

**REVISED**  
**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**Minutes- Board of Directors**

**April 28, 2006**

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

Chair Rotkin called the meeting to order at 9:05 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  
Marcela Tavantzis  
Ex-Officio Wes Scott

**DIRECTORS ABSENT**

Mark Stone

**STAFF PRESENT**

Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
Steve Paulson, Paratransit Administrator  
Elisabeth Ross, Finance Manager

Robyn Slater, Human Resources Manager  
Judy Souza, Acting Operations Manager  
Tom Stickel, Maintenance Manager  
Les White, General Manager

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

Genevieve Bookwalter, Sentinel  
Chuck Boxwell, RNL  
George Cawaling, VMU  
Tom Dean, Harris & Associates  
Carolyn Derwing, UTU  
Mario Maciel, Harris & Associates  
Paul Marcelin-Sampson, MAC

Bonnie Morr, UTU  
Will Regan, VMU  
Emery Ross, Mgmt Retiree  
Paul Schrader, Mgmt Retiree  
Gloria Sushereba, Paratransit User  
Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

**DIRECTOR BEAUTZ ARRIVED**

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

a. Zach Miller Re: Route 12A

Oral:

Paul Marcelin-Sampson spoke as one of the Board's appointees to the Transportation Funding Task Force (TFTF) and gave a brief update. The TFTF has grown to over 100 members, orientation meetings were held in March and the first general public meeting was held this week in Live Oak. Mr. Marcelin-Sampson reported that he had sent a letter to Fred Keely, the convener of the TFTF, attempting to correct errors in the background materials being distributed to the public which reflect negatively on people with disabilities and on METRO and the services METRO provides.

**Direction:** Chair Rotkin asked that Staff clarify the misinformation.

Mr. Marcelin-Sampson reported that every single table at the first regular meeting had criticism for METRO and he suggested that going forward, METRO should have a representative at each table to even out the negative, inaccurate comments made by special interest groups and to ensure positive, useful comments and results, or at the very least, that Fred Keely be made aware of the situation for inclusion in his report.

Mr. Marcelin-Sampson reported that the Department of Transportation is proposing the implementing regulations for the SAFETEA-LU transportation funding bill. There is a new program called New Freedom that can provide funding for senior and disabled transportation programs that are new or exceed ADA requirements. Mr. Marcelin-Sampson distributed an information sheet, which is attached to the file copy of these Minutes, outlining several areas where METRO exceeds ADA requirements and he urged the District to get recognition for this and compete for funds under this new program.

Paul Schraeder, Management Retiree, read a letter to the Board, which is attached to the file copy of these Minutes, and spoke on behalf of METRO retirees. Mr. Schraeder expressed major concern regarding the recent change in retiree CalPers medical premiums after receiving a letter from the District stating that retirees would be given a "sunshine clause" which promised to continue benefit coverage at the level retirees received at retirement.

**Direction:** Chair Rotkin asked that Staff bring a report on this back to the Board next month.

Emery Ross, Management Retiree, reported that many retirees are upset about the CalPers medical issue and that Les White and Margaret Gallagher have both been quite cooperative regarding this issue.

Director Spence gave background information of the TFTF, announced the website address, [www.tftaskforce.org](http://www.tftaskforce.org), and stated that she would not be attending the meeting in Felton but hoped

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someone else could go to report back to the Board. Written information provided by Director Spence is attached to the file copy of these Minutes.

Gloria Sushereba, Paratransit User, reported that she is having trouble being transported on ParaCruz because she cannot use her scooter in the rain. ParaCruz considers it a “same day change” if she makes a reservation for a ride with her scooter and then changes to a walker due to the weather. Ms. Sushereba urged the Board to change the illogical “law” that says she cannot change mobility devices because of the weather.

**Direction:** Chair Rotkin asked that Staff to review this case and bring a report back to the Board. Chair Rotkin also asked Staff to prepare a letter for his signature in response to Zach Miller’s written correspondence.

### 3. LABOR ORGANIZATION COMMUNICATIONS

Bonnie Morr, UTU, reiterated Paul Schraeder’s comments regarding the retiree medical and said she has been getting calls from retirees who were given incorrect information, no time to prepare and no alternatives were offered to them.

Ms. Morr reported that most attendees at the TFTF meeting requested additional information on public transit and more transit service.

Will Regan, VMU, reported that SEIU is aware of the retiree medical issue and trying to work with management to resolve this and other issues.

### 4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

A Staff Report for Item #10 and a REVISED Staff Report for Item #14 were distributed today and are attached to the file copy of these minutes.

#### SECTION I: OPEN SESSION:

#### CONSENT AGENDA:

##### **ADD TO ITEM #5-1**

APPROVE REGULAR BOARD MEETING MINUTES OF SEPTEMBER 23, 2005, FEBRUARY 10 AND FEBRUARY 24, 2006  
**(Insert February Minutes)**

##### **ADD TO ITEM #5-3**

ACCEPT AND FILE MARCH 2006 RIDERSHIP REPORT  
**(Insert Page 1)**

##### **REVISE ITEM #5-4**

CONSIDERATION OF TORT CLAIMS: ~~DENY THE CLAIM OF WILLIAM CLINE, CLAIM #06-0005; AND DENY THE CLAIM OF THOMAS ROBINSON, CLAIM #06-0006~~

**(Delete Claim #06-0005: Action taken at the April 14, 2006 Board Meeting)**

##### **INSERT ITEM #5-6**

ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2006 AND APPROVAL OF BUDGET TRANSFERS  
**(Insert Staff Report)**

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- INSERT ITEM #5-7** ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2006  
(Insert Report)
- DELETE ITEM #5-9** ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2006  
(Will be included in the May 2006 Board Packet)
- INSERT ITEM #5-16** ACCEPT AND FILE PROGRESS REPORT ON THE FEDERAL TRANSIT ADMINISTRATION'S AUDIT OF METRO'S DRUG AND ALCOHOL TESTING PROGRAM  
(Insert Staff Report)
- ADD ITEM #5-17** CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES  
(Insert Staff Report)
- REGULAR AGENDA:**
- INSERT ITEM #8** CONSIDERATION OF A **RESOLUTION** OF APPRECIATION AND RECOGNITION FOR THE SERVICES OF PAT DELLIN AS THE ACTING EXECUTIVE DIRECTOR OF THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
(Insert Staff Report)
- ADD ITEM #10** CONSIDERATION OF STAFF PREPARED RESPONSE TO PROPOSED FEDERAL TRANSIT ADMINISTRATION'S NOTICE OF PROPOSED RULEMAKING REGARDING REASONABLE MODIFICATION FOR PARATRANSIT AND FIXED ROUTE SERVICES  
(Will be distributed at the April 28, 2006 Board Meeting)
- ADD ITEM #11** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT TO ACCOMMODATE A PREVIOUSLY APPROVED CHANGE ORDER IN THE AMOUNT OF \$33,250 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO OFF-SITE IMPROVEMENTS IN GOLF CLUB DRIVE AND STATE HIGHWAY 9 FOR THE METROBASE PROJECT  
(Insert Staff Report)
- ADD ITEM #12** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED \$242,064 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO RIVER STREET SITE BID PACKAGE & CONSTRUCTION SERVICES, AND OPERATIONS BUILDING REPACKAGING FOR THE METROBASE PROJECT  
(Insert Staff Report)

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- ADD ITEM #13**                    **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED \$427,394 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO MAINTENANCE BUILDING REPACKAGE & CONSTRUCTION SERVICES FOR THE METROBASE PROJECT**  
(Insert Staff Report)
- ADD ITEM #14**                    **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED \$897,060 FROM HARRIS & ASSOCIATES TO PROVIDE ADDITIONAL FUNDS TO THE CONSTRUCTION MANAGEMENT CONTRACT TO ACCOMMODATE COSTS RELATING TO MAINTENANCE BUILDING SERVICES DURING BIDDING AND CONSTRUCTION, AND SPECIALTY INSPECTION SERVICES FOR THE METROBASE PROJECT**  
(Insert Staff Report)
- ADD ITEM #15**                    **ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 26, 2006 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA**  
(Oral Announcement – No documentation)

### CONSENT AGENDA

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF SEPTEMBER 23, 2005, FEBRUARY 10 AND FEBRUARY 24, 2006**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2006**
- 5-4. **CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF WILLIAM CLINE, CLAIM #06-0005; AND DENY THE CLAIM OF THOMAS ROBINSON, CLAIM #06-0006**  
(CLAIM #06-0005 DELETED: ACTION TAKEN AT THE APRIL 14, 2006 BOARD MEETING)
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 19, 2006 AND MINUTES OF FEBRUARY 15, 2006**
- 5-6. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JANUARY 2006 AND APPROVAL OF BUDGET TRANSFERS**
- 5-7. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2006**
- 5-8. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JANUARY 2006**
- 5-9. **DELETED: WILL BE INCLUDED IN THE MAY 2006 BOARD PACKET**

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(ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2006)

- 5-10. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MARCH 2006 MEETINGS
- 5-11. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO TRANSFER EXCESS ASSETS TO HARTNELL COLLEGE FOR THE PURPOSES OF SUPPORTING A HEAVY DUTY MECHANICS TRAINING PROGRAM
- 5-13. CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT
- 5-15. CONSIDERATION OF SCHEDULE FOR FORMAL RESPONSE TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION (SCCRTC) PARATRANSIT COORDINATION TASK FORCE (PCTF) RECOMMENDATIONS
- 5-16. ACCEPT AND FILE PROGRESS REPORT ON THE FEDERAL TRANSIT ADMINISTRATION'S AUDIT OF METRO'S DRUG AND ALCOHOL TESTING PROGRAM
- 5-17. CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES

Items #5-14, and #5-3 were pulled from the Consent Agenda for discussion and moved to the Regular Agenda as Items #15.1 and #15.2 respectively.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR SKILLICORN**

**Approve the remainder of the Consent Agenda**

**Motion passed unanimously with Director Stone being absent.**

### REGULAR AGENDA

#### 6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

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

##### TWENTY YEARS

George T. Cawaling, Receiving Parts Clerks

##### TWENTY-FIVE YEARS

Mark Hansen, FM Mechanic II  
(Carried over from March 2006)

**ITEM #15.1 WAS TAKEN OUT OF ORDER**

**15.1 CONSIDERATION OF WHETHER TO CONTINUE TO UTILIZE THE AUDIT SYSTEMS THAT ARE CURRENTLY IN PLACE TO DETERMINE WHETHER THE CALL STOP ANNOUNCEMENT SYSTEM IS OPERATING IN ACCORDANCE WITH METRO POLICY AND THE AMERICANS WITH DISABILITIES ACT REGULATIONS**

**Discussion:**

Bonnie Morr, UTU, reported that the issue is not whether to continue the audits, but whether the security guards should be doing the external audits at METRO Center because UTU feels they are not properly trained to audit accurately, which creates conflict between the drivers and the security guards. Ms. Morr said it also creates a conflict when security is needed and she informed the Board that there currently is no security at the Watsonville Transit Center but that incidents occur frequently and that bus operators are having to step in to handle them.

Margaret Gallagher reported that she had spoken with Bonnie Morr about this and feels it is in METRO's best interest to hire independent auditors in order to preserve the relationship between the drivers and the security guards. Ms. Gallagher asked that the Staff recommendation be revised to reflect this and apologized for not updating the Staff Report in this regard. Ms. Gallagher informed the Board that there would be an additional cost but it would be the best way to proceed.

**ACTION: MOTION: DIRECTOR KEOGH SECOND: DIRECTOR BUSTICHI**

**Postpone action on this item until next month**

**Discussion:**

Margaret Gallagher requested that the Board approve the continuation of the current auditors' contract today. Director Keogh stated he preferred not to. Ms. Gallagher said she would have to call the auditors and have them stop the work they are doing, as she would have no authority to incur that cost.

Les White urged the Board not to do that, as all monitoring would stop, exposing METRO to potential litigation. Mr. White encouraged the Board to authorize the continuation of the existing monitoring system until the Board has a chance to debate the issue next month.

Director Bustichi asked if Staff's recommendation would mean less monitoring for more money and said he would like to know the cost and the frequency being proposed.

Ms. Gallagher replied that the internal monitoring would not change. The external monitoring would change as it had been included in the security guards' contract, but they would no longer be the ones doing it. Ms. Gallagher stated that the independent auditors would perform 3 – 4 hours of monitoring per week at \$50 per hour rather than monitoring 25 buses per day, as the security guards are currently doing. Ms. Gallagher added that this could possibly enable monitoring at the transit centers in Watsonville and Scotts Valley, which is not done now because there are no security guards there.

Chair Rotkin restated the Staff recommendation for clarity: Until the Board makes a decision for the long run, that the existing internal monitoring be continued and that independent auditors be hired for the external monitoring at the METRO Center until the Board has a chance to discuss this again and make a decision at its next regular meeting.

Director Keogh asked how frequently the internal monitoring is done. Ms. Gallagher responded that a certain number of hours are randomly spread out per quarter.

**ACTION: AMENDMENT: DIRECTOR KEOGH SECOND: DIRECTOR BUSTICHI**

**Authorize continuation of current monitoring system until the Board has another chance to discuss it next month**

**Motion passed with Directors Beautz, Reilly and Rotkin voting no and Director Stone being absent.**

## **15.2 ACCEPT AND FILE MARCH 2006 RIDERSHIP REPORT**

### **Discussion:**

Director Nicol noted that there were significant differences in the ridership between March 2005 and March 2006 on Routes 12A and 32.

Mark Dorfman said that could be looked into and a report brought back next month.

Paul Marcelin-Sampson clarified that Route 12A trips had been cut and there is parallel service on other routes with the ridership reflected elsewhere.

Director Scott reported that he receives many calls regarding the 12A and that he responds by saying there is a very high level of service on the Route 69's that basically serve the same corridor, so it is not considered a cut in service.

## **7. CONSIDERATION OF APPROVAL OF RESOLUTION REVISING FY 05-06 BUDGET**

### **Summary:**

Elisabeth Ross reported that a number of revisions need to be made to the FY 05-06 budget including adjustments to operating expenses and revenues, as well as adjustments to the capital improvement program, Board member travel, and the staffing table.

### **Discussion:**

Ms. Ross answered questions and gave detailed information on many of the adjustments and clarified that there is \$2.1 million in cash flow reserves that could be used for operating expenses if needed.



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**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ**

**Adopt Resolution revising the FY 05-06 Budget in accordance with Exhibit A (Attachment A), revise Board member travel in accordance with Attachment B, and authorize revision of staffing table in the Operations Department to reflect two (2) fewer Bus Operator positions in accordance with Attachment C**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Stone being absent.**

**8. CONSIDERATION OF A RESOLUTION OF APPRECIATION AND RECOGNITION FOR THE SERVICES OF PAT DELLIN AS THE ACTING EXECUTIVE DIRECTOR OF THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**

**ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR ROTKIN**

**Adopt Resolution of appreciation and recognition for the services of Pat Dellin as the Acting Executive Director of the Santa Cruz County Regional transportation Commission**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Stone being absent.**

**9. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH HARRIS & ASSOCIATES IN THE AMOUNT OF NOT TO EXCEED \$70,000.00 FOR SPECIALTY INSPECTION SERVICES REQUIRED FOR THE SERVICE AND FUELING BUILDING CONSTRUCTION OF THE METROBASE PROJECT**

**Summary:**

Les White reported that the City of Santa Cruz has asked that these special inspection services be done through the Construction Management firm. Mario Maciel and Tom Dean from Harris And Associates were present to answer any questions.

**Discussion:**

Director Nicol asked why the Board would approve \$70,000 when the price came in under \$60,000. Les White clarified that the \$70,000 is a “not to exceed” amount which gives some flexibility without having to stop the work and come back to the Board.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BUSTICHI**

**Authorize the General Manager to execute an amendment to the contract with Harris & Associates in the amount of not to exceed \$70,000.00 to provide Specialty Inspection Services for the Service and Fueling Building Construction of the MetroBase Project**

**Motion passed unanimously with Director Stone being absent.**

**10. CONSIDERATION OF STAFF PREPARED RESPONSE TO PROPOSED FEDERAL TRANSIT ADMINISTRATION'S NOTICE OF PROPOSED RULEMAKING REGARDING REASONABLE MODIFICATION FOR PARATRANSIT AND FIXED ROUTE SERVICES**

**Summary:**

Margaret Gallagher reported that the Department of Transportation (DOT) has issued a Notice of Proposed Rulemaking (NPRM) indicating that they wish to clarify that public transit providers are required to make reasonable modifications to their policies and practices to ensure that their programs are accessible to individuals with disabilities and include this language in public transportation regulations.

Transportation agencies across the country are in opposition to this and Staff is asking for authorization to transmit a letter to the DOT opposing the NPRM in order to retain METRO's authority to decide if accommodating a certain request would impact METRO's service to such an extent that it can no longer provide safe, reliable, and efficient public transportation services.

**Discussion:**

Les White added that APTA is opposed to this NPRM; Bonnie Morr, UTU, said transportation unions are opposed; Paul Marcelin-Sampson said the Metro Riders Union would be submitting a letter of opposition; and Bob Yount, MAC, reported that the response deadline had been extended and that individual MAC members would be writing opposition letters.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN**

**Authorize the Staff to submit comments regarding DOT proposed rulemaking regarding reasonable modification to paratransit and fixed route transit services indicating METRO's opposition to such rulemaking. Direct Staff to send draft information to other local jurisdictions and agencies and authorize Staff to join in letters of opposition being sent by others, such as the Coalition of Transit Agencies, that articulate the same position that METRO is taking**

**Motion passed unanimously with Director Stone being absent.**

**11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT TO ACCOMMODATE A PREVIOUSLY APPROVED CHANGE ORDER IN THE AMOUNT OF \$33,250 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO OFF-SITE IMPROVEMENTS IN GOLF CLUB DRIVE AND STATE HIGHWAY 9 FOR THE METROBASE PROJECT**

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### Summary:

Les White reported that this change order was approved by the Board in October 2004 to perform additional work for the MetroBase Project including: improvement items for State Highway 9, Vernon Street, Golf Club Drive, Storm Drainage, Refuse Storage Facilities, Vehicle Wash Rack, and San Lorenzo River Bike Path.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Authorize the General Manager to execute a contract amendment to accommodate a previously approved change order in the amount of \$33,250 from RNL Design, Inc. to provide additional funds to the Architectural & Engineering contract to accommodate costs relating to off-site improvements on Golf Club Drive and State Highway 9 for the MetroBase Project**

Motion passed unanimously with Director Stone being absent.

The Board took Items #12, #13 and #14 together at one time.

12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED \$242,064 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO RIVER STREET SITE BID PACKAGE & CONSTRUCTION SERVICES, AND OPERATIONS BUILDING REPACKAGING FOR THE METROBASE PROJECT**
13. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED \$427,394 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL/ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO MAINTENANCE BUILDING REPACKAGE & CONSTRUCTION SERVICES FOR THE METROBASE PROJECT**
14. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT TO EXCEED ~~\$897,060~~ \$1,126,560 FROM HARRIS & ASSOCIATES TO PROVIDE ADDITIONAL FUNDS TO THE CONSTRUCTION MANAGEMENT CONTRACT TO ACCOMMODATE COSTS RELATING TO MAINTENANCE BUILDING SERVICES DURING BIDDING AND CONSTRUCTION, AND SPECIALTY INSPECTION SERVICES FOR THE METROBASE PROJECT**

### Summary:

Les White reported that the MetroBase Project was originally planned as one single project. Available funding was insufficient to include the Operations Facility and the Service and Fueling Building was broken out and bid separately to keep that portion moving forward on schedule.

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Staff is proposing that the Board authorize these change orders with RNL and Harris and Associates to accommodate the costs related to Re-Packaging and Re-bidding the Operations Building and Maintenance Building as separate projects as well as Specialty Inspection Services for the MetroBase Project.

Chuck Boxwell from RNL, and Tom Dean and Mario Maciel were present to answer questions.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute a contract amendment for a change order in the amount of Not-To-Exceed \$242,064 from RNL Design, Inc. to provide additional funds to the Architectural & Engineering contract to accommodate costs relating to River Street site bid package & construction services, and operations building repackaging for the MetroBase Project; and**

**Authorize the General Manager to execute a contract amendment for a change order in the amount of Not-To-Exceed \$427,394 from RNL Design, Inc. to provide additional funds to the Architectural & Engineering contract to accommodate costs relating to Maintenance Building Re-Package & Construction Services for the MetroBase Project; and**

**Authorize the General Manager to execute a contract amendment for a change order in the amount of Not-To-Exceed ~~\$897,060~~ \$1,126,560 from Harris & Associates to provide additional funds to the Construction Management contract to accommodate costs relating to Maintenance Building Services during bidding and construction, and specialty inspection services for the MetroBase Project**

### Discussion:

There was a discussion about the number and amount of the change orders with several Directors expressing concern over the cost, but agreeing that the expenses are necessary. Director Bustichi suggested that the Board form a sub-committee to review change orders going forward. Directors Bustichi, Keogh, Nicol and Rotkin volunteered.

**Director Keogh asked the Board to review page #12.2 and stated that he was opposed to authorizing \$51,960 to repackage and rebid the Operations Building now because the bid specifications would only be up to code for a maximum of two years, which Chuck Boxwell confirmed. Director Keogh suggested that it be removed from the motion by the following friendly amendment for Item #12, which was accepted by the maker and the second:**

**Authorize the General Manager to execute a contract amendment for a change order in the amount of Not-To-Exceed ~~\$242,064~~ \$190,104 from RNL Design, Inc. to provide additional funds to the Architectural & Engineering contract to accommodate costs relating to River Street site bid package & construction services, and specifically excluding Operations Building repackaging of \$51,960 for the MetroBase Project;**

Motion passed unanimously with Director Stone being absent.

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15. **ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR MAY 26, 2006 – CAPITOLA CITY COUNCIL CHAMBERS, 420 CAPITOLA AVE, CAPITOLA**

Chair Rotkin announced that the Board would hold its May 26, 2006 Board meeting at the Capitola City Council Chambers at 420 Capitola Avenue in Capitola.

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

Margaret Gallagher reported that the Board would have a conference with its Legal Counsel regarding three cases of anticipated litigation: the claim of Mary Govaars, consideration of terminating a contract with a vendor not meeting specifications, and a case regarding ADA reasonable modification; the Board would have a conference with its Labor Negotiators regarding SEIU, Local 415, and UTU, Local 23, ParaCruz Division; and the Board would be continuing the Public Employee Performance Evaluation of the General Manager.

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

None.

### **SECTION II: CLOSED SESSION**

Chair Rotkin adjourned to Closed Session at 11:20 a.m. and reconvened to Open Session at 12:26 p.m.

### **SECTION III: RECONVENE TO OPEN SESSION**

18. **REPORT OF CLOSED SESSION**

Chair Rotkin reported that the Board continued the Performance Evaluation of the General Manager until May and took no reportable action in Closed Session.

### **ADJOURN**

There being no further business, Chair Rotkin adjourned the meeting at 12:27 p.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator