

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**September 14, 2007**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 14, 2007 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

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

## **SECTION 1: OPEN SESSION**

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

#### **DIRECTORS PRESENT**

Jan Beautz  
Donald Hagen  
Michelle Hinkle  
Kirby Nicol  
Emily Reilly  
Mike Rotkin  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Dene Bustichi  
Ex-Officio Donna Blitzer

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Mary Ferrick, Base Superintendent

Margaret Gallagher, District Counsel  
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**

Kathleen Johnson, Advocacy Inc.  
Dave Moreau, PSA

Bob Yount, MAC

### **2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

Written:

None.

Oral:

Kathleen Johnson, Advocacy Inc., expressed concern regarding residents of Pleasant Care and the ParaCruz Eligibility Assessment process. Ms. Johnson requested that the Board agendaize this issue to review the entire process including who makes the determination of whether a person is allowed on a ParaCruz vehicle to be transported to the eligibility assessment appointment.

Director Rotkin requested that Ms. Johnson provide a list of incidents and asked that METRO staff meet with the Board Chair regarding METRO's response to this concern.

Les White replied that staff would be happy to meet with the Board Chair on this and clarified that Ciro Aguirre has met with Pleasant Care staff regarding the ongoing problem centered around this facility. However, the situation has not improved and neither side is satisfied. Mr. White added that this year's budget already includes a line item for an assessment of METRO's ParaCruz Eligibility Assessment process by an outside consultant, so the timing is good.

**3. LABOR ORGANIZATION COMMUNICATIONS**

None.

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

None.

**CONSENT AGENDA**

**5-1. APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 10 & 24, 2007**

No questions or comments.

**5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF AUGUST 2007**

No questions or comments.

**5-3. CONSIDERATION OF TORT CLAIMS: None**

No questions or comments.

**5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR SEPTEMBER 19, 2007 AND MINUTES OF JULY 18, 2007**

No questions or comments.

**5-5. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JUNE 2007**

No questions or comments.

**5-6. ACCEPT AND FILE METROBASE STATUS REPORT**

No questions or comments.

**REGULAR AGENDA**

**7. CONSIDERATION OF APPROVING A RESOLUTION TERMINATING THE CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY (CPEIA) JOINT POWERS AGREEMENT**

**Summary:**

Margaret Gallagher reported that METRO no longer has a need to be a member of the CPEIA as it is now allowed to be a participating member of the California State Association of Counties (CSAC) to access excess workers' compensation insurance directly through CSAC.

**8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ASSIGNMENT OF THE LEASE AGREEMENT OF THE CHINESE RESTAURANT AT THE WATSONVILLE TRANSIT CENTER TO YU NING HE AND ELAINE WANG, SUBJECT TO ALL RENTS, OBLIGATIONS, INTEREST AND LATE CHARGES BEING PAID TO METRO**

**Summary:**

Margaret Gallagher reported that this restaurant space at the Watsonville Transit Center has a history of tenants unable to sustain their businesses financially. The current tenants have defaulted on the lease agreement and left the premises closed for the last 6+ months, now owing METRO over \$16k, which will be paid in full to METRO upon the close of escrow on the sale of the business to the proposed new owners. Staff recommends that the Board approve the lease assignment and the proposed new owners' requests that a fence and gate be installed around the space (if acceptable to the Fire Marshall), that the first two months be rent-free, and the ability to put up a sign.

**Discussion:**

There was a discussion about METRO helping the business succeed and encouraging the new owners to attend a Small Business Development course.

**ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute an assignment of the Lease Agreement of the Chinese restaurant, previously Delicious Fast Foods, to Yu Ning He and Elaine Wang, while**

**retaining all former tenants as obligors on the lease, subject to all rents, obligations, interest and late charges being paid to METRO**

**Discussion:**

There was a discussion and consensus authorizing staff flexibility to negotiate rent and to encourage new tenant to participate in Small Business education.

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

**9. CONSIDERATION OF APPOINTMENT OF HEIDI CURRY TO THE METRO ADVISORY COMMITTEE (MAC) BY DIRECTOR KIRBY NICOL TO FILL THE POSITION OF PAUL MARCELIN-SAMPSON**

**ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR SKILLICORN**

**Approve the appointment of Heidi Curry to the METRO Advisory Committee (MAC) as the appointment of Director Nicol**

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

**10. CONSIDERATION OF APPROVING THE RECOMMENDATION OF THE BUS STOP ADVISORY COMMITTEE FOR THE LOCATION OF BUS SHELTERS THAT ARE READY TO BE INSTALLED**

**Summary:**

Les White and Tom Stickel reported that the Bus Stop Advisory Committee has developed an overall priority list of locations for bus shelter installation. The first ten shelters have arrived and are ready to be installed at the locations listed as shelter-ready beginning next week. Other locations all require varying degrees of permits, engineering and construction activity. Once the first ten shelters are installed, another ten will be ordered.

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROTKIN**

**Approve the recommendations of the Bus Stop Advisory Committee for the location of bus shelters that are now ready to be installed**

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

**11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A ONE-YEAR CONTRACT EXTENSION WITH DEVCO OIL, INC. FOR DIESEL AND GASOLINE FUEL**

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

**Authorize the General Manager to execute a one-year contract extension with Devco Oil, Inc. for diesel and gasoline fuel**

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

**12. CONSIDERATION OF CHANGE IN PAYPHONE SERVICE PROVIDER**

**Summary:**

Angela Aitken reported that AT&T has found it no longer feasible to maintain payphones at certain locations, including all of METRO's payphones. AT&T provided an alternative option to continue service with Pacific Telemangement Services (PTS), which staff recommends as the most economic solution.

**ACTION: MOTION: DIRECTOR NICOL SECOND: DIRECTOR SKILLICORN**

**Approve the transfer of payphone service from AT&T to Pacific Telemangement Services (PTS)**

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

**13. 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 the workers' compensation claim of Johnny Chavarria and that the Board would be conducting Public Employee Performance Evaluations of the District Counsel and General Manager.

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

None.

**SECTION II: CLOSED SESSION**

Vice Chair Beautz adjourned to Closed Session at 9:45 a.m. and reconvened to Open Session at 10:40 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**15. REPORT OF CLOSED SESSION**

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

**ADJOURN**

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There being no further business, Vice Chair Beautz adjourned the meeting at 10:40 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator