

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

April 13, 2007

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, April 13, 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
Dale Skillicorn
Pat Spence
Marcela Tavantzis
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

Dene Bustichi
Emily Reilly
Mike Rotkin
Mark Stone

STAFF PRESENT

Ciro Aguirre, Operations Manager
Angel Aitken, Finance Manager
Frank Cheng, MetroBase Project Manager
Mark Dorfman, Assistant General Manager

Mary Ferrick, Base Superintendent
Steve Paulson, Paratransit Administrator
Tom Stickel, Maintenance Manager

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

Jim Burr, City of SC Transportation Manager
Sandra Lipperd, UTU
Paul Marcelin-Sampson, MAC

Ian McFadden, Transit Planner
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

- | | | | |
|----|------------------------------------|-----|--------------------------|
| a. | Jeffrey D. Bukowski, Stevens & Lee | Re: | RTCC Minutes Corrections |
| b. | City of Capitola RDA | Re: | Public Hearing Notice |

Regarding Item #2-a, Mark Dorfman explained that this letter is included in the Board Packet only because it was addressed to the Board Chair, rather than the General Manager.

Oral:

Paul Marcelin-Sampson reported on the recent TFTF meetings and requested the commitment of the Board to send a letter to the TFTF in support of a funding allocation of \$90 million for fixed route service and \$69 million specifically for ADA Paratransit service. Mr. Marcelin-Sampson distributed a ParaCruz Projections chart, which is attached to the file copy of these minutes.

3. LABOR ORGANIZATION COMMUNICATIONS

Sandra Lipperd, UTU, reported that due to a recent incident, the union is requesting that the Board notify their local emergency response agencies to explain that assistance is needed when emergency messages are communicated on bus headsigns.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

A Revised Staff Report for Item #10 and a written communication and Revised Attachment “C” for Item #11 were distributed at today’s meeting.

CONSENT AGENDA

5-1. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MARCH 2007

Mark Dorfman responded to Director Nicol's inquiry regarding the following checks: #21419 was for hotel accommodations for an employee to attend a Trapeze software user conference; check #21420 was for the 10% retainage of the MetroBase construction payment for West Bay Builders.

**5-2. CONSIDERATION OF TORT CLAIMS:
DENY THE CLAIM OF BEN S. JONAS, CLAIM #07-0011**

Director Nicol asked if the bus had in fact not arrived, as claimed. Ciro Aguirre and Mary Ferrick explained that the bus was an hour late after an unexpected re-routing due to road closures in San Jose, which was not communicated to METRO in advance. The claimant was notified and aware of the re-route, but had not expected to wait so long.

5-3. ACCEPT AND FILE METROBASE STATUS REPORT

No questions or comments.

5-4. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR APRIL 18, 2007 (No Minutes: no February or March meetings due to lack of quorum)

Director Hagen reported that MAC has had trouble reaching a quorum since he was a member prior to being appointed to the Board in January 2007.

There was a discussion about vacancies and Bob Yount commented that he is very unhappy with the members not keeping their commitment to MAC and that this issue is on the current MAC Agenda as a high priority.

Paul Marcelin-Sampson offered to take Director Reilly's appointee vacancy to represent Santa Cruz, and then Director Nicol could appoint a Capitola representative.

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

No questions or comments.

5-6. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF FEBRUARY 2007

Director Nicol asked about the decrease in ridership. Mark Dorfman replied that staff is not sure of the reason for the slight decrease, but that revenue had gone up due to the built in cost of living increase.

5-7. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE JANUARY, FEBRUARY & MARCH 2007 MEETING(S)

Director Spence noted that the minutes appear to be in draft form.

5-8. ACCEPT AND FILE NOTIFICATION OF ACTION TAKEN IN CLOSED SESSION REGARDING CLAIM OF CARLOS CARRERA

No questions or comments.

5-9. CONSIDERATION OF RECOMMENDATION TO APPROVE ASSESSMENTS FOR COOPERATIVE RETAIL MANAGEMENT DISTRICT

Mark Dorfman reported that this is an annual assessment from the City of Santa Cruz for the two properties METRO owns on Pacific Avenue and it funds the Downtown Host Program.

REGULAR AGENDA

7. CONSIDERATION OF APPROVAL OF A RESOLUTION MODIFYING SANTA CRUZ METRO'S BYLAWS INCLUDING REFORMATTING THE REGULAR BOARD MEETINGS, AND ADDING LANGUAGE TO REQUIRE DIRECTORS TO FOLLOW CALIFORNIA LAW RE CONFLICTS OF INTEREST AND OTHER MINOR CHANGES

Discussion:

Director Hagen stated that as a former member of each group, he feels that MAC is a 190% improvement over MASTF.

Chair Tavantzis stated that she was fine with all of it, but everyone needs to reach a point of being really comfortable with the Agenda format. Chair Tavantzis stated that the format of today's Agenda was a perfect example because the action items for today are listed last, so when you delete them, you don't have to renumber the other items.

Chair Tavantzis stated that one thing that may cause confusion in the sample Agenda is that the preliminary Consent Agenda for the following meeting is numbered exactly the same as the action Consent Agenda for the current date: #5-1, 5-2, etc. Chair Tavantzis asked the Board to what extent the Consent Agenda for the next meeting needed to be reviewed? By definition, the Consent Agenda for the 2nd meeting may not need a workshop review, which would solve the whole numbering issue. Chair Tavantzis is willing to try any proposal that staff feels comfortable with, and since the Bylaws don't address the format of the Agenda, the Board can approve the whole concept of having two meetings, but remain flexible trying the new Agenda format for a few months expecting to revisit the issue in six months. Chair Tavantzis stated that using the same numbers works for the Regular Agenda, but not the Consent Agenda.

Vice Chair Beutz questioned why the Consent Agenda was numbered the way it is rather than whole numbers.

Chair Tavantzis stated she agrees with the Resolution part, and that the Board is heading towards two separate meetings

Director Spence asked about how items for the second meeting would be inserted in the binders without getting them mixed up with the items acted upon at the first meeting since they are numbered the same. Vice Chair Beutz and Mark Dorfman explained that after the first meeting, the Board would leave their binders with staff, who would prepare and deliver them prior to the next meeting. Director Spence suggested two sets of dividers in the binders, one for each meeting, because sometimes she likes to keep information to review items after they are acted upon at the first meeting. Mark Dorfman explained that ultimately, there would be two stand-alone separate meetings. Director Spence also asked about how someone would comment on a first meeting item at the second meeting and Vice Chair Beutz clarified that they wouldn't be able to – the item would be gone.

Ian McFadden, SEA, urged the Board to give the Agenda format careful consideration prior to making any changes because it would be problematic to have a format keep changing that the public is trying to follow as well.

Director Spence requested that all contract renewal Staff Reports should include the dollar amount.

Chair Tavantzis asked the Board how important it is to review the Consent Agenda for the second meeting at the first meeting. Vice Chair Beutz replied that it depends on the items and sometimes the Board wants more information, which is why it went to the current meeting format of the first meeting being a workshop.

Chair Tavantzis suggested not having Consent Agenda action at the first meeting, rather the entire Consent Agenda could be just reviewed at the first meeting for action at the second. Any

items needing action at the first meeting would be at the end of the Regular Agenda so the numbers go away and new ones can be added. If something that is normally on Consent needs action at the first meeting, it would now go at the end of the Regular Agenda. Vice Chair Beautz agreed.

Mark Dorfman pointed out that there would be some items listed on the Consent Agenda without back-up, and if that was acceptable, the Board could do that. Chair Tavantzis stated that those items would have the statement that they would be included in the next packet, just like before, which would allow the Board to review the Consent Agenda without approving anything, not mess up the numbering and it would make the Agenda cleaner for the public. Director Beautz stated that this is a little different than what the Board first started commenting on and Mark Dorfman agreed that this would ultimately lead to two separate meetings.

Chair Tavantzis clarified her idea of a new format: looking at the mock-up Agenda – the Consent Agenda would be continued including the second meeting items with no action, the Regular Agenda would start with the recognition of employees and at the end of this meeting would be the action items for the first meeting which would drop off and new items could be added without affecting the numbering system, and that would not be confusing. Regular items for which there is no staff report would not be listed; they can be added at the end for the second meeting.

Chair Tavantzis and Vice Chair Beautz agreed that items that had to be approved at the first meeting would be put at the end of the Regular Agenda. Chair Tavantzis clarified that items will no longer be moved from Regular to Consent and the second Agenda will not say “item deleted, action taken at the last meeting” because they will always be the last numbers, and that Consent Agenda items not ready can be listed on the first Agenda, but that is not necessary for the Regular Agenda. Mark Dorfman clarified that what may be confusing people is that all of the Consent items listed on the preliminary Consent Agenda for the second meeting on Attachment 7a, are all items that staff reports were not ready. Mr. Dorfman clarified that the Board is requesting that all items without staff reports should still be added to the Consent Agenda with the statement that the staff report is not there, and the rest stays as shown here. Chair Tavantzis agreed, saying it is back-pedaling, and Vice Chair Beautz added that the Board needs to get their packets in a timely manner and not two days before the meeting. Mark Dorfman said that staff could change the packet schedule.

8. CONSIDERATION OF MODIFICATIONS TO METRO’S PARACRUZ ELIGIBILITY AND APPEALS PROCESS REGULATION TO CONFORM THE REGULATION WITH THE ACTUAL PRACTICES, SUBSTITUTE MAC, INSTEAD OF MASTF, AS AN APPOINTING AUTHORITY TO THE APPEALS PANEL AND OTHER CHANGES

Discussion:

Chair Tavantzis reported that she had received a voicemail from Clay Kempf indicating that E&D TAC had not had any opportunity to provide input on the proposed changes to the appeal process. Vice Chair Beautz explained that there had been a huge discussion about who would be in charge of this and unless somebody has a stake in the financing, they should not be making decisions.

Mark Dorfman explained these changes are mostly clarifications, for example, MASTF is no longer an appointing authority, "METRO" has been corrected throughout the document, there is some clarification about the duties of the people involved, and the biggest change being the clarification that although an applicant who has been denied eligibility may have a representative, they must attend the appeal hearing themselves.

Director Spence asked to what extent the wording in the ParaCruz Guide, which is the Paratransit Plan, should coordinate with the wording of the Regulation. Director Spence pointed out several inconsistencies and questioned if METRO wanted to change the ParaCruz Guide already. Mark Dorfman and Vice Chair Beautz stated that the Guide would need to be updated to reflect accurate information. Director Spence stated that she would be willing to address her concerns with Ciro Aguirre and Steve Paulson so they can pass them on to Margaret Gallagher. Vice Chair Jan Beautz and Mark Dorfman said that Ms. Gallagher could call Director Spence to discuss her concerns. Director Spence stated that she doesn't need to call because this is too much for Director Spence to write down. Mr. Dorfman and Vice Chair Beautz suggested that Director Spence leave her marked-up notes for Ms. Gallagher. Director Spence questioned whether Ms. Gallagher could read it and if Director Spence gave up her copy, what would she read? Mark Dorfman offered to make another copy.

Director Nicol agreed that inconsistencies should be corrected.

Bob Yount stated that when E&D TAC had a chance to comment on the Paratransit Users Guide, not one member had even read it; they had no comments and didn't care. Mr. Yount stated that personally, he does not care what E&D TAC has to say, and particularly Clay Kempf.

Paul Marcelin-Sampson agreed with Mr. Yount and reported that Karena Pushnik of the SCCRTC and the materials that she distributes for E&D TAC have started calling E&D TAC the ADA Paratransit Advisory Committee, among other things, although METRO has recently modified its Bylaws to include removing MASTF and identify MAC as the one official advisory group for all METRO's programs, including fixed route and Paratransit and MAC is scheduled to review this issue next week. Mr. Marcelin-Sampson urged the Board to consider prior to approving at the next meeting whether Sections 3.12 & 3.13 on page #8a.4 remove METRO's right to recertify individuals.

Chair Tavantzis requested that Mark Dorfman pass this on to Margaret Gallagher to be addressed.

Director Spence commented that doesn't really spell out here that if somehow ParaCruz finds out that someone is no longer eligible when they are sent the letter after three years, this is talking about having them recertify at that point.

Mark Dorfman explained that this is when a person who has been on for three years comes up for renewal and nothing has changed; they are defacto assumed to be eligible. In order to avoid discrimination, that was what the Board directed staff to do when the program was originally developed, thereby avoiding situations such as an elderly person in a wheelchair having to come in again for recertification when they can simply get a letter to submit back to METRO stating their condition has not changed.

Director Spence stated that she thought this addressed when a person sends the letter back in stating their condition had not changed, when in fact it has and they are more independent than before. Mark Dorfman stated that verifiable information would be for example: if the driver reports that they were in a wheelchair previously and now no longer are.

Mr. Marcelin-Sampson suggested that the Board may wish to consider random sampling for recertification. Director Hagen suggested that METRO review the conditional eligibility of individuals.

Sandra Lipperd, UTU, expressed concern that a Paratransit Operator's job is to transport and not to assess a passenger's eligibility. Mark Dorfman explained that the example he gave was specifically regarding a very evident situation in which an operator would be expecting a passenger in a wheelchair and they are not in wheelchair, METRO needs to know because that affects the capacity of the vehicle, which may not be able to carry them now.

Director Nicol stated that he feels it is critical for METRO to tap into its best knowledge source, and no one knows more about the operation of the system than the operators themselves. Director Nicol said that if something is wrong out there that doesn't look quite right, there needs to be a system whereby that information gets into the process to look into the issues. Sandra Lipperd replied that METRO currently has that process in place, which is not the issue as far as eligibility is concerned.

9. CONSIDERATION OF DIRECTING STAFF TO IDENTIFY TRANSIT SYSTEMS INTERESTED IN ACQUIRING METRO'S RUBBER TIRED TROLLEY

Director Nicol stated that the City of Capitola is considering expanding its shuttle service and is in need of a trolley. Director Nicol proposed that Capitola could subsidize the service and stated that Capitola needs a better way to link its three commercial areas: 41st Avenue, the Village and the Bay Avenue corridor. Mark Dorfman offered to meet with Director Nicol on the financial feasibility of this proposal.

10. CONSIDERATION OF INCREASING LIABILITY INSURANCE TO \$30 MILLION

Mark Dorfman gave a PowerPoint presentation on the California Transit Insurance Pool (CalTIP), which is a self-insurance program for approximately 35 public transit operators in California.

The program currently allows member agencies to purchase liability insurance up to \$20 million of coverage and have various deductible levels. METRO has a \$200,000 deductible, which allows it to essentially remain self-insured up to \$200,000.

Staff is not recommending that the Board increase the liability insurance level at this time as the incremental cost (\$43,622) appears to be high.

ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR SKILLICORN

Do not increase liability insurance level to \$30 million

Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.

11. CONSIDERATION OF DIRECTING THE GENERAL MANAGER TO WITHDRAW THE REQUEST TO THE CITY OF SANTA CRUZ FOR THE REMOVAL OF PARKING ON THE SOUTHBOUND LANES OF OCEAN STREET ON THE WEEKENDS FROM MEMORIAL DAY TO LABOR DAY

ACTION: MOTION: DIRECTOR SKILLICORN SECOND: DIRECTOR BEAUTZ

Direct the General Manager to withdraw the request to the City of Santa Cruz for the removal of parking on the Southbound lane of Ocean Street from Memorial Day to Labor Day

Discussion:

Paul Marcelin-Sampson praised METRO staff on the report and expressed disappointment that the City of Santa Cruz had not supported this form of BRT and he encouraged Board members to become involved at the jurisdictional level in the future.

Jim Burr, City of Santa Cruz Transportation Manager, reported that the City Public Works had been prepared to move forward with this proposal prior to it being withdrawn.

Chair Tavantzis also praised staff on the quality of the report and stated that this type of proposal should be initiated by the appropriate jurisdiction going forward.

Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.

12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE OPTION TO PURCHASE FIVE 40 FOOT COMPRESSED NATURAL GAS BUSES FROM THE CITY OF CULVER CITY WITH NEW FLYER OF AMERICA

Mark Dorfman reported that METRO recently received and put into service two buses from this contract. METRO also exercised the option for eight additional buses for in-county service and these five would be for Highway 17 service. These funds must be obligated by April 30, 2007 or they will lapse.

ACTION: MOTION: DIRECTOR HINKLE SECOND: DIRECTOR NICOL

Authorize the General Manager to execute the option from the City of Culver City for the purchase of five (5) Compressed Natural Gas 40-foot low-floor transit buses and be authorized to take all necessary steps to negotiate and sign a contract with New Flyer of America and the City of Culver City to purchase these five (5) buses

Motion passed unanimously with Directors Bustichi, Reilly, Rotkin and Stone being absent.

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

Mark Dorfman reported that the Board would have a conference with its Real Property Negotiators regarding the price and terms of properties located at 425 Front Street and 1217 River Street, Santa Cruz.

14. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Vice Chair Beautz adjourned to Closed Session at 10:46 a.m. and reconvened to Open Session at 11:19 a.m.

SECTION III: RECONVENE TO OPEN SESSION

15. REPORT OF CLOSED SESSION

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

ADJOURN

There being no further business, Vice Chair Beautz adjourned the meeting at 11:20 a.m.

Respectfully submitted,

CINDI THOMAS

Administrative Services Coordinator