



A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, October 14, 2011 at the District's Administrative Office located at 110 Vernon Street in Santa Cruz, California.

Vice Chair Robinson called the meeting to order at 8:33 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Margarita Alejo
Hilary Bryant
Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle
John Leopold
Ellen Pirie
Lynn Robinson
Mark Stone

DIRECTORS ABSENT

Daniel Dodge
Ex-Officio Donna Blitzer

STAFF PRESENT

Tove Beatty, Grants Analyst
Lorraine Bayer, Accountant II
Debbie Kinslow, Asst Finance Manager
Bob Cotter, Maintenance Manager
Margaret Gallagher, District Counsel
Mary Ferrick, Fixed Route Superintendent
John Daugherty, Accessible Svcs Coord.

Angela Aitken, Acting AGM/Finance Mgr.
Tom Hiltner, Grants Analyst
Robyn Slater, Human Resources Manager
Leslie R. White, General Manager
Ciro Aguirre, Operations Manager
April Warnock, Paratransit Superintendent
Dave Moreau, Asst Paratransit Superintendent

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

Will Regan, VMU
Brent Fouse, PSA
Bonnie Morr, UTU
Eduardo Montesino, UTU
Lisa Akeson, UCSC

Ryan Harms, UCSC

3. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

WRITTEN:

- | | | |
|----|------------------------|-------------------------------|
| a. | WANDIS WILCOX | RE: AIR CONDITIONING ON BUSES |
| b. | SIERRA CLUB-SANTA CRUZ | RE: SERVICE TO BIG BASIN |
| c. | PEDRO VALDEZ | RE: TORT CLAIM |

ORAL:

None.

4. LABOR ORGANIZATION COMMUNICATIONS

None.

5. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Margaret Gallagher noted that there were additional documents in support of item #9.0.

CONSENT AGENDA

5-1. TORT CLAIMS: REJECT THE CLAIM OF ERNEST HARDY, CLAIM #11-0023

Submitted by: Margaret Gallagher, District Counsel

5-2. NOTICE OF ACTIONS TAKEN IN CLOSED SESSION REGARDING SETTLEMENT WITH COMMERCE WEST INSURANCE (SUBROGATING FOR VINCE TABULA AND ERIKA GUIDO); THE CASE OF JOSEPH BLAIR V. SANTA CRUZ METRO; THE CASE OF MARIO DE LA GARZA V. SANTA CRUZ METRO; THE CASE OF GOODWILL INDUSTRIES OF MONTEREY AND SAN LUIS OBISPO COUNTIES, ET AL V. SANTA CRUZ METRO; SIDE AGREEMENT WITH UNITED TRANSPORTATION UNION (UTU) LOCAL 23; SIDE AGREEMENT WITH SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 521

Submitted by: Margaret Gallagher, District Counsel

5-3. ACCEPT AND FILE METRO ADVISORY COMMITTEE AGENDA FOR OCTOBER 2011, ACCEPT AND FILE WITHDRAWAL OF MAC REQUEST TO MOVE LOCATION OF FIRST BOARD MEETING OF THE MONTH

Submitted by: Tony Tapiz, Administrative Services Coordinator

5-4. CONSIDERATION OF ADOPTING A RESOLUTION AUTHORIZING THE GENERAL MANAGER TO REQUEST A LETTER OF NO PREJUDICE (LONP) AND SIGN NECESSARY AGREEMENTS WITH THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) AND CALTRANS IN ORDER TO PROCEED WITH THE PURCHASE OF 11 NEW FIXED-ROUTE CNG-FUELED BUSES WITH STATE AND LOCAL PARTNERSHIP PROGRAM MATCHING FUNDS SECURED, IF NEEDED, PRIOR TO CTC ALLOCATION

5-5. ACCEPT AND FILE ACCESSIBLE SERVICES REPORT FOR JULY 2011

This item was moved to the next Agenda.

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

- 5-7. CONSIDERATION OF AWARD OF CONTRACT WITH NATIONWIDE BIRD CONTROL, INC. FOR BIRD ABATEMENT SERVICES**

- 5-8. CONSIDERATION OF AWARD OF CONTRACT WITH STATE ELECTRIC GENERATOR FOR REMOVAL OF AN EXISTING ROOF-TOP GENERATOR AND INSTALLATION OF TWO TRANSFER SWITCHES AND A SANTA CRUZ METRO SUPPLIED GENERATOR FOR AN AMOUNT NOT TO EXCEED \$17,412.05**
Director Leopold said it was nice that the generator was being re-used.

- 5-9. CONSIDERATION OF AWARD OF CONTRACT WITH AIRTEC SERVICE FOR HEATING VENTILATION AND AIR CONDITIONING MAINTENANCE SERVICE**

- 5-10. CONSIDERATION OF CONTRACT RENEWAL FOR EMPLOYEE DENTAL INSURANCE WITH DELTA DENTAL THROUGH THE CALIFORNIA STATE ASSOCIATION OF COUNTIES EXCESS INSURANCE AUTHORITY (CSAC-EIA)**

- 5-11. CONSIDERATION OF 2012 BOARD OF DIRECTORS MEETING SCHEDULE**
Chair Pirie noted that the listing for January 21 should actually be January 27.

- 5-12. ACCEPT AND FILE STATUS REPORT OF FEDERAL AND STATE LEGISLATION AND CURRENT LEGISLATIVE ISSUES**

- 5-13. ACCEPT AND FILE STATUS REPORT OF ACTIVE GRANTS AND SUBMITTED GRANT PROPOSALS FOR JULY 2011**

- 5-14. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR PREVIOUS MEETINGS**

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD

Approve Consent Agenda as amended.

Motion passed unanimously with Director Dodge being absent.

REGULAR AGENDA

- 6. ACCEPT AND FILE REPORT ON THE DEPARTMENT OF COMMERCE RESPONSE TO COMMENTS ON THE U.S. CENSUS BUREAU GEOGRAPHY DIVISION'S PROPOSED URBAN AREA CRITERIA**

Leslie R. White commended Tove Beatty, Erich Friedrich, and Claire Fliesling for their work on the US Census response, and noted that METRO staff exposed flaws in the methodology used by the US Census/Department of Commerce.

7. CONSIDERATION OF NOMINATIONS OF MEMBERS TO THE SANTA CRUZ CIVIC IMPROVEMENT CORPORATION FOR ONE-YEAR TERMS

Angela Aitken reported that nominations are needed for the Santa Cruz Civic Improvement Corporation.

ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR

Approve re-nomination of current members of SCCIC.

Motion passed unanimously with Director Dodge being absent.

8. CONSIDERATION OF STAFF REPORT REGARDING METRO/SCCRTC MERGER

There was a discussion about the options for a merger between METRO and the SCCRTC.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR HAGEN

Defer discussion of METRO/SCCRTC MERGER.

Motion passed unanimously with Director Dodge being absent.

9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LICENSE AND INDEMNITY AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA AT SANTA CRUZ (UCSC) FOR THE USE OF METRO BUS STOPS FOR THE “NIGHT OWL” SERVICE

Leslie R. White reported that UCSC needed to agree to indemnification in order to use METRO bus stops for their Night Owl service. Bonnie Morr, UTU, raised concerns over the use of so many bus stops. Larry Pageler, UCSC, said that because the University is concerned over the safety of riders, Community Service Officers will be riding along. Bonnie Morr, UTU, said that the agreement should be limited. Leslie R. White noted that the agreement terms are for one year, and that any service additions would be considered if necessary. Will Regan, VMU, asked if any additional costs would result from the agreement. Leslie R. White stated that the issue could be revisited if any incidental costs arose.

ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR BUSTICHI

Authorize the General Manager to execute a License and Indemnity Agreement with the University of California at Santa Cruz (UCSC) for the use of METRO bus stops for the “Night Owl” service.

Motion passed unanimously.

10. CONSIDERATION OF THE DEPARTMENT OF TRANSPORTATION (DOT) FINAL RULE EFFECTIVE OCTOBER 19, 2011 REGARDING AMENDMENTS TO THE AMERICANS WITH DISABILITIES ACT (ADA) REGULATIONS FOR THE TRANSPORTATION OF WHEELCHAIRS ON SANTA CRUZ METRO’S FIXED ROUTE AND PARATRANSIT SERVICES

Leslie R. White reported that the federal Department of Transportation was implementing changes to the rules governing the transportation of riders in mobile devices and suggested a committee be formed to examine the issue. Margaret Gallagher said that there are concerns with the exceptions allowed by the proposed new rules, and she agreed that a committee should be formed. There was a discussion about the impact of the proposed rules.

ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR BUSTICHI

Authorize the formation of a committee to study the impact of the proposed DOT rule changes, including the METRO Operations Manager, the METRO Accessible Services Coordinator, and a representative from UTU Local 21.

Motion passed unanimously.

- 11. ORAL ANNOUNCEMENT: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE ON FRIDAY, OCTOBER 28, 2011 AT 9:00 A.M. AT THE SANTA CRUZ CITY COUNCIL CHAMBERS LOCATED AT 809 CENTER STREET, SANTA CRUZ**
- 12. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**
- 13. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

SECTION II: CLOSED SESSION

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
(Pursuant to Government Code Section 54956.9)

Name of Case: Linda Burke v. Santa Cruz Metro
(Before the Workers’ Compensation Appeals Board)

- 2. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**
(Pursuant to Government Code Section 54957.5)

Number of Potential Cases: One

SECTION III: RECONVENE TO OPEN SESSION

- 14. REPORT OF CLOSED SESSION**
- 15. ADJOURNMENT**
ADJOURN TO THE NEXT REGULARLY SCHEDULED BOARD MEETING ON FRIDAY, OCTOBER 28, 2011 AT 9:00 A.M.

ADJOURN

There being no further business, Vice Chair Robinson adjourned the meeting at 9:35 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Anthony Tapiz". The signature is written in a cursive, flowing style.

ANTHONY TAPIZ
Administrative Services Coordinator