

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**May 25, 2007**

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, May 25, 2007 at the Capitola City Council Chambers, 420 Capitola Avenue, Capitola, CA.

Chair Tavantzis called the meeting to order at 9:05 a.m.

## **SECTION 1: OPEN SESSION**

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

#### **DIRECTORS PRESENT**

Jan Beautz  
Dene Bustichi  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin (arrived after roll call)  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Ex-Officio Donna Blitzer

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Pat Avlies, Asst. HR Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Base Superintendent  
Terry Gale, IT Manager

Margaret Gallagher, District Counsel  
Debbie Kinslow, Asst. Finance Manager  
Steve Paulson, Paratransit Administrator  
Elisabeth Ross, Finance Manager Advisor  
Tom Stickel, Maintenance Manager  
Les White, General Manager

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

Tom Crain, E&D TAC  
Dave Moreau, PSA  
Bonnie Morr, UTU

Karena Pushnik, SCCRTC  
Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

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

#### **Written:**

a. Joshua W. Shaw, Shaw / Yoder, Inc. Re: Governor's Budget

Director Rotkin reported that he had received a carbon copy of a letter to Les White from a former METRO employee and requested that the matter be referred to a future Closed Session, if appropriate.

Oral:

None.

**3. LABOR ORGANIZATION COMMUNICATIONS**

None.

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

Page #13.a2 was distributed at today's meeting and is attached to the file copy of these minutes.

**CONSENT AGENDA**

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES OF APRIL 13 & 27, 2006
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF APRIL 2007
- 5-3. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF JARED DOWNWARD, CLAIM #07-0014
- 5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MAY 16, 2007 AND MINUTES OF APRIL 18, 2007
- 5-5. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JANUARY 2007
- 5-6. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF FEBRUARY 2007
- 5-7. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF MARCH 2007
- 5-8. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH NATIONWIDE AUCTION SERVICES FOR AUCTIONEER SERVICES
- 5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FOLGER GRAPHICS FOR GRAPHIC DESIGN SERVICES FOR HEADWAYS
- 5-11. CONSIDERATION OF ON TIME PERFORMANCE STANDARDS FOR METRO PARACRUZ AND PEER ADA PARATRANSIT SERVICES
- 5-12. CONSIDERATION OF AMENDING THE MAC BYLAWS TO MODIFY SECTION 3.3 TO REQUIRE THAT MAC MEMBERS NOTIFY METRO BY NOON (12:00) OF THE DAY OF THE MEETING IF THEY KNOW AT THAT TIME THAT THEY ARE GOING TO BE ABSENT
- 5-13. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE APRIL 2007 MEETING(S)
- 5-14. ACCEPT AND FILE APRIL 2007 RIDERSHIP REPORT

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

**Approve the Consent Agenda**

**Motion passed unanimously with all Directors present.**

**REGULAR AGENDA**

**7. CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES**

**Summary:**

Margaret Gallagher reported that, generally, on an annual basis, the Board reviews its Bylaws to determine if any modifications are warranted. In addition to the modifications the Board adopted in February 2007, the Board is now considering modifications to Section 12.02, adding language regarding the passage of Resolutions, and modifications to Section 13.03 adding language that if a Conflict-of-Interest is disclosed, Directors must follow California law.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI**

**Approve Resolution modifying METRO's Bylaws to 1) add language to Section 12.02 to allow for passage of a Resolution by a unanimous voice vote of all those present. However, if the vote is not unanimous, then a roll call vote will be taken to officially record everyone's vote; and 2) adding language to Section 13.03 stating that if a Conflict-of-Interest is disclosed, the Director shall adhere to all California legal requirements**

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

**8. PUBLIC HEARING: CONSIDERATION OF MODIFICATIONS TO METRO'S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES**

**Summary:**

Margaret Gallagher requested that after the Public Hearing this item be continued to next month because staff has not yet determined whether in-person recertification should occur at the first recertification period which is generally three years from the initial date of eligibility. Staff is requesting more time to determine the cost impact and if there is sufficient staffing to conduct the in-person recertifications. Staff is also making the following recommendations: 1) that this Regulation, along with the Customer Guide become METRO's Paratransit Plan; 2) that Section 3

be modified to have a specific method to modify or change the plan in order to give people an opportunity in advance to be aware of the proposed change; 3) substitute MAC for MASTF as an appointing authority to the Appeals Panel; 4) require the attendance of the applicant at the appeals hearing; 5) eliminate the ability of an applicant of request a waiver of an in-person assessment; an 6) make typo corrections and language clarifications.

**CHAIR TAVANTZIS OPENED THE PUBLIC HEARING AT 9:18 A.M.**

Bob Yount, MAC, reported that MAC had a great discussion on this issue and recommends that in-person assessments should be required at the initial eligibility determination and at the time of the first reassessment.

Tom Crain, E&D TAC, thanked staff for presenting this at the last E&D TAC meeting and including E&D TAC as a stakeholder.

**CHAIR TAVANTZIS CLOSED THE PUBLIC HEARING AT 9:20 A.M.**

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

**Continue this item to next month and take today's public comments into consideration**

**Motion passed unanimously with all Directors present.**

**9. CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE RECEIVED FROM THE CITY OF WATSONVILLE FOR THE SANTA CRUZ COUNTY FAIR**

**Summary:**

Les White reported that METRO had received a request from the City of Watsonville for transit service between the Watsonville Transit Center and the County Fair. The city will reimburse METRO at a rate of \$71.40 per hour and this will be a fare-free route open to the public, meaning ParaCruz service will run as well.

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to enter into an Agreement with the City of Watsonville to provide transit service between the Watsonville Transit Center and the Santa Cruz County Fairgrounds**

**Motion passed unanimously with all Directors present.**

**10. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH RNL DESIGN, INC. IN THE AMOUNT OF \$52,888.00 FOR THE SERVICES OF COTTON, SHIRES & ASSOCIATES TO PROVIDE GEOTECHNICAL CONSTRUCTION OBSERVATION AND TESTING FOR THE MAINTENANCE BUILDING CONSTRUCTION OF THE METROBASE PROJECT**

Frank Cheng reported that this is for soils testing for the Maintenance Facility, the same as before for the Fueling and Service Building.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN**

**Authorize the General Manager to execute an amendment to the contract with RNL Design, Inc. in the amount of \$52,888.00 to provide geotechnical construction observation and testing services for the Maintenance Building Construction of the MetroBase Project**

**Motion passed unanimously with all Directors present.**

**11. CONSIDERATION OF THE IMPACT OF THE GOVERNOR’S PROPOSED FY 2008 BUDGET ON METRO PROJECTS AND SERVICES**

**Summary:**

Mark Dorfman gave a slide presentation while Les White explained the potential impact of the Governor’s proposed FY 2008 Budget on METRO’s projects and services. The proposed budget redirects \$1.1 billion (\$1.3 billion in May Revision) in funds that are statutorily identified for public transit projects and services. It permanently restructures funding in the Public Transportation Account so the loss of funding will occur every year after FY 2008. The proposed budget will result in METRO losing approximately \$30 million in State Transit Assistance and approximately \$27 million in Proposition 1B funds over the next 10 years. This will require METRO to forego constructing the Operations Building component of the MetroBase Project and suspend all bus replacement projects for 10 years, which will require METRO to park 43 diesel buses by 2012 and implement a 35% service reduction by 2013.

Mr. White reported that earlier this week both the Senate and Assembly subcommittees rejected this proposal and that the California Transit Association has set aside \$175,000 to pursue General Fund obligations not being reimbursed by any specific-purpose funds, namely public transit.

**Discussion:**

Director Nicol reported that Senator Maldonado would be in the Santa Cruz area tomorrow and requested talking points he could discuss with him. By consensus, the Board asked staff to provide talking points to Board Members and staff of local jurisdictions to discuss with legislative representatives on this issue.

**DIRECTOR SKILLICORN LEFT THE MEETING**

**12. CONSIDERATION OF EXTENDING THE MEMORANDUM OF UNDERSTANDING FOR THE OPERATION OF THE HIGHWAY 17 EXPRESS THROUGH JULY 31, 2007 UNDER THE CURRENT TERMS AND CONDITIONS**

**Summary:**

Les White reported that staff recommends that the current MOU be extended through July 31, 2007 under the current terms in order to provide sufficient time for an acceptable formula to be finalized. Staff intends to have a full MOU for the Board to consider in June to become effective August 1, 2007.

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

**Authorize the General Manager to execute an a Letter of Agreement to extend the current Memorandum of Understanding for the funding and operation of the Highway 17 services through July 31, 2007**

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

**13. CONSIDERATION OF THE CESSATION OF PARACRUZ SERVICE IN THE LOMPICO AREA WHEN THE ROUTE #33 IS DISCONTINUED FOR THE SUMMER**

**Summary:**

Les White reported that subsequent to the writing of this Staff Report, he became aware that this issue is much more complex than it appears. Mr. White explained that contrary to the prior ParaCruz Customer Guide, the current Customer Guide contains a nexus between Fixed Route and ParaCruz service regarding the time of day, days of week, and months of year service is provided. However, staff has just learned that this apparently was not implemented - meaning that there are ParaCruz customers currently receiving service that is being provided outside of METRO's policy. Mr. White stressed that he is very concerned that METRO is not operating under its policy and stated that all service METRO provides needs to be consistent with its policies.

Mr. White requested that the Board authorize staff to review this issue and also authorize that ParaCruz service in the Route #33 and #34 area that is scheduled to be discontinued on June 14, 2007 be allowed to run through the summer until staff can come back to the Board with a full policy and recommendation in September.

**Discussion:**

Director Hagen agreed that this issue is confusing because he has personally used ParaCruz during hours that fixed route buses do not run.

Director Bustichi asked if the ParaCruz service in the Lompico area would continue to run if the Board took no action today. Les White replied no, as the service is scheduled to end effective June 14<sup>th</sup>.

Director Stone reported that he had requested that this item be put on the Agenda, but his concern was school-term service impacting ParaCruz service, which is a much narrower issue than this has become.

Vice Chair Beautz stated that when the current policy was approved, the Board made the difficult decision to make no special exceptions and she is now distressed to hear that some people are getting special exceptions anyway.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN**

**Authorize staff to review this issue and also authorize that ParaCruz service in the Route #33 and #34 area that is scheduled to be discontinued on June 14, 2007 be allowed to run through the summer until staff can come back to the Board with a full policy and recommendation in September. Staff to bring a status report to the Board next month.**

**Discussion:**

Vice Chair Beautz expressed concern about the cost of this extra service being provided and its impact on the budget and stated that she is not in favor of doing anything more than correcting these mistakes to reflect the policy.

Director Bustichi agreed and said he would like to see the status of how many people are receiving ParaCruz service that should not be according to the policy.

Director Rotkin withdrew his previous motion and made the following motion:

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN**

**Direct staff to continue ParaCruz service in the Route #33 and #34 area that is scheduled to be discontinued on June 14, 2007 until a decision is made on all ParaCruz service being provided outside of the policy. Staff to bring a status report to the Board next month.**

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

**14. PUBLIC HEARING ON FY 2008 DRAFT FINAL BUDGET**

**Summary:**

Elisabeth Ross explained that today's Public Hearing gives the public an opportunity to comment on the FY 07-08 draft final budget, which is the second year of a 2-year budget. Ms. Ross reported that the Budget Review meeting with Union representatives was held on May 16<sup>th</sup> and that the Union did not have any specific issues regarding the budget. Staff will continue to refine revenue and expense projections as updated information becomes available, and will present a final recommendation to the Board for approval in June.

**CHAIR TAVANTZIS OPENED THE PUBLIC HEARING AT 10:54 A.M.**

Bonnie Morr, UTU, commented that UTU understands that this is a planning document.

**CHAIR TAVANTZIS CLOSED THE PUBLIC HEARING AT 10:55 A.M.**

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

Margaret Gallagher reported that the Board would be continuing the Public Employee Performance Evaluation of the General Manager.

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

None.

**SECTION II: CLOSED SESSION**

Chair Tavantzis adjourned to Closed Session at 10:56 a.m. and reconvened to Open Session at 12:16 p.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**17. REPORT OF CLOSED SESSION**

Director Rotkin reported that the Board took no reportable action in Closed Session.

**ADJOURN**

There being no further business, Chair Tavantzis adjourned the meeting at 12:16 p.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator