

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

June 9, 2000

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, June 9, 2000 at the District Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice-Chairperson Rotkin called the meeting to order at 8:37 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jeff Almquist
Bruce Arthur
Katherine Beiers
Bruce Gabriel
Michelle Hinkle
Mike Rotkin

DIRECTORS ABSENT

Sheryl Ainsworth
Jan Beautz (arrived at 8:41 a.m.)
Tim Fitzmaurice (arrived at 8:38 a.m.)
Mike Keogh (arrived at 8:38 a.m.)
Oscar Rios (arrived at 8:40 a.m.)
Kenneth Burch (arrived at 8:56 a.m.)

STAFF PRESENT

Bryant Baehr, Operations Manager
Paul Chandley, Human Resource Manager
Kim Chin, Planning & Marketing Manager
Mark Dorfman, Asst. General Manager
Marilyn Fenn, Asst. Finance Manager
Terry Gale, IT Manager

Margaret Gallagher, District Counsel
Tom Hiltner, Grants/Legislative Analyst
David Konno, Facilities Maint. Manager
LeAna Olson, Human Resource Analyst
Tom Stickel, Fleet Maint. Manager
Leslie R. White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC

Richard Anderson, Westside Resident
Wally Brondstatter, UTU
Scott Bugental, Lift Line
Fiona Cogan, Westside Resident
Patti Korba, SEA
Jeff LeBlanc, MASTF
Manny Martinez, PSA

John Mellon, VMU
Ian McFadden, UTU
Michael Paul, Good Will Industries
Cam Pierce, Bus Rider
Celia Scott, Environmental Counsel to
District
Marion Taylor, League of Women Voters
Lorna Torkas, Westside Resident
Linda Wilshusen, SCCRTC

2. ORAL AND WRITTEN COMMUNICATIONS

This section of the agenda was delayed until 9:00 a.m in accordance with the District's bylaws. The Consent Agenda was taken out of order.

- a. D. A. Clarke, Westside Resident - RE: MetroBase - Written Correspondence dated May 12, 2000.
- b. Robert Blowers, Westside Resident - RE: MetroBase - Written Correspondence dated May 22, 2000.
- c. Joan Carpenter, Westside Resident - RE: MetroBase - Written Correspondence dated May 15, 2000.
- d. Thomas Brandow, RE: MetroBase
- e. Fiona Cogan, Westside Resident, asked the Board to withdraw the Westside location from being considered for MetroBase and to focus on the Harvey West area. Ms. Cogan also urged the Board to look into creating a South County/Watsonville bus storage base with emergency-only maintenance facilities. Lastly, Ms. Cogan asked the Board to reconsider CNG as an alternate fuel and leapfrog to the hybrid electric bus technology. Ms. Cogan's statement was distributed and will be attached to the Minutes.
- f. Doug Deitch, Executive Director of the Monterey County Conservancy, distributed a map depicting eastern access to the University of California, Santa Cruz. This map will be attached to the Minutes. He requested that the Board make a formal request to UCSC and the City of Santa Cruz to examine the feasibility of this route. Director Rotkin directed Staff to agendize this item for the 6/16/00 Board meeting.
- g. Patti Korba, SEA President, commended the Facilities Maintenance staff on the installation of the new bus shelters.

3. LABOR ORGANIZATION COMMUNICATIONS

None

4. METRO USERS GROUP (MUG) COMMUNICATIONS

None

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

None

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

- a. Department Objectives for the Administration, Human Resources, and IT Departments were erroneously omitted from the Budget staff report and distributed at the meeting.
- b. The staff report on the State of California challenge to the applicability of Title II of the ADA was distributed and will also be included in the Add-On Packet.

CONSENT AGENDA

Review Consent Agenda Items 7-1 through 7-14

7-1. APPROVE REGULAR BOARD MEETING MINUTES OF 5/12/00 AND 5/19/00

No questions or comments.

7-2. ACCEPT AND FILE PRELIMINARY APPROVED CLAIMS

No questions or comments.

7-3. ACCEPT AND FILE PASSENGER LIFT REPORT FOR MAY 2000

No questions or comments.

7-4. CONSIDERATION OF TORT CLAIMS: NOTICE OF SETTLEMENT OF SHANNON MCCORD CLAIM AND RESULTS OF CLOSED LITIGATION SESSION

No questions or comments.

7-5. ACCEPT AND FILE MINUTES OF MASTF COMMITTEE MEETING OF 5/18/00

Jeff LeBlanc asked about the Board action regarding Motions made by MASTF at last month's meeting. Director Rotkin stated that this will be addressed at next week's Board meeting. Les White stated that the information requested on paratransit service for 3 holidays will be addressed in the Budget section of the meeting.

7-6. ACCEPT AND FILE MINUTES OF MUG COMMITTEE MEETING OF 5/17/00

No questions or comments.

7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2000 AND APPROVE BUDGET TRANSFERS

The line item for bus operators' overtime is over budget. This is due to the training involved in taking over the Highway 17 service, plus sixteen new drivers were hired at one time which also contributed to this overage.

7-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR APRIL 2000

Director Rotkin questioned the slight drop in ridership. Les White responded that Staff will look at a marketing program which will be aimed at increasing ridership on this route. Staff will continue to monitor this route closely. Mark Dorfman stated that the reverse commute from Santa Clara to Santa Cruz has only 3 or 4 trips in each direction that appeal to commuters. Ian McFadden mentioned that the Service Planning Review Committee is hoping to address this by utilizing the deadhead trips.

7-9. ACCEPT AND FILE STATUS REPORT ON ADA PARATRANSIT PROGRAM FOR APRIL 2000

Les White reported that the paratransit program has increased its ridership by 1,200 from last April to the current April. This item will be addressed further during the budget discussions.

7-10. APPROVAL OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE FOR FY 2000-01

No questions or comments.

7-11. APPROVAL OF RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY 2000-01

No questions or comments.

7-12. APPROVAL OF CAPITALIZATION MINIMUM OF \$1,000

Marilyn Fenn reported that this would set a threshold of \$1,000 before an item is capitalized.

7-13. ACCEPT AND FILE REPORT REGARDING STATE OF CALIFORNIA CHALLENGE TO THE APPLICABILITY OF TITLE 2 OF THE AMERICANS WITH DISABILITIES ACT (ADA)

Margaret Gallagher reported that the Garrett case is being reviewed by the Supreme Court to determine if private litigants will have the right to sue states that do not comply with the ADA. The Dare case is a California case and involves the \$6 placard fee and whether its implementation violates Title II of the ADA. The Federal 9th Circuit Court of Appeals said that it did violate the ADA and Governor Gray Davis has authorized an appeal of that decision. Director Almquist asked how the District's paratransit operation would be affected if the Supreme Court determines that states or state agencies cannot be sued for ADA violations. Ms. Gallagher will investigate what would happen to the District's FTA funds if it does not comply with ADA. Ms. Gallagher will talk with FTA by next week's meeting to obtain more information on these funds and the District compliance with ADA. Director Rotkin asked Jeff LeBlanc to prepare a draft letter for the Board by the next meeting with specific language that would be helpful when the Board writes to Governor Davis.

7-14. CONSIDERATION OF AUTHORIZATION TO RENEW CONTRACT WITH UNIVERSITY OF CALIFORNIA, SANTA CRUZ

No questions or comments.

REGULAR AGENDA

8. PUBLIC HEARING ON PROPOSED SCMTD DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY-FUNDED PROCUREMENTS

Summary:

Mark Dorfman reported that there have been changes to the DBE regulations due to court challenges to the DBE program in the past. Changes include: profiting quotas, goals based in part on availability of suppliers, race neutrality, personal net worth cap of \$750,000, and consideration of DBE in the area. A public hearing will take place at next week's meeting and Staff will return to the Board with a final program for adoption at the July meeting. Director Rotkin asked if the District has the ability to have its own individual goals. Mr. Dorfman replied that the goals need to come from the statistical establishment and that Staff utilizes the Bay Area Certification Program to locate DBE firms.

Item #19 was taken out of order.

19. CONSIDERATION OF DIRECTING STAFF TO PREPARE A SITE ALTERNATIVES ASSESSMENT FOR THE METROBASE ENVIRONMENTAL IMPACT REPORT

Discussion:

Fiona Cogan reiterated her previous statements from Oral and Written Communications regarding the MetroBase site. Lorna Torkas requested that the Board change the proposed site for MetroBase from the Westside location. Richard Anderson agreed with Fiona Cogan's statements and stated that the Board should stop wasting taxpayers' money and move ahead.

Director Rotkin directed staff to bring information back to the Board at their July meeting regarding alternate sites which will allow the Board to make a decision. Director Fitzmaurice stated that he would like to focus the EIR down to the two sites in the Harvey West area. Director Rotkin asked if it would be appropriate from a legal standpoint for the Board to disqualify some sites prior to an EIR. Les White will supply the Board at next week's meeting with a set of criteria that is being used to screen potential sites.

Mr. White informed the Board that the leased lots used for parking buses will not be available in the next 24 months. The only options would be either to park the buses on the city streets or down size the fleet to fit into the current facilities. The Harvey West Site A consists of 20 acres and site B is 14 acres.

9. CONSIDERATION OF ACCEPTANCE OF FINAL RESOLUTION OF FEDERAL EMERGENCY MANAGEMENT ACT (FEMA) AND OFFICE OF EMERGENCY SERVICES (OES) CLAIMS AGAINST SCMTD AND AUTHORIZATION TO STORE FEMA AND OES FILES FOR THREE (3) YEARS

Summary:

Les White reported that a portion of the staff report recognizes a number of staff and Board members who worked diligently on this project. This item signifies the end of the FEMA issue.

10. CONSIDERATION OF ADOPTION OF FY 2000-01 FINAL BUDGET

Summary:

The Board will be supplied with the General Ledger showing the reserves at next week's meeting. Mark Dorfman stated that engine overhauls are planned and will be done as they come up. Bryant Baehr discussed fareboxes and informed the Board that the pre-qualification test is completed and will go out on Wednesday. Test results should be received by mid-July. Tests will be conducted on each farebox. Patti Korba asked about the status of the recruitment of the Legal Department paralegal positions. Margaret Gallagher commented that the paralegal position may be replaced with an investigator position which would be recruited for in the next fiscal year. Director Almquist requested that under Board Member Travel, provisions be made for four instead of two directors to attend the APTA Annual Meeting in October and the Legislative Conference in March.

11. CONSIDERATION AND RECEIPT OF STATUS REPORT ON CABRILLO COLLEGE CONTRACT

Summary:

Staff supplied information regarding Cabrillo College ridership and revenues.

Discussion:

Director Gabriel stated that Cabrillo staff has been informed that this issue will be discussed at next week's meeting. Ex Officio Director Burch suggested that the Board contact the student representatives. Mark Dorfman will make this contact. Marion Taylor of the League of Women Voters stated that Cabrillo may be undertaking a Transportation Management Study and she suggests the Board give Cabrillo time to complete this prior to taking action regarding the buses. Ms. Taylor also asked the Board to consider the differences between UCSC and Cabrillo, in that Cabrillo consists of part-time students who are not housed on campus. According to Les White, there are two issues at hand: Cabrillo, policies they adopt, and how to move forward; and, the structural and contractual issues. Cabrillo's contract is based on one campus and they are billed only for trips going to and from the Aptos campus. Multiple extensions to the Aptos campus, such as a Watsonville extension, would be cause to change their contract. Mark Dorfman commented that charges are based on the monthly pass rate. If the rate is raised, both Cabrillo's and UCSC's contracts require that the rate increase does not hit the University or college for one year. Mr. Dorfman stated that for both the University and Cabrillo, only those rides going to and from the campuses are billed, even though Cabrillo student passes allow them to ride the entire system.

Scott Bugental of Lift Line asked if transportation to the Stroke Center would be included in the study. Mr. White stated that Manual Osorio is in charge of the study but he will pass this information along to him.

12. CONSIDERATION OF AUTHORIZATION FOR GENERAL MANAGER TO EXTEND THE BREW BAR LEASE UNTIL AUGUST 31, 2000 WHILE NEW LEASE NEGOTIATIONS CONTINUE

Summary:

David Konno summarized that all options for extensions of the Brew Bar lease have expired.

Discussion:

Les White reported that Staff is currently in discussions with La Mission for space at the Metro Center. The Broken Egg proposal is no longer on the table.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR GABRIEL

A Motion was made to extend the Brew Bar lease until August 31, 2000 in order to complete lease negotiations.

The Motion passed unanimously with Director Ainsworth absent.

13. CONSIDERATION OF AUTHORIZATION TO RENEW AGREEMENT WITH SANTA CRUZ COUNTY FOR ACQUISITION AND RELOCATION ASSISTANCE SERVICE

Summary:

This is a request for authorization for the General Manager to renew the agreement with the County of Santa Cruz for land acquisition and relocation services.

Discussion:

Director Rotkin directed Staff to talk with Ceil Cirillo of the City's Redevelopment Agency as another option for this service. Les White reported that he had a discussion with Ms. Cirillo, however, Ms. Cirillo is not happy with Site A of the Harvey West area. Mark Dorfman added that approval of the County contract would not preclude the District from using the City as an option. Director Fitzmaurice stated that he would talk with Ms. Cirillo regarding this. Linda Wilshusen mentioned that in a recent conversation she had with Scott Lochinger of the County, he stated his concern about continuing to do this work for the District given the potential for relocation work in addition to acquisition work. Les White stated that Mr. Lochinger should communicate his concerns to District Staff. Chairperson Beautz stated that she would speak with Mr. Lochinger as well.

14. CONSIDERATION OF AWARD OF RFP 99-17 FOR ADA PARATRANSIT RECERTIFICATION

Summary:

Kim Chin reported that the recertification program would look at the existing paratransit passengers as well as developing standards for new passengers coming into the system.

Discussion:

Director Almquist asked when and how it was determined who is eligible for the paratransit service and was informed that the District adopted the ADA Plan seven years ago. The eligibility list was compiled from applications submitted to the District. These applications are routinely approved, if a doctor certifies the individual. Mr. Dorfman will supply Director Almquist with a copy of the criteria and application form. Director Beautz asked that the Board be informed during the budget review process, how many extra funds are going into the paratransit program for services that exceed the standards.

Scott Bugental commented that a time study was done 1.5 years ago on door-to-door service vs. curb-to-curb. The results of the study indicated that the time factor on an average ride was about one additional minute, which translated into approximately \$30,000. The auditors will look at this service in more detail. Ian McFadden expressed concern that at some point fixed route service will be affected by paratransit service.

15. CONSIDERATION OF AWARD OF RFP 99-18 FOR COMPREHENSIVE OPERATIONAL AUDIT OF ADA PARATRANSIT SERVICE

Summary:

Staff recommends that the General Manager be authorized to execute a contract for the Comprehensive Operational and Financial Audit of the ADA Paratransit Program.

16. CONSIDERATION OF RFP 99-25 FOR GRAPHIC DESIGN SERVICES

Summary:

Kim Chin reported that Staff has been successful in completing procurement for graphic design and print coordination services and in reviewing all proposals. The selection committee negotiated a lower price for a better product. This service is for printing of the *Headways* in addition to bus stop decals, materials for the website and quarterly schedule posters.

17. CONSIDERATION OF AUTHORIZATION FOR STAFF TO APPLY FOR MOYER GRANT FUNDS

Summary:

Staff is requesting authorization to submit applications to the Air District for Carl Moyer funds for the CNG engine costs of 3 replacement buses.

18. CONSIDERATION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BYLAWS AND DETERMINE WHETHER ANY SECTION OF THE BYLAWS NEEDS TO BE UPDATED OR REVISED

Summary:

Director Rotkin requested that Staff provide language to clarify that the Board will be allowed to hear Oral Communications and Public Hearings at 8:30 a.m. at the first Board Meeting of the month. Ex Officio Director Burch asked for language to restrict the location of the meetings to accessible sites for members of the public. Language will also be provided to include protected classes.

Discussion:

Director Fitzmaurice requested a copy of the MUG and MASTF Bylaws. Ex Officio Director Burch questioned whether the Ex Officio position on the Board should be included in the Bylaws. It was decided that this would remain a part of the University of California, Santa Cruz contract and would not be included in the Bylaws.

20. CONSIDERATION OF SETTING DATE AND TIME FOR COMMUNITY MEETING REGARDING HARVEY WEST SITE ALTERNATIVES

Summary:

Les White suggested the evening of July 12th at 7:00 p.m. for a community meeting regarding the Harvey West Site alternatives.

Discussion:

Director Rotkin asked all Directors to bring their calendars to the next meeting so a definite date and time can be chosen for this community meeting.

ADJOURN

There being no further business, Vice-Chairperson Rotkin adjourned the meeting at 10:31 a.m.

Respectfully submitted,

DALE CARR
Administrative Services Coordinator