

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**March 9, 2007**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, March 9, 2007 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA

Chair Tavantzis called the meeting to order at 9:01 a.m.

## **VICE CHAIR BEAUTZ ARRIVED AND PRESIDED OVER THE REMAINDER OF THE MEETING**

### **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  
Marcela Tavantzis  
Ex-Officio Donna Blitzer

##### **DIRECTORS ABSENT**

Mark Stone

##### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager  
Pat Aviles, Asst. HR Manager  
Frank Cheng, MetroBase Project Manager  
Mary Ferrick, Base Superintendent  
Terry Gale, IT Manager  
Margaret Gallagher, District Counsel

Harlan Glatt, Sr. Database Administrator  
Debbie Kinslow, Asst. Finance Manager  
Steve Paulson, Paratransit Administrator  
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**

Carolyn Derwing, Schedule Analyst  
Sandra Lipperd, UTU  
Ian McFadden, Transit Planner  
David Moreau, PSA

Bonnie Morr, UTU  
Steve Prince, UTU  
Bob Yount, MAC

**2. ORAL AND WRITTEN COMMUNICATION**

Written:

- |    |   |                     |
|----|---|---------------------|
| a. | Terryn Davis, OTR/L, Dominican Hospital | Re: Service Request |
| b. | ?, OTR/L III, Dominican Hospital        | Re: Service Request |
| c. | Pasha Hoth Wilson                       | Re: Service Request |
| d. | Patricia Laffoon                        | Re: Service Request |
| e. | Greg McLean                             | Re: Service Request |
| f. | Angela Pearson                          | Re: Service Request |
| g. | Carol Stanley                           | Re: Service Request |
| h. | Simone Rowland                          | Re: Service Request |
| i. | Antoine Zeiuf                           | Re: Service Request |

**3. LABOR ORGANIZATION COMMUNICATIONS**

Bonnie Morr and Sandra Lipperd, UTU, reported that there is still a safety issue at the Watsonville Transit Center (WTC) and urged the Board to reconsider this. Bonnie Morr also stated that the bus operators are doing the best they can to stay on schedule and she requested that everyone present show some courtesy and assist the buses merging back in to traffic.

**DIRECTOR ROTKIN ARRIVED**

Les White stated that this issue was intended to be agendized for the March 23, 2007 Board meeting with a recommendation after the METRO Advisory Committee (MAC) considers it at their next meeting on March 21<sup>st</sup>.

Steve Prince, UTU, added that he noticed that the undesirable activities were not present when a security guard was at WTC yesterday.

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

A Revised page #5-8.a1 was distributed at today's meeting and is attached to the file copy of these minutes. Mr. White introduced METRO's new Assistant Finance Manager, Debbie Kinslow and Robyn Slater introduced METRO's new Assistant Human Resources Manager, Pat Aviles.

**CONSENT AGENDA**

**5-1. APPROVE REGULAR BOARD MEETING MINUTES OF FEBRUARY 9 & 23, 2007 AND SPECIAL MINUTES OF FEBRUARY 23, 2007**

Director Spence requested that 2 corrections be made to the February 23, 2007 Board Minutes on page #5-1.12 indicating that she did not verbally make her suggested additional modifications to sections 11.01c and 15.01b and also that she did not personally make the friendly amendment of the motion to change the name to Pacific Station or any modification to Section 11.01c as follows:

**Margaret Gallagher reported that** Director Spence **had contacted her and** suggested the following additional modifications:

- 1) In Section 11.01c, include that remarks shall not be addressed to METRO Staff; and
- 2) In Section 15.01(b), change Santa Cruz Metro Center to Pacific Station.

As the maker of the motion, Director Rotkin stated that he ~~accepts~~ **considers** Director Spence's 2<sup>nd</sup> recommendation as **to be** a friendly amendment, but not the 1<sup>st</sup>.<sup>1</sup>

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

Chair Tavantzis asked about dues paid to the Transportation Management Association (TMA). Les White explained that METRO is a member and gave a brief description of the program.

**5-4. CONSIDERATION OF TORT CLAIMS:**  
**DENY THE CLAIM OF MICHELLE FRANKLIN, CLAIM #07-0005**  
**ACTION REQUESTED AT THE MARCH 9, 2007 BOARD MEETING**  
**DENY THE CLAIM OF THE HERTZ CORPORATION, CLAIM #07-0008**

Margaret Gallagher reported that action is requested today on Claim #07-0005 due to the 45-day time limit.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Refer the Claim of Michelle Franklin, Claim #07-0005 to today's Closed Session Agenda**

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

**5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR MARCH 21, 2007 (No Minutes - no February meeting due to lack of quorum)**

No questions or comments.

**5-6. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF DECEMBER 2006**

Chair Tavantzis stated that she appreciated the new data regarding the rides within the "ready window". There was a discussion about on-time performance and Steve Paulson stated that ParaCruz takes the initiative to notify doctors' offices when ParaCruz is running late and is also working with the union to take steps to reduce lateness.

**5-7. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH AIRTEC SERVICE FOR HVAC MAINTENANCE SERVICES**

No questions or comments.

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<sup>1</sup> These corrections were made to the February 23, 2007 Draft Minutes and redistributed to the Board for approval at the March 23, 2007 Board meeting.

**5-8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH MISSION UNIFORM AND LINEN SERVICE FOR UNIFORMS, FLAT GOODS AND LAUNDRY SERVICE**

A Revised page #5-8.a1 was distributed at today's meeting.  
No questions or comments.

**5-9. ACCEPT AND FILE METROBASE STATUS REPORT**

Les White clarified that staff was still researching the feasibility of including a pedestrian overpass above Highway 9 and intends to have information to present to the Board in April.

Les White added that staff is still negotiating with Arntz Builders regarding legitimate delays in construction of the Service & Fueling Facility.

**REGULAR AGENDA**

**6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

This presentation will take place at the March 23, 2007 Board meeting.

**7. CONSIDERATION OF APPROVAL OF RESOLUTION OF APPRECIATION FOR THE SERVICES OF LAURA HARRELL AS A BUS OPERATOR FOR THE SANTA CRUZ METROPOLITAN TRASIT DISTRICT**

This presentation will take place at the March 23, 2007 Board meeting.

**8. CONSIDERATION OF MODIFICATIONS TO THE SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND MAINTAINING CONTROL OF THE CONDUCT OF THE MEETINGS BY THE BOARD CHAIR**

**Summary:**

Margaret Gallagher reported the Board Chair is suggesting that the regular meetings be reformatted to be independent, stand alone meetings whose agendas are not interdependent. There would be two separate agendas and packets, with action on all items at each meeting.

**Discussion:**

Director Rotkin stated that he supports the idea of two separate agendas, but the public needs to know that the more important issues would always be considered at the second meeting, which is televised. Director Reilly agreed, but stated that it should flow smoothly without staff constantly struggling.

Director Nicol inquired about the history of complaints regarding the current procedure and stated that two separate meetings would create more workload for staff. Vice Chair Beutz replied that all the changes to the second agendas are confusing.

Chair Tavantzis clarified that her suggestion was not to have two completely separate meetings, but rather, reports not included in the first packet would not be listed on the first agenda and items acted upon at the first meeting would be replaced by brand new items on the second agenda. Chair Tavantzis added that all standard purchases, contracts and contract renewals could always go on the consent agenda.

Director Bustichi suggested adding a “review for next agenda” section. Les White reported that staff had discussed the idea of listing an “action agenda” section and a “review for next agenda” section on the first agenda and both meetings would have a consent agenda with action taken. The action items on the first agenda would be replaced by all new action items on the second agenda. Director Rotkin pointed out that items continued to the second meeting would usually have to be renumbered and redistributed, which is what the City of Santa Cruz does with their packets.

Ian McFadden, SEA, commented that he was concerned about how this change would impact the workload of the administrative staff that compile the agenda packets. Margaret Gallagher offered to do a supplemental Staff Report including a mock agenda for March 23<sup>rd</sup> as if these changes took place so the Board can see what it would look like.

Bonnie Morr, UTU, expressed concern regarding the transparency of fiscal responsibility to the public.

Director Spence stated that she was quite troubled about the tone of the Staff Report and does not mean to create an adversarial relationship between staff and the Board. Director Spence stated that the Staff Report is worded to characterize her as recommending certain things, to prohibit certain things, and it was never her intention to suppress or stifle public comments. Director Spence feels the Staff Report is negative in the way it restates what she said as opposed to how it translated when it came out another person's mind. It was never her intention to limit public comment or to prohibit members of the public from speaking. Director Spence said she did not feel that way and as a Board member she is very cognizant of her responsibility to encourage public comment. Director Spence requested that the considerations for Section 11.01c be removed from the discussion because she does not think it reflects well on her and it is not what she meant.

Les White replied that, clearly, there is no intention of negativity or adversarial actions in the way the Staff Report was put together, but rather, the staff is responding to the specific concerns that were discussed at the last meeting, including the public addressing the Board rather than staff, and conflict of interest.

Vice Chair Beutz stated that other Directors made comments and Director Reilly suggested that the Staff Report could be changed to replace the words “Director Spence” with “Board of Directors”. Director Spence stated that she does not think any of the conversation about “suppress” came up at all.

Director Spence stated that she should have the latitude to withdraw the request, if someone else wants to make another report to have it reviewed differently that is fine with her. Ms. Gallagher apologized to Director Spence for upsetting her, explaining that her intention was to explain the issues regarding the different sections.

Director Spence stated that she had another issue worth considering: when people address the Board, they haven't read the Bylaws and she doesn't think they know anything about what goes on in the Bylaws and it takes a great deal of courage for people to get up and speak before the Board and if there is any way you could facilitate letting them know what the procedure is through the agenda or a note on the dais or something, because she thinks it is kind of harsh, if not rude, to interrupt a speaker and tell them to address the Board directly, it comes across very harsh.

Directors Bustichi and Rotkin stated that on occasion, speakers need to be interrupted and instructed to address the Board. Chair Tavantzis stated that the majority of the public speakers are aware they need to address the Board. Ms. Gallagher suggested adding the words "To the Board of Directors" to the Oral & Written Communications item on the agenda. Chair Tavantzis stated that speakers addressing staff directly does not happen very often. Director Spence stated that it gets to the point where maybe the Chair does not know when to interrupt the speaker and then maybe one or two people are correcting the speaker, which is harsh. Director Rotkin stated that aggressive speakers need to be corrected to back off. Director Spence stated she was not disagreeing, but that there should be a method to facilitate people knowing what they are supposed to do.

Director Spence inquired about Section 13.03, regarding conflict of interest on page #8.a1. There was a discussion about how a conflict of interest situation is a complex matter which is determined on a case-by-case basis.

**9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH LNI CUSTOM MANUFACTURING, INC. FOR BUS STOP PASSENGER WAITING SHELTERS**

**Summary:**

Tom Stickel reported that the District has a need to replace existing shelters and add new ones. Mr. Stickel explained that the contract amount is for the larger shelters with optional features, however all shelters actually purchased will not be the largest or have the options.

**10. CONSIDERATION OF REVIEW OF SCHEDULE EFFICIENCY OF 2005 AND 2006 BIDS**

**Summary:**

Harlan Glatt reported that in Winter 2005, METRO upgraded its Hastus run-cutting software in order to mitigate the major costs of IWC-9 compliance incurred in the Fall 2005 bid. The software vendor provided basic on-site training and assisted in creating bids in a rushed time-frame.

Staff believes that additional advanced Hastus training in combination with a professional analysis of METRO's service can help to correct schedule inefficiencies and give staff the tools to continue to create more efficient cost-effective service into the future.

**Discussion:**

Director Rotkin requested the pay to platform average ratio for other agencies the size of METRO, which Les White said he would provide. Director Rotkin also requested the vehicle in-service hours compared to vehicle total hours be included in Attachment "B" for the next meeting.

11. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH TRANSPORTATION MANAGEMENT AND DESIGN, INC. FOR SCHEDULE TRAINING IN HASTUS 2006**

No questions or comments.

12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH CREATIVE BUS SALES FOR PURCHASE OF ONE EACH TYPE 7 PARATRANSIT MEDIUM DUTY BUS AND TWO EACH RAISED TOP TRANSPORTER VANS**

**Summary:**

Tom Stickel reported that these are higher-capacity replacement vehicles which will increase the efficiency of ParaCruz service. These purchases would allow five of the older, high-mileage minivans to be retired or put in a reserve fleet.

13. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH UC SANTA CRUZ TO PASS THROUGH FUNDING FOR AIR DISTRICT BUS RAPID TRANSIT STUDY TO MONTEREY SALINAS TRANSIT AND TO DESIGNATE AN ADDITIONAL CORRIDOR FOR STUDY**

**Summary:**

Les White explained that this report requested two Board actions: 1) to authorize METRO to enter into an agreement with UCSC for additional BRT funding and then be able to pass the funds through to MST as the lead agency to add the additional UC work, and 2) to identify an additional corridor in Santa Cruz to be studied.

14. **CONSIDERATION OF AMENDING THE 2007 FEDERAL LEGISLATIVE PROGRAM TO INCLUDE A REQUEST FOR AN EARMARK OF \$2,000,000 IN THE FY 2008 TRANSPORTATION APPROPRIATIONS BILL FOR THE PACIFIC STATION REDEVELOPMENT PROJECT**

Les White reported that Congressman Sam Farr's office has indicated that they want to continue their support for the Pacific Station Redevelopment Project and have requested that METRO submit an earmark request in the amount of \$2,000,000 for that project.

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR TAVANTZIS**

**Amend the 2007 Federal Legislative Program to include a request for the inclusion of a \$2,000,000 earmark of funds in the FY 2008 Transportation Appropriations Bill for the Pacific Station Redevelopment Project**

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

- 15. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE ARNTZ BUILDERS'S CHANGE ORDER #6 IN THE AMOUNT OF \$74,973.18 FOR ISSUES RELATING TO THE STREAMBED ALTERATION WITH CALIFORNIA DEPARTMENT OF FISH & GAME AGREEMENT FOR THE SERVICE & FUELING BUILDING COMPONENT OF THE METROBASE PROJECT**

**Summary:**

Frank Cheng reported that the Department of Fish & Game required an extensive redesign of the outfall structure and mitigation for the vegetation removed for the construction of the outfall.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SKILLICORN**

**Authorize the General Manager to execute Arntz Builders' Change Order #6 in the amount of \$74,973.18 for issues relating to the Streambed Alteration with California Department of Fish & Game agreement for the Service & Fueling Facility of the MetroBase Project**

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

- 16. CONSIDERATION OF AN AMENDMENT TO THE CONTRACT WITH WEST BAY BUILDERS, INC. EXTENDING THE CONTRACT EXPIRATION DATE FOR THE METROBASE MAINTENANCE BUILDING TO JANUARY 28, 2010, WHILE MAINTAINING THE CONSTRUCTION COMPLETION DATE OF JULY 28, 2009**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ**

**Approve an amendment to the contract with West Bay Builders, Inc. that extends the contract expiration date to January 28, 2010, while maintaining the construction completion date of July 28, 2009**

**Discussion:**

Frank Cheng stated that there was an error in the first sentence under Summary of Issues. Rather than Arntz Builders, it should be West Bay Builders, Inc.

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



**17. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE WEST BAY BUILDERS'S CHANGE ORDER #1 CONTRACT TIME EXTENSION TO TWENTY ONE (21) CALENDAR DAYS FOR THE MAINTENANCE BUILDING COMPONENT OF THE METROBASE PROJECT**

**Summary:**

Frank Cheng reported this change order includes costs to remove and replace unsuitable base material, remove fencing and a time extension of 21 days to have buses, storage containers and an LCNG tank removed from the work site.

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

**Authorize the General Manager to execute West Bay Builders' Change Order #1 Time Extension to twenty-one (21) calendar days for the Maintenance Building Component of the MetroBase Project**

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

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

Margaret Gallagher reported that the Board would have a conference with its labor negotiators regarding SEIU, Local 521 and UTU, Local 23, Fixed Route. The Board would also have a conference with its Legal Counsel regarding Tort Claim #07-0005, which is Item #5-4 on today's Open Session Agenda.

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

Bonnie Morr pointed out that page #5-8.a1 is a personnel issue that was mistakenly included in the Board Packet. Ms. Morr also stated that UTU has submitted a proposal and letter regarding their Closed Session issue, which is different than SEIU's.

Regarding Item #8, Director Reilly commented that whatever changes are made to the Agenda format, everything possible should be done to avoid using more paper.

**SECTION II: CLOSED SESSION**

Vice Chair Beautz adjourned to Closed Session at 11:14 a.m. and reconvened to Open Session at 11:50 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**20. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the Board took no reportable action in Closed Session.

**5-4. CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF MICHELLE FRANKLIN, CLAIM #07-0005**

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

**Deny the claim of Michelle Franklin, Claim #07-0005**

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

**ADJOURN**

There being no further business, Vice Chair Beautz adjourned the meeting at 11:50 a.m.

Respectfully submitted,

CINDI THOMAS

Administrative Services Coordinator