present.

14. CONSIDERATION OF RESOLUTION AUTHORIZING AN AMENDED CLAIM TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR FY 2007 STATE TRANSIT ASSISTANCE FUNDS (STA) AND TRANSPORTATION DEVELOPMENT ACT (TDA) FUNDS

Summary:

Mark Dorfman reported that the adoption of the attached Resolutions will authorize METRO to submit an amended claim to the SCCRTC for the increased amounts of STA and TDA funds.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Adopt two Resolutions authorizing Staff to submit an amended claim to the Santa Cruz County Regional Transportation Commission for FY2007 State Transit Assistance (STA) funds and Transportation Development Act (TDA) funds

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with all Directors present.

15. ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR NOVEMBER 17, 2006 – WATSONVILLE CITY COUNCIL CHAMBERS, 250 MAIN STREET, WATSONVILLE

Chair Rotkin announced that the November 17, 2006 Board meeting would be held in Watsonville and noted that it was scheduled one week earlier than normal due to the Thanksgiving Holiday.

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

Les White reported that the Board would have a conference with its Labor Negotiators regarding SEIU, Local 415 and that UTU Labor Negotiations would be deleted from today's Closed Session Agenda.

17. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

SECTION II: CLOSED SESSION

Chair Rotkin adjourned to Special Open Session at 9:46 a.m., followed by Closed Session and reconvened to Open Session at 10:41 a.m.

SECTION III: RECONVENE TO OPEN SESSION

18. REPORT OF CLOSED SESSION

Chair Rotkin reported that the Board took no reportable action in Closed Session, but that there was a correction to make on Item #12 of today's Regular Agenda. Les White explained that when the Apprenticeship Program was removed from the contract, the Labor Harmony clause was unintentionally removed as well. The Labor Harmony language will be included in the contract award letter to West Bay Builders, Inc, with the expectation that the contract award is contingent upon their acceptance of the Labor Harmony language.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY

Reconsider Item #12 on today's Regular Open Session Agenda

Motion passed unanimously with all Directors present.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY

Add that the contract award to West Bay Builders is contingent upon their acceptance of the Labor Harmony language to be included in the contract award letter

Motion passed unanimously with all Directors present.

ADJOURN

There being no further business, Chair Rotkin adjourned the meeting at 10:46 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator