



# AGENDA

**BOARD OF DIRECTORS  
REGULAR MEETING OF  
MARCH 14, 2014  
8:30 AM**

**MISSION STATEMENT:** "To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service."

**THE BOARD MEETING AGENDA PACKET CAN BE FOUND ONLINE AT [WWW.SCMTD.COM](http://WWW.SCMTD.COM) AND IS AVAILABLE FOR INSPECTION AT SANTA CRUZ METRO'S ADMINISTRATIVE OFFICES LOCATED AT 110 VERNON STREET, SANTA CRUZ, CALIFORNIA**

- |                          |   |                                     |
|--------------------------|---|-------------------------------------|
| <input type="checkbox"/> | <i>Director Hilary Bryant</i>             | <u><i>City of Santa Cruz</i></u>    |
| <input type="checkbox"/> | <i>Director Dene Bustichi, Chair</i>      | <u><i>City of Scotts Valley</i></u> |
| <input type="checkbox"/> | <i>Director Karina Cervantez</i>          | <u><i>City of Watsonville</i></u>   |
| <input type="checkbox"/> | <i>Director Daniel Dodge</i>              | <u><i>City of Watsonville</i></u>   |
| <input type="checkbox"/> | <i>Director Zach Friend</i>               | <u><i>County of Santa Cruz</i></u>  |
| <input type="checkbox"/> | <i>Director Ron Graves</i>                | <u><i>City of Capitola</i></u>      |
| <input type="checkbox"/> | <i>Director Michelle Hinkle</i>           | <u><i>County of Santa Cruz</i></u>  |
| <input type="checkbox"/> | <i>Director Deborah Lane</i>              | <u><i>County of Santa Cruz</i></u>  |
| <input type="checkbox"/> | <i>Director John Leopold</i>              | <u><i>County of Santa Cruz</i></u>  |
| <input type="checkbox"/> | <i>Director Bruce McPherson</i>           | <u><i>County of Santa Cruz</i></u>  |
| <input type="checkbox"/> | <i>Director Lynn Robinson, Vice Chair</i> | <u><i>City of Santa Cruz</i></u>    |
| <input type="checkbox"/> | <i>Ex-Officio Director Donna Blitzer</i>  | <u><i>UC Santa Cruz</i></u>         |

*Les White, General Manager  
Leslyn Syren, District Counsel*

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#### **TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN**

*Spanish language interpretation and Spanish language copies of the agenda packet are available on an as-needed basis. Please make advance arrangements with Tony Tapiz, Administrative Services Coordinator at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Tony Tapiz, Coordinador de Servicios Administrativos al numero 831-426-6080.*

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#### **AMERICANS WITH DISABILITIES ACT**

 *The Board of Directors meets in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, or to access the agenda and the agenda packet (including a Spanish language copy of the agenda packet), should contact Tony Tapiz, Administrative Services Coordinator, at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting Santa Cruz METRO regarding special requirements to participate in the Board meeting. For information regarding this agenda or interpretation services, please call Santa Cruz METRO at 831-426-6080.*



**MEETING LOCATION:**  
**SANTA CRUZ METRO ADMINISTRATIVE OFFICES**  
**110 VERNON STREET**  
**SANTA CRUZ, CA**

**8:30 A.M.**

***NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER***

**SECTION I: OPEN SESSION**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS**
- 4. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**  
Leslyn Syren, District Counsel
- 5. COMMUNICATIONS REGARDING CLOSED SESSION**

**SECTION II: CLOSED SESSION**

- 1. CONFERENCE WITH LABOR NEGOTIATOR**  
(Pursuant to Government Code Section 54957.6)
  - a) Agency Negotiator: Robyn Slater, Human Resources Manager
    1. Employee title: **GENERAL MANAGER**

**SECTION III: RECONVENE TO OPEN SESSION**

- 6. REPORT OF CLOSED SESSION**  
Leslyn Syren, District Counsel



**7. COMMUNICATIONS TO THE BOARD OF DIRECTORS**

*This time is set aside for Directors and members of the general public to address any item not on the Agenda which is within the subject matter jurisdiction of the Board. No action or discussion shall be taken on any item presented except that any Director may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Santa Cruz METRO will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Director may place matters brought up under Oral and Written Communications on a future agenda. In accordance with District Resolution 69-2-1, speakers appearing at a Board meeting shall be limited to three minutes in his or her presentation. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.*

**7-1 CORRESPONDENCE REGARDING VACANCIES ON THE METRO ADVISORY COMMITTEE**

Veronica Elsea, Chair, METRO Advisory Committee

**8. LABOR ORGANIZATION COMMUNICATIONS**

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

**CONSENT AGENDA**

*All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.*

**10-1. CONSIDERATION OF DECLARING ONE (1) 2001 CHEVROLET VENTURE PARATRANSIT VEHICLE AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION**

**10-2. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH TIRE DISTRIBUTION SERVICES FOR PURCHASE OF TIRES IN AN AMOUNT NOT TO EXCEED \$331,323**

**10-3. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH ATHENS ADMINISTRATORS FOR WORKERS' COMPENSATION CLAIMS SERVICES IN AN AMOUNT NOT TO EXCEED \$107,000**

**10-4. APPROVE MINUTES FROM BOARD OF DIRECTORS MEETING OF FEBRUARY 28, 2014**

**10-5. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF REBECCA BARRAZA, #14-00005**

**10-6. CONSIDERATION OF AMENDMENTS TO THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S BYLAWS**



**REGULAR AGENDA**

- 11. ANNOUNCEMENT OF NEXT MEETING: FRIDAY MARCH 28, 9:00 AM, SANTA CRUZ CITY COUNCIL CHAMBERS, 809 CENTER STREET, SANTA CRUZ**  
Lynn Robinson, Vice Chair
  
- 12. ADJOURNMENT**  
Adjourn to the next Board of Directors meeting.

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*Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at [www.scmtd.com](http://www.scmtd.com) subject to staff's ability to post the document before the meeting.*



## M E M O R A N D U M

**Date:** February 24, 2014  
**To:** Santa Cruz Metro Board of Directors  
Dean Bustichi, Chair  
**From:** Veronica Elsea, Chair , Metro Advisory Committee (MAC)  
**Re:** Request to expedite filling of vacancies on MAC

Dear Chair Bustichi and members of the Board,

As you know, "The Metro Advisory Committee (MAC) provides advice to METRO'S Board of Directors on matters of METRO policy and operations referred to the Committee by the Board or Secretary/General Manager and to perform such additional duties as assigned by the Board. The Committee may also address issues which members or the public raise with respect to the quantity and quality of services provided by METRO." According to our bylaws, "The Committee shall be composed of 11 members appointed by the Board of Directors as follows:

Each member of the METRO Board of Directors shall nominate 1 individual to serve as members of the METRO Advisory Committee. Appointments to the METRO Advisory Committee shall be made by the METRO Board of Directors."

Currently, our roster consists of 11 (eleven) members, some of whom are technically in violation of the attendance policy prescribed in our bylaws: no more than four unexcused absences during one year. Those of us who regularly serve on this committee do so with the intent of

providing all of you with quality information, suggestions and guidance designed to assist you in maintaining and improving an excellent transit system. We really do need the full complement of members in order to provide you with the most diverse and complete feedback, adequately reflecting the desires of Santa Cruz County transit users.

If you have not yet nominated someone to serve on the Metro Advisory committee, we urge you to please promptly and seriously consider the outstanding applications from those interested in serving. If you know someone from your district who is interested in serving, please ask him or her to complete an application. It is in everyone's best interest to have this committee fully staffed as soon as possible so that we may properly serve you as prescribed in our bylaws.

Thank you so much for your prompt attention to this matter.

**The current roster for MAC is:**

**SEAT 1 / ROBINSON**

Charlotte Walker

**SEAT 7 / FRIEND**

VACANT

**SEAT 2 / CERVANTEZ**

Len Burns

**SEAT 8 / HINKLE**

Veronica Elsea, Chair

**SEAT 3 / LEOPOLD**

James Anastas

**SEAT 9 / GRAVES**

VACANT

**SEAT 4 / BRYANT**

Naomi Gunther

**SEAT 10 / DODGE**

Rocky Barrera

**SEAT 5 / LANE**

Roseann Marquez

**SEAT 11 / BUSTICHI**

VACANT

**SEAT 6 / MCPHERSON**

Donald "Norm" Hagen

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** March 14, 2014

**TO:** Board of Directors

**FROM:** Angela Aitken, Finance Manager

**SUBJECT: CONSIDERATION OF DECLARING ONE (1) 2001 CHEVROLET VENTURE PARATRANSIT VEHICLE AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION**

## I. RECOMMENDED ACTION

**That the Board of Directors declares one (1) 2001 Chevrolet Venture Paratransit Vehicle as excess for purposes of disposal or auction and direct staff to use appropriate action for disposal.**

## II. SUMMARY OF ISSUES

- In accordance with Santa Cruz METRO's policy on disposal of fixed assets and inventoriable items, at least once per year the Finance Manager shall recommend to the Board of Directors a list of items to be declared excess with appropriate action for disposal.
- One (1) 2001 Chevrolet Venture Paratransit Vehicle has exceeded its useful life and is no longer required by Santa Cruz METRO.
- Staff recommends that the Board of Directors declare the above item as excess and direct staff to use appropriate action for disposal.

## III. DISCUSSION

In accordance with Santa Cruz METRO's policy on disposal of fixed assets and inventoriable items, at least once per year the Finance Manager shall recommend to the Board of Directors a list of items to be declared excess with appropriate action for disposal.

One (1) 2001 Chevrolet Venture Paratransit Vehicle has exceeded its useful life and is no longer required by Santa Cruz METRO.

Staff recommends that the Board of Directors declare the item on **Attachment A** as excess and direct staff to use appropriate action for disposal.

The estimated current gross market value of the asset is approximately \$5,500.00 as it is in poor condition.

#### **IV. FINANCIAL CONSIDERATIONS**

The current book value on this vehicle is \$0. Any revenue generated from the sale of this item will be recorded as income in the current operating budget.

#### **V. ATTACHMENTS**

**Attachment A:** Excess Vehicle Listing – as of March 14, 2014

Prepared by: Debbie Kinslow, Assistant Finance Manager

Date Prepared: February 10, 2014

# Attachment A

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT							
EXCESS VEHICLE LISTING AS OF 3/14/14							
Vehicle #	Manufacturer	Year	VIN	License #	Model	Residual Value	Condition
105	CHEVROLET	2001	1GNDX03E61D156713	E-1060820	VENTURE	\$5,500.00	POOR

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** March 14, 2014

**TO:** Board of Directors

**FROM:** Erron Alvey, Purchasing Manager

**SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC DBA TIRE DISTRIBUTION SYSTEMS, INC. FOR PURCHASE AND DELIVERY OF BOTH REVENUE AND NON-REVENUE TIRES IN AN AMOUNT NOT TO EXCEED \$331,323**

## I. RECOMMENDED ACTION

**Authorize the General Manager to execute a contract renewal for a one-year contract extension with Bridgestone Americas Tire Operations, LLC DBA Tire Distribution Systems, Inc. for purchase and delivery of both revenue and non-revenue tires in an amount not to exceed \$331,323.**

## II. SUMMARY OF ISSUES

- Santa Cruz METRO has a need to provide tires for both revenue and non-revenue vehicles.
- Santa Cruz METRO has a contract with Bridgestone Americas Tire Operations, LLC DBA Tire Distribution Systems, Inc. ("Tire Distribution Systems, Inc.") for purchase and delivery of both revenue and non-revenue tires.
- This contract was established on May 13, 2011 for a one-year period with four optional one-year extensions.
- The current contract approved by the Board of Directors will expire on May 12, 2014.
- Tire Distribution Systems, Inc. bases its prices on the Western States Contracting Alliance government contract, and is requesting pricing changes for the new period that correspond to this contract. The price changes are both increases and decreases, with an overall decrease of 3%.
- Tire Distribution Systems, Inc. has performed its duties very well under this contract, and therefore a one-year contract extension with the requested revised price schedule is recommended.

### **III. DISCUSSION**

Santa Cruz METRO has a contract with Tire Distribution Systems, Inc. for purchase and delivery of both revenue and non-revenue tires that is due to expire on May 12, 2014. Per Ray Scargill, Supervisor of Parts & Materials, over the past year the quality of service provided by Tire Distribution Systems, Inc. has been excellent. Tire Distribution Systems, Inc. has reviewed the contract, and is requesting price changes that correspond to the Western States Contracting Alliance government contract. The proposed price changes include both increases and decreases, with an overall price decrease of 3%.

Staff recommends that Santa Cruz METRO exercise the option for a one-year contract extension with Tire Distribution Systems, Inc. for an amount not to exceed \$331,323. Staff further recommends that the Board of Directors authorize the General Manager to sign a one-year contract extension on behalf of Santa Cruz METRO. Robert Cotter, Maintenance Manager will continue to serve as the Contract Administrator and will ensure contract compliance.

### **IV. FINANCIAL CONSIDERATIONS**

Additional funds in an amount of \$331,323 are requested for approval at this time.

Funds to support this contract are included in the Fleet Maintenance FY14 & FY15 Tires & Tubes operating budgets.

### **V. ATTACHMENTS**

- Attachment A:** Renewal letter from Tire Distribution Systems, Inc.  
**Attachment B:** Contract Amendment with Tire Distribution Systems, Inc.



1144 TERVEN AVE.  
SALINAS, CA. 93901  
831-783-1565

2/24/2014

Erron Alvey  
Purchasing Agent  
Santa Cruz Metro  
110 Vernon St.  
Santa Cruz, CA. 95060

**RE: Contract No-11-10 tires**

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Please accept this as our letter of intent to extend the contract for the new term of May13, 2014 through May 12, 2015.

Thank you for your business and your loyalty.

Jon Oser

A handwritten signature in blue ink, appearing to read "Jon Oser".

Manager  
TDS / Bridgestone

# Attachment B

## **SANTA CRUZ METROPOLITAN TRANSIT DISTRICT FIFTH AMENDMENT TO CONTRACT NO. 11-10 FOR PURCHASE OF REVENUE AND NON-REVENUE TIRES**

This Fifth Amendment to Contract No. 11-10 for Purchase of Revenue and Non-Revenue Tires is made effective May 13, 2014 between the Santa Cruz Metropolitan Transit District (“Santa Cruz METRO”), a political subdivision of the State of California, and Bridgestone Americas Tire Operations, LLC dba Tire Distribution Systems (“Contractor”).

### **I. RECITALS**

- 1.1 Santa Cruz METRO and Contractor entered into a Contract for Purchase of Revenue and Non-Revenue Tires (“Contract”) on May 13, 2011.
- 1.2 The Contract allows for the extension upon mutual written consent.

Therefore, Santa Cruz METRO and Contractor amend the Contract as follows:

### **II. TERM**

- 2.1 Article 3.02 is replaced in its entirety by the following:

The term of this Contract shall be from May 13, 2011 to May 12, 2015.

At the option of Santa Cruz METRO, this Contract may be renewed for one (1) additional one (1) year term upon mutual written consent.

### **III. COMPENSATION**

- 3.1 Article 4.01 is amended to include the following language:

Santa Cruz METRO shall compensate Contractor in an amount not to exceed the prices agreed upon and set forth in Contractor’s proposal dated February 24, 2014, Attachment A to this Amendment. Santa Cruz METRO and Contractor agree that the total amount payable pursuant to this Fifth Amendment shall not exceed \$331,323.

### **IV. REMAINING TERMS AND CONDITIONS**

- 4.1 All other provisions of the Contract that are not affected by this Amendment shall remain unchanged and in full force and effect.

**V. AUTHORITY**

5.1 Article 6 is amended to include the following language:

Each party has full power to enter into and perform this Fifth Amendment to the Contract and the person signing this Fifth Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Fifth Amendment to the Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

Santa Cruz METRO –  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

Contractor –  
BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC  
dba TIRE DISTRIBUTION SYSTEMS

By \_\_\_\_\_  
John McErlane  
President

Approved as to Form:

\_\_\_\_\_  
Leslyn Syren  
District Counsel

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# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** March 14, 2014

**TO:** Board of Directors

**FROM:** Erron Alvey, Purchasing Manager

**SUBJECT: CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH ATHENS ADMINISTRATORS FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS IN AN AMOUNT NOT TO EXCEED \$107,000**

## I. RECOMMENDED ACTION

**Authorize the General Manager to execute a contract renewal for a one-year contract extension with Athens Administrators for Third Party Administration of Workers' Compensation Claims in an amount not to exceed \$107,000.**

## II. SUMMARY OF ISSUES

- Santa Cruz METRO has a need for an outside vendor to administer Workers' Compensation Claims.
- Santa Cruz METRO has a contract with Athens Administrators for Third Party Administration of Workers' Compensation Claims.
- This contract was established on April 19, 2010 for a two-year period with three optional one-year extensions.
- The current contract approved by the Board of Directors will expire on April 18, 2014.
- Athens Administrators has requested an annual fee increase of \$2,000 for the new contract period. Program year five's annual fee would be \$107,000.
- Athens Administrators has performed its duties very well under this contract, and therefore a one-year contract extension with an annual fee increase of \$2,000 is recommended.

## III. DISCUSSION

Santa Cruz METRO has a need for an outside vendor to administer Workers' Compensation Claims. Santa Cruz METRO established a contract with Athens Administrators for Third Party Administration of Workers' Compensation Claims on April 19, 2010 for a two-year period with three optional one-year extensions. The second extension is due to expire on April 18, 2014. Per Robyn D. Slater, Human Resources Manager, over the past year the quality of service provided by Athens Administrators has been excellent. Athens Administrators has reviewed the contract

and requested an annual fee of \$107,000, an increase of \$2,000 from the prior program year four. This increase is consistent with the level of increases previously approved during the life of this contract.

Staff recommends that Santa Cruz METRO exercise the final option for a one-year contract extension with Athens Administrators for an amount not to exceed \$107,000. Staff further recommends that the Board of Directors authorize the General Manager to sign a one-year contract extension on behalf of Santa Cruz METRO. Robyn D. Slater, Human Resources Manager, will continue to serve as the Contract Administrator and will ensure contract compliance.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds in the amount of \$107,000 are requested for approval at this time.

Funds to support this contract are included in the Human Resources Department FY14 Operating budget.

#### **V. ATTACHMENTS**

**Attachment A:** Renewal letter from Athens Administrators

**Attachment B:** Third Amendment to the Contract with Athens Administrators

# Attachment A



February 20, 2014

Ms. Erron Alvey  
Purchasing Manager  
**Santa Cruz METRO**  
110 Vernon Street  
Santa Cruz, CA 95060

Re: 2014/2015 Claim Service Agreement Extension

Ms. Alvey-

This letter is to inform you that Athens Administrators has received your letter which was dated February 18, 2014. Your letter requested that Athens confirm in writing our desire to extend our current claim service agreement for another one year period. We are very much interested in extending the agreement for the period of service dated April 19, 2014 through April 18, 2015.

For Program Year 5 (2014/2015), Athens Administrators proposes a fee of \$107,000. This increase is consistent with the annual level of increase that has occurred over the past (4) years of our engagement. I hope that Santa Cruz Metro will find this to be acceptable.

If you need any further information please let me know. If not, I will look forward to hearing back from you regarding next steps in the renewal process.

Best Regards,

A handwritten signature in blue ink, appearing to read 'James R. Jenkins', is written over the typed name.

James R. Jenkins  
President  
Athens Administrators

**10-3a.1**

# Attachment B

## **SANTA CRUZ METROPOLITAN TRANSIT DISTRICT THIRD AMENDMENT TO CONTRACT NO. 10-14 FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION CLAIMS**

This Third Amendment to Contract No. 10-14 for Third Party Administration of Workers' Compensation Claims is made effective April 19, 2014 between the Santa Cruz Metropolitan Transit District ("Santa Cruz METRO"), a political subdivision of the State of California, and Athens Administrators ("Contractor").

### **I. RECITALS**

- 1.1 Santa Cruz METRO and Contractor entered into a Contract for Third Party Administration of Workers' Compensation Claims ("Contract") on April 19, 2010.
- 1.2 The Contract allows for the extension upon mutual written consent.

Therefore, Santa Cruz METRO and Contractor amend the Contract as follows:

### **II. TERM**

- 2.1 Article 4.01 is replaced in its entirety by the following:

The term of this Contract shall be from April 19, 2010 to April 18, 2015.

Santa Cruz METRO and Contractor may extend the term of this Contract at any time for any reason upon mutual written consent.

### **III. COMPENSATION**

- 3.1 Article 5.01 is amended to include the following language:

For Program year five, Santa Cruz METRO agrees to a fee in the amount of \$107,000 per Contractor's proposal letter dated February 20, 2014 (Attachment A to the Third Amendment).

Santa Cruz METRO and Contractor agree that the total amount payable pursuant to this Third Amendment shall not exceed \$107,000.

### **IV. REMAINING TERMS AND CONDITIONS**

- 4.1 All other provisions of the Contract that are not affected by this Amendment shall remain unchanged and in full force and effect.

**V. AUTHORITY**

5.1 Article 8 is amended to include the following language:

Each party has full power to enter into and perform this Third Amendment to the Contract and the person signing this Third Amendment on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Third Amendment to the Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

Santa Cruz METRO –  
SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

Contractor –  
ATHENS ADMINISTRATORS

By \_\_\_\_\_  
James R. Jenkins  
President

Approved as to Form:

\_\_\_\_\_  
Leslyn Syren  
District Counsel

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# MINUTES

BOARD OF DIRECTORS

FEBRUARY 28, 2014



A Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District was convened on February 28, 2014 at the Watsonville City Council Chambers, 275 Main Street, in Watsonville, California.

1. CALL TO ORDER

Chair Dodge called the meeting to order at 9:02 a.m.

2. ROLL CALL

The following Directors were present:

- Director Hilary Bryant
- Director Dene Bustichi
- Director Karina Cervantez
- Director Daniel Dodge
- Director Zach Friend
- Director Ron Graves
- Director Michelle Hinkle
- Director Deborah Lane
- Director John Leopold
- Director Bruce McPherson
- Director Lynn Robinson
- Ex-Officio Director Donna Blitzer

DRAFT

STAFF PRESENT

- Anthony Tapiz, Recording Secretary
- Leslie R. White, Secretary to the Board/General Manager
- Leslyn K. Syren, District Counsel

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

- |                          |                         |
|--------------------------|-------------------------|
| Debbie Kinslow, SC METRO | Norm Hagen, MAC         |
| April Warnock, Paracruz  | Amy Weiss, Interpreter  |
| Will Regan, VMU          | Erron Alvey, SC METRO   |
| Robyn Slater, SC METRO   | Angela Aitken, SC METRO |
| Carolyn Derwing, SEA     |                         |

3. ANNOUNCEMENTS

- 3-1. Chair Bustichi announced that the Board of Directors meeting is being broadcast by Community Television of Santa Cruz County.
- 3-2. Amy Weiss announced that she is available for Spanish language interpretation during "Oral Communications" and for any other agenda item for which these services are needed.
- 3-3. Ciro Aguirre introduced Anna Gouveia as the new Fixed Route Superintendent.

4. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Leslyn Syren said the Board would have a conference regarding the appointment of the General Manager. Chair Bustichi introduced Clark Wurzberger, who gave a synopsis of the recruitment process.

5. COMMUNICATIONS REGARDING CLOSED SESSION

Donald Hagen, Metro Advisory Committee, thanked the Board for their recruitment efforts. Bonnie Morr, UTU, expressed concern over the candidates for the General Manager position. Carolyn Derwing, Salaried Employees Association, commented on the ineffectiveness of the recruitment process and suggested that more interaction was needed. Eduardo Montesino, United Transportation Union-Local 23, encouraged action but suggested continuing the search if a unanimous decision could not be reached.

**CHAIR BUSTICHI ADJOURNED TO CLOSED SESSION AT 9:17AM**

**CHAIR BUSTICHI RECONVENED OPEN SESSION AT 10:43 AM.**

6. REPORT OF CLOSED SESSION

Chair Bustichi said there was no reportable action.

7. COMMUNICATIONS TO THE BOARD OF DIRECTORS

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- 7-1. CORRESPONDENCE REGARDING APPRECIATION FOR PREVIEW OF NEW TRANSIT BUSES  
Michael Molesky, Chair Elderly and Disabled Transportation Advisory Committee

- 7-2. CORRESPONDENCE REGARDING BUS SERVICE TO FREDERICK STREET RESIDENTS AND BUSINESSES  
Michael Molesky, Chair Elderly and Disabled Transportation Advisory Committee

8. LABOR ORGANIZATION COMMUNICATIONS

None.

9. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

**CONSENT AGENDA**

- 7-1. APPROVAL OF MINUTES OF REGULAR BOARD OF DIRECTORS MEETING OF DECEMBER 13, 2013
- 7-2. APPROVAL OF MINUTES OF REGULAR BOARD OF DIRECTORS MEETINGS OF JANUARY 2014
- 7-3. APPROVAL OF MINUTES OF REGULAR BOARD OF DIRECTORS MEETING OF FEBRUARY 14, 2014
- 7-4. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF DECEMBER 2013
- 7-5. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORTS YEAR TO DATE AS OF DECEMBER 31, 2013
- 7-6. CONSIDERATION OF ISSUING A FORMAL INVITATION FOR BIDS FOR PAINTING THE EXTERIOR OF THE BART CAVALLERO TRANSIT CENTER
- 7-7. CONSIDERATION OF ISSUING A FORMAL REQUEST FOR PROPOSALS FOR JANITORIAL SERVICES AT THE WATSONVILLE TRANSIT CENTER
- 7-8. CONSIDERATION OF ISSUING A FORMAL INVITATION FOR BIDS FOR CHIP SEAL APPLICATION ON THE PARKING LOT NEXT TO THE TEMPORARY OPERATIONS FACILITY
- 7-9. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF ANTHONY DAVID CORTES, #14-0001
- 7-10. ACCESSIBLE SERVICES REPORT FOR DECEMBER 2013
- 7-11. ACCEPT AND FILE VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR JANUARY 9, 2014
- 7-12. STATUS REPORT OF ACTIVE GRANTS AND SUBMITTED GRANT PROPOSALS FOR FEBRUARY 2014
- 7-13. CONSIDERATION OF METROBASE STATUS REPORT
- 7-14. METRO PARACRUZ OPERATIONS STATUS REPORT FOR DECEMBER 2013
- 7-15. SANTA CRUZ METRO SYSTEM RIDERSHIP REPORT FOR JANUARY 2014

**ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR HINKLE**

**APPROVE THE CONSENT AGENDA AS PRESENTED.**

**MOTION PASSED UNANIMOUSLY.**

## REGULAR AGENDA

### 11. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

#### NO ACTION TAKEN.

### 13. CONSIDERATION OF AWARD OF CONTRACT WITH CLEAN ENERGY FOR MAINTENANCE SERVICES OF SANTA CRUZ METRO'S LCNG FUELING STATION IN AN AMOUNT NOT TO EXCEED \$950,000

Erron Alvey presented the staff report.

**ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR LEOPOLD**

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH CLEAN ENERGY FOR MAINTENANCE SERVICES OF SANTA CRUZ METRO'S LCNG FUELING STATION IN AN AMOUNT NOT TO EXCEED \$950,000.**

**MOTION PASSED UNANIMOUSLY.**

### 14. CONSIDERATION OF AMENDMENTS TO THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S BYLAWS

Leslyn Syren presented the staff report. There was a discussion on the proper roles of working with METRO staff on projects. Carolyn Derwing noted that when performing Union duties, Union officers are not to be considered staff and shall have the ability to have contact with Directors. Director Leopold asked if new language would be written. Leslyn Syren said that revisions would come back to the Board. Director Bustichi asked that new verbiage be brought back on the consent agenda.

**ACTION: MOTION: DIRECTOR DODGE SECOND: ROBINSON**

**DIRECT STAFF TO BRING SCMTD BYLAWS REVISIONS BACK ON NEXT CONSENT AGENDA WITH REFINED LANGUAGE.**

**MOTION PASSED UNANIMOUSLY.**

### 15. CONSIDERATION OF LEGISLATION TO ADD TO ENABLING STATUTES THE AUTHORITY TO ISSUE CITATIONS

Liseth Guizar presented the staff report. There was a discussion about the need for citation authority. Director Leopold expressed his reservations about the legislation. There was a discussion about who would be authorized to issue citations and if there is documentation of the problems the enabling legislation is intended to alleviate.

**NO ACTION TAKEN.**

16. CONSIDERATION OF A REQUEST BY DIRECTOR DODGE TO APPROVE HIS ATTENDANCE AT THE AMERICAN PUBLIC TRANSIT ASSOCIATION’S ANNUAL MEETING IN WASHINGTON, D.C. ON MARCH 9 THROUGH MARCH 11, 2014

Director Dodge requested permission to attend the American Public Transportation Association’s Legislative Conference March 8 through 12, 2014.

**ACTION: MOTION: DIRECTOR CERVANTEZ SECOND: LANE**

**APPROVE REQUEST BY DIRECTOR DODGE TO ATTEND THE AMERICAN PUBLIC TRANSIT ASSOCIATION’S ANNUAL MEETING IN WASHINGTON, D.C. ON MARCH 9 THROUGH MARCH 11, 2014.**

**MOTION PASSED UNANIMOUSLY.**

**CHAIR BUSTICHI LEFT.**

17. CONSIDERATION OF CONTINUING SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES AND TO PROVIDE THE OPPORTUNITY FOR METRO STAFF TO PARTICIPATE IN THE PROGRAM

Les White presented the staff report. Carolyn Derwing said that an open process for all METRO employees should be established to determine which candidates can take advantage of the program.

**ACTION: MOTION: DIRECTOR MCPHERSON SECOND: LEOPOLD**

**APPROVE SPONSORSHIP OF LEADERSHIP SANTA CRUZ COUNTY IN ORDER TO PROVIDE EDUCATION ON TRANSPORTATION ISSUES, SERVICES, AND FACILITIES AND TO PROVIDE THE OPPORTUNITY FOR METRO STAFF TO PARTICIPATE IN THE PROGRAM; DIRECT STAFF TO ESTABLISH A PROCESS FOR CHOOSING METRO CANDIDATES TO ATTEND LEADERSHIP SANTA CRUZ COUNTY.**

**MOTION PASSED UNANIMOUSLY WITH DIRECTOR BUSTICHI BEING ABSENT.**

18. CONSIDERATION OF ISSUING A FORMAL REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES, FOR A FIVE-YEAR PERIOD, TO ASSESS AND MONITOR SANTA CRUZ METRO’S WEBSITE FOR ADA COMPLIANCE IN AN AMOUNT NOT TO EXCEED \$30,000

Erron Alvey presented the staff report. There was a discussion about website accessibility, ticket vending machines and METRO compliance with the Americans with Disabilities Act. Director Lane urged immediate action. Les White described METRO’s struggle to keep technology up to speed.

**ACTION: MOTION: DIRECTOR GRAVES SECOND: LEOPOLD**

**APPROVE ISSUANCE OF A FORMAL REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES, FOR A FIVE-YEAR PERIOD, TO ASSESS AND MONITOR SANTA CRUZ METRO’S WEBSITE FOR ADA COMPLIANCE IN AN AMOUNT NOT TO EXCEED \$30,000.**

**MOTION PASSED UNANIMOUSLY WITH DIRECTOR BUSTICHI BEING ABSENT.**

19. ORAL REPORT OF THE RECRUITMENT TASK FORCE

Director Dodge stated there was nothing to report.

**NO ACTION TAKEN.**

12. CONSIDERATION OF RESOLUTIONS OF APPRECIATION FOR THE SERVICES OF THOMAS PHILLIPS, MANUEL RAMIREZ, AND KEVIN MCDONALD

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR HINKLE**

**APPROVE RESOLUTIONS OF APPRECIATION FOR THE SERVICES OF THOMAS PHILLIPS, MANUEL RAMIREZ, AND KEVIN MCDONALD.**

**MOTION PASSED UNANIMOUSLY.**

**VICE CHAIR ROBINSON ADJOURNED THE BOARD OF DIRECTORS MEETING AT 11:38 AM IN ORDER TO HOLD THE ANNUAL MEETING OF THE SANTA CRUZ CIVIC IMPROVEMENT CORPORATION.**

**VICE CHAIR ROBINSON RE-CONVENED THE BOARD OF DIRECTORS MEETING AT 11:40 AM.**

20. ANNOUNCEMENT OF NEXT MEETING

Vice Chair Robinson announced that the next Board of Directors Meeting is on Friday March 14, at 8:30 am, at the Santa Cruz METRO Administrative Offices, located at 110 Vernon Street, in Santa Cruz.

21. ADJOURNMENT

There being no more business, Vice Chair Robinson adjourned to the next regularly scheduled meeting at 11:40 AM.

Respectfully submitted,



ANTHONY TAPIZ  
Recording Secretary

# GOVERNMENT TORT CLAIM

## RECOMMENDED ACTION

TO: Board of Directors

FROM: District Counsel

RE: Claim of: Rebecca Barraza  
Date of Incident: 02/04/14

Received: 03/06/14 Claim #: 14-0005  
Occurrence Report No.: MISC 14-01

In regard to the above-referenced Claim, this is to recommend that the Board of Directors take the following action:

- 1. Reject the claim entirely.
- 2. Deny the application to file a late claim.
- 3. Grant the application to file a late claim.
- 4. Reject the claim as untimely filed.
- 5. Reject the claim as insufficient.
- 6. Allow the claim in full.
- 7. Allow the claim in part, in the amount of \$\_\_\_\_\_ and reject the balance.

By \_\_\_\_\_

Liseth Guizar  
Security and Risk Administrator

Date: 3/8/14

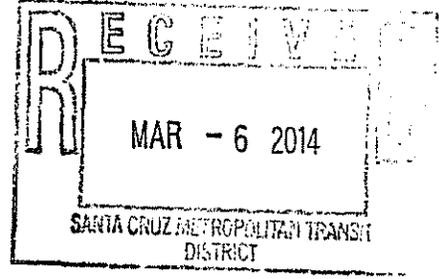
I, Anthony Tapiz, do hereby attest that the above Claim was duly presented to and the recommendations were approved by the Santa Cruz Metropolitan Transit District's Board of Directors at the meeting of March 28, 2014.

By \_\_\_\_\_

Anthony Tapiz  
RECORDING SECRETARY

Date: \_\_\_\_\_

Attachment(s)



Santa Cruz Metropolitan Transit District  
110 Vernon Street  
Santa Cruz, CA 95060

**CLAIM FOR DAMAGES**

(Pursuant to Section 910 et Seq., Government Code)

Claim # 14-0005  
(To be completed by METRO staff)

Please Print or Type:

The name and post office address of the claimant:

Claimant's Legal First Name: Rebecca

Claimant's Legal Last Name: Barraza

Address to which notices are to be sent:

Telephone (+) \_\_\_\_\_

Telephone (Business/Cell): \_\_\_\_\_

Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), a new federal law that became effective January 1, 2009, requires that the Santa Cruz Metropolitan Transit District report specific information about Medicare beneficiaries who have other insurance coverage. This reporting is to assist Centers for Medicare and Medicaid Services and other insurance plans to properly coordinate payment of benefits among plans so that (your) claims are paid promptly and correctly. We are asking you to answer the following questions so that we may comply with this law.

Are you presently, or have you ever been, enrolled in Medicare Part A or B?

**IF YES**, please provide the following information:

Medicare Claim Number

Date of Birth:

Social Security Number:



Gender: M  or F

Claimant Name: Rebecca Barraza

### CLAIM FOR DAMAGES

The date, place and other circumstances of the occurrence or transaction that gave rise to the claim asserted:

Date of Incident/Accident: 2/4/2014 (Tuesday @ 4-5 pm on BUS # 17)

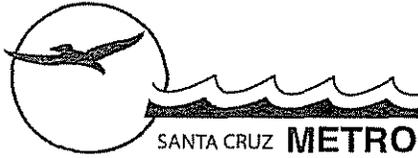
Time of Incident/Accident: 4-5 pm  AM  PM

Location of Incident/Accident

Street/City: BUS 17 before Scotts Valley Metro Center Station

A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the at the time of presentation of the claim. Please state the known facts surrounding the loss and use additional paper if needed.

2 males were swearing and cussing from the time 4 pm til 5 pm approx. after we left San Jose Diridon Train Station in soj. all the way til the female bus driver stopped and asked them to stop or get off her bus, while my paraplegic son and I rode the bus home to S.C.



Claimant Name: Rebecca Barroza

**CLAIM FOR DAMAGES**

The name or names of the METRO employee or employees causing the injury, damage, or loss, if known:

Bus Operator Badge # 604, BUS # 2805, BUS # 17 in Scotts Valley.

If the claim totals less than \$10,000, the amount claimed as of the date of the presentation of the claim: 10,000

If the amount exceeds \$10,000, this claim would be:  Less than \$25,000 (Limited Civil Case)  More than \$25,000

Claimant: Rebecca Barroza Date: 3/6/2014  
Signature/Print Name

Attorney or Representative: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature/Print Name

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** March 14, 2014  
**TO:** Board of Directors  
**FROM:** Leslyn K. Syren, District Counsel  
**SUBJECT:** **CONSIDERATION OF AMENDMENTS TO THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S BYLAWS**

## I. RECOMMENDED ACTION

**Adopt a Resolution Amending METRO's Bylaws.**

## II. SUMMARY OF ISSUES

- This Amendment adds Section 5.08 which provides that work assignments requested by members of the Board and staff be directed and facilitated by the General Manager or District Counsel.
- This matter is brought back as a follow up the Board meeting held on February 28, 2014, wherein the Board requested a change in the proposed language.

## III. DISCUSSION

An additional section has been added to the Bylaws expressing a policy related to the assignment of work by a Director to any staff member of the District, with the exception of either the General Manager or the District Counsel. This policy requires that the Board member direct such communications to either the General Manager or the District Counsel, as appropriate. This policy will assist management with the allocation of staff time and priorities at Santa Cruz METRO.

Staff recommends adopting the language in a Resolution set forth in Attachment A, along with a revised Exhibit B to the Bylaws, setting forth allowable expenses.

## IV. FINANCIAL CONSIDERATIONS

NONE.

## V. ATTACHMENTS

**Attachment A:** Bylaws Resolution showing the proposed addition of section 5.08.

# Attachment A

RESOLUTION NO. \_\_\_\_\_  
Amended 1-21-83, 6-16-89, 8-21-92,  
4-15-94, 4-21-95, 4-27-97, 9-18-98,  
4-16-99, 11-19-99, 6-16-00, 6-08-01,  
6-15-01, 9-21-01, 02-15-02, 06-21-02,  
09-27-02, 10-10-03, 12-19-03, 09-24-04,  
12-17-04; 02-24-06; 02-23-07; 05-25-07;  
05-23-08; 08-28-09; 01-22-10, 6-25-10,  
11-19-10, 05-13-11 and 01-11-13  
On the Motion of Director: \_\_\_\_\_  
Duly Seconded by Director: \_\_\_\_\_

## A RESOLUTION OF THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT BOARD OF DIRECTORS ESTABLISHING AMENDMENT TO THE BYLAWS

The following amendment is made to the Santa Cruz METRO Bylaws, adding section 5.08, as follows:

### V. DIRECTORS

#### 5.08 Directing the work of Santa Cruz METRO staff members

All requests to utilize the staff of Santa Cruz METRO shall be coordinated by and approved by the General Manager or District Counsel. In no event shall a Board Member assign work directly to a Santa Cruz METRO staff member without the approval of the General Manager or District Counsel.