

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

June 27, 2008

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, June 27, 2008 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

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

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

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

DIRECTORS ABSENT

Ex-Officio Donna Blitzer

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angela Aitken, Finance Manager
Wally Brondstatter, Acting Paratransit Superintendent
Frank Cheng, MB Project Manager
Mark Dorfman, Assistant General Manager
Mary Ferrick, Fixed Route Superintendent

Shona Harper, Asst Paratransit Superintendent
Debbie Kinslow, Asst Finance Manager
Robyn Slater, Human Resources Manager
Tom Stickel, Maintenance Manger
April Warnock, Paratransit Superintendent
Les White, General Manager

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

Bev Edwards, Bus Operator
Bill DeVivo, Bus Operator
Ed Kozlowski, Harris & Associates
Cesar Lara, MBCLC

William Little, Harris & Associates
Bonnie Morr, UTU
Tegan Speiser, SCCRTC
Amy Weiss, Spanish Interpreter

VICE CHAIR BUSTICHI ARRIVED

2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

- | | | | |
|----|-------------------------------------|-----|-----------------------------------|
| a. | Robert R. Smith | Re: | ParaCruz Service |
| b. | E/D TAC | Re: | METRO's Short Range Transit Plan |
| c. | Special Parents Information Network | Re: | Disability Service Provider Award |

Oral:

Director Spence said she liked the new METRO Advisory Committee (MAC) brochures and also commended the Operations Department for their efforts in the response to the Trabing fire.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

CONSENT AGENDA

- 5-1. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MAY 2008**
- 5-2. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR APRIL 2008**
- 5-3. **CONSIDERATION OF TORT CLAIMS: NONE**
- 5-4. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JUNE 18, 2008 AND MINUTES OF APRIL 16, 2008**
- 5-5. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF MARCH 2008**
- 5-6. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-7. **DELETED**
- 5-8. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FOR APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE MAY 2008 MEETING(S)**
- 5-9. **CONSIDERATION OF RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY 09**
- 5-10. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH VISION SERVICE PLAN FOR EMPLOYEE VISION CARE INSURANCE**
- 5-11. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR FEBRUARY 2008**
- 5-12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH ALLIANT INSURANCE SERVICES FOR INSURANCE BROKER SERVICES AND CONTINUING PARTICIPATION IN THE CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY JOINT POWERS AGREEMENT IN ORDER TO ACCESS EXCESS WORKERS' COMPENSATION INSURANCE WITH CSAC**

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Approve the Consent Agenda

Motion passed unanimously with all Directors present.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:

The following employees were presented with longevity awards for their years of service:

THIRTY YEARS

Lucere Whitney, Bus Operator

7. CONSIDERATION OF RESOLUTION APPROVING REVISED FY 09 & FY 10 FINAL BUDGET

Summary:

Angela Aitken went over the changes to the FY09-FY10 METRO budget since May and reported that funds had now been added for the ParaCruz dialysis trips as well as funding for the three additional Fixed Route Bus Operator positions.

Ms. Aitken outlined the major Operating Revenue and Expense assumptions and proposed balancing actions

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Adopt Resolution approving the Final Budget for FY 09 and FY 10 as presented by Staff in Attachment B; Authorize staffing levels as listed in Attachment C; Authorize Capital Budget in FY 09 as described in Attachment D; Authorize Board Member Travel in FY 09 as described in Attachment E; Approve the Employee Incentive Program as presented in Attachment F; Authorize Schedule of Reserve Balances as described in Attachment G; and Authorize the Special Shuttle billing rate for FY 09 at \$83.00 per hour as listed in Attachment H

Discussion:

Les White and the Board commended Angela Aitken and the Finance Department staff for their hard work in developing this two-year budget with no service cuts.

Motion passed unanimously with all Directors present.

8. CONSIDERATION OF METRO’S STAFF RESPONSE TO FINAL REPORT OF ADA/504 REVIEW OF METRO’S PROGRAMS, ACTIVITIES AND SERVICES TO DETERMINE WHETHER THEY ARE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES

Summary:

Les White reported that Pat Piras Consulting was contracted to conduct an evaluation of the accessibility of METRO facilities, programs, activities and services. Mr. White said that the final report included recommended modifications to enhance accessibility which was presented to the Board in February of 2008. Attachment “C” of this report outlines how METRO staff has either already responded or intends to respond to each recommendation.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN

Adopt METRO’s responses to the recommendations made in the Pat Piras Consulting report and the proposed transition plan for implementation of the recommended actions

Motion passed unanimously with all Directors present.

9. CONSIDERATION OF APPROVAL OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF WALLY BRONDSTATTER AS ACTING PARATRANSIT ADMINISTRATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Chair Beautz presented Wally Brondstatter with a plaque and thanked Mr. Brondstatter for his years of service. Mr. Brondstatter accepted the plaque and thanked METRO for his years of employment, praised the ParaCruz Department personnel and also urged the Board to bring the wages of the ParaCruz Department up to the level of METRO’s other departments.

In recognition of both retirees on today’s Agenda, Chair Beautz invited all attendees to participate in the refreshments and took a brief Recess at 9:36 a.m. and reconvened to Open Session at 9:46 a.m.

DIRECTOR SKILLICORN LEFT THE MEETING

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR HINKLE

Adopt Resolution of Appreciation for the services of Wally Brondstatter as Acting Paratransit Administrator for the Santa Cruz Metropolitan Transit District

Motion passed unanimously with Director Skillicorn being absent.

10. CONSIDERATION OF APPROVAL OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF ALBERTO C. BARRAGAN AS BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Chair Beautz read the Resolution of Appreciation for Alberto C. Barragan and Bonnie Morr accepted the plaque in his absence.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI

Adopt Resolution of Appreciation for the services of Alberto C. Barragan as Bus Operator for the Santa Cruz Metropolitan Transit District

Motion passed unanimously with Director Skillicorn being absent.

11. CONSIDERATION OF AN INCREASE IN RATES FOR ADVERTISING ON METRO BUSES

Summary:

Mark Dorfman said that there had not been an increase in advertising rates since July 2006, and Monterey Salinas Transit (MST) recently increased their ad rates to bring them more in line with other transit agencies. Staff recommends that METRO increase the rates of the King ads to match the MST rates, and to increase the Tail and Queen ads by 5% with the new rates effective July 31, 2008.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BUSTICHI

Approve the Bus Advertising Rates as presented in Attachment “B”

Motion passed unanimously with Director Skillicorn being absent.

12. CONSIDERATION OF APPROVING OFFER FROM NEW FLYER OF AMERICA FOR LIQUIDATED DAMAGES DUE TO A DELAY IN DELIVERY IN THE CONTRACT WITH NEW FLYER OF AMERICA FOR THE PURCHASE OF FIVE 40 FOOT COMPRESSED NATURAL GAS BUSES FOR HIGHWAY 17 AND EIGHT 40 FOOT COMPRESSED NATURAL GAS BUSES FOR LOCAL ROUTE SERVICE

Summary:

Mark Dorfman reported that New Flyer was unable to deliver to METRO the 13 new 40-foot CNG buses by the contractual delivery date of May 1, 2008. New Flyer is requesting a time extension with the new estimated delivery dates of October 3rd for the 8 local route buses and October 24th for the 5 Highway 17 buses.

Based upon the new delivery dates, the liquidated damages due to METRO will total \$171,7000 which is \$100 per day per bus for each day the buses are late. New Flyer will immediately issue a parts credit to METRO in this amount upon acceptance of the revised delivery dates. This credit will be helpful in saving money in this year's budget.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HINKLE

Approve the offer from New Flyer of America for liquidated damages due to delay in the delivery of buses

Motion passed unanimously with Director Skillicorn being absent.

13. CONSIDERATION OF AUTHORIZATION TO TRANSFER SLOW-FILL CNG EQUIPMENT TO THE MONTEREY PENINSULA UNIFIED SCHOOL DISTRICT

Summary:

Mark Dorfman reported that METRO's slow fill CNG station was funded by grants from the Monterey Bay Unified Air Pollution Control District (Air District) and the California Energy Commission. In February 2008, METRO retired this fueling facility when the new LNG/CNG facility became operational.

A grant condition required that the asset be transferred to another public entity in the Air District when it was no longer needed. Both the Air District and the California Energy Commission approved the transfer of the equipment to the Monterey Peninsula Unified School District.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Approve the transfer of the slow-fill CNG equipment to the Monterey Peninsula Unified School District

Motion passed unanimously with Director Skillicorn being absent.

14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT-TO-EXCEED \$602,640 FROM RNL DESIGN, INC. TO PROVIDE ADDITIONAL FUNDS TO THE ARCHITECTURAL & ENGINEERING CONTRACT TO ACCOMMODATE COSTS RELATING TO OPERATIONS BUILDING RE-PACKAGE, RE-BID & CONSTRUCTION SERVICES FOR THE METROBASE PROJECT

Summary:

Frank Cheng reported that this change order is for the re-package, re-bid, and construction services for the Operation Building. The re-package will take three months, the re-bidding process will take approximately one month, and the construction is estimated to take twenty-two months.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI

Authorize the General Manager to execute a contract amendment for a change order in the amount of not-to-exceed \$602,640 from RNL Design, Inc. to provide additional funds to the Architectural & Engineering contract to accommodate costs relating to Operations Building Re-Package, Re-Bid & Construction Services for the MetroBase Project

Motion passed unanimously with Director Skillicorn being absent.

15. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A CHANGE ORDER IN THE AMOUNT OF NOT-TO-EXCEED \$1,401,713 FROM HARRIS & ASSOCIATES TO PROVIDE ADDITIONAL FUNDS TO THE CONSTRUCTION MANAGEMENT CONTRACT TO ACCOMMODATE COSTS RELATING TO OPERATIONS BUILDING SERVICES DURING BIDDING AND CONSTRUCTION, AND SPECIALTY INSPECTION SERVICES FOR THE METROBASE PROJECT**

Summary:

Frank Cheng reported that this change order is for the Construction Management Services for the Operation Building. The construction period is estimated to take twenty-two months.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Authorize the General Manager to execute a contract amendment for a change order in the amount of not-to-exceed \$1,401,713 from Harris & Associates to provide additional funds to the Construction Management Contract to accommodate costs relating to Operations Building Services during bidding and construction, and specialty inspection services for the MetroBase Project

Motion passed unanimously with Director Skillicorn being absent.

16. **CONSIDERATION OF CHANGES REQUIRED AS A RESULT OF THE ISSUANCE OF THE FEDERAL TRANSIT ADMINISTRATION CHARTER SERVICE RULE**

Summary:

Mark Dorfman reported that the Federal Transit Administration (FTA) issued a new regulation on Charter Service that went into effect on May 1, 2008. Many of the special shuttles that METRO has provided in the past would now be considered as charter service because they are considered irregular or an event of limited duration with a third party subsidizing or paying for the service. The only way these services could continue to operate is if METRO paid the full cost of operating them, which is contrary to District policy.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BUSTICHI

METRO will not operate any service that can now be classified as Charter Service under the definitions contained in the Federal Transit Administration Charter Service Rule. Authorize staff to inform agencies for whom it will no longer be able to provide this service

Motion passed unanimously with Director Skillicorn being absent.

17. **ORAL ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR JULY 25, 2008 – SCOTTS VALLEY CITY COUNCIL CHAMBERS, ONE CIVIC CENTER DRIVE, SCOTTS VALLEY**

Chair Beautz announced that the July 25, 2008 Board Meeting would be held at the Scotts Valley City Council Chambers, One Civic Center Drive, Scotts Valley, CA

18. **REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION:**

Les White reported that the Board would have a conference with its Labor Negotiators regarding UTU, Local 23, Fixed Route and recommended that Item #2 be continued to July 11th in order to focus all attention on Item #1.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HAGEN

Continue Closed Session Item #2 to July 11, 2008

Motion passed unanimously with Director Skillicorn being absent.

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

Bonnie Morr distributed a document which is attached to the file copy of these minutes. Ms. Morr said the document calculates the minimal cost differences between the District's and UTU's most recent proposals. Ms. Morr said that UTU is opposed to the District proposal of increasing the 1st and 2nd salary steps by 15%.

Ms. Morr requested that the Board schedule a Special Meeting on either June 30th or July 1st and thanked the Board for the parity on medical insurance and retirement and said that the biggest negotiation issue now is wages. She reported that she had been working with Les White on clarifying other non-monetary issues.

SECTION II: CLOSED SESSION

Chair Beautz adjourned to Closed Session at 10:45 a.m. and reconvened to Open Session at 11:36 a.m.

SECTION III: RECONVENE TO OPEN SESSION

20. **REPORT OF CLOSED SESSION**

Chair Beautz reported that the Board took no reportable action in Closed Session.

ADJOURN

There being no further business, Chair Beautz adjourned the meeting at 11:36 a.m.

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Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator