

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

September 12, 2003

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 12, 2003 at the District's Administrative Office, 370 Encinal Street, Santa Cruz, CA.

Vice Chairperson Keogh called the meeting to order at 9:00 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth
Jeff Almquist (arrived after roll call)
Jan Beautz (arrived after roll call)
Michelle Hinkle
Mike Keogh
Emily Reilly
Mike Rotkin
Ex-Officio Wes Scott
Pat Spence

DIRECTORS ABSENT

Dennis Norton
Ana Ventura Phares
Marcela Tavantzis

STAFF PRESENT

Bryant Baehr, Operations Manager
Margaret Gallagher, District Counsel
Steve Paulson, Paratransit Administrator
Elisabeth Ross, Finance Manager

Robyn Slater, Interim H.R. Manager
Judy Souza, Base Superintendent
Tom Stickel, Fleet Maint. Manager
Les White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT

Sharon Barbour, MASTF
Jenna Glasky, SEA
Gary Klemz, SEIU
Jeff LeBlanc, Rider
R. Paul Marcelin-Sampson, Metro Riders
Union

Manny Martinez, PSA
Bonnie Morr, UTU
Karena Pushnik, SCCRTC
Will Regan, VMU
Jim Taylor, UTU

2. ORAL AND WRITTEN COMMUNICATION

a. Susan Trimmingham RE: Bus Traffic

3. LABOR ORGANIZATION COMMUNICATIONS

Nothing to report.

4. METRO USERS GROUP (MUG) COMMUNICATIONS

Nothing to report.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

Sharon Barbour, Chair of MASTF, announced that at its last Executive Committee meeting, it was voted that due to METRO's current economic situation, the Executive Committee would forego receiving monthly passes for now until the situation improves. Ms. Barbour presented a letter to the Board asking for a postponement of the advisory group discussion until the October Board meetings in order for MASTF to fully consider the information in that staff report. MASTF would like to have input into this issue at both the Board meetings in October.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None

CONSENT AGENDA

7-1. APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 8 AND AUGUST 22, 2003

No questions or comments.

7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS

No questions or comments.

**7-3. ACCEPT AND FILE AUGUST 2003 RIDERSHIP REPORT
PAGE 1 OF THE RIDERSHIP REPORT WILL BE DISTRIBUTED IN THE SEPTEMBER
26, 2003 BOARD PACKET**

No questions or comments.

**7-4. CONSIDERATION OF TORT CLAIMS: Rosa Linda Quihuiz, Claim #03-0024
ACTION REQUIRED AT THE SEPTEMBER 12, 2003 BOARD MEETING**

Margaret Gallagher reported that this claimant was on a bus when the bus was rear-ended by another vehicle. Ms. Quihuiz allegedly suffered injuries as a result of this collision. Ms. Gallagher pointed out that she is not in a position to settle this claim at this time and asked the Board to reject the claim entirely.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HINKLE

Reject the claim.

Motion passed unanimously with Directors Almquist, Beautz, Norton, Phares and Tavantzis being absent.

7-5. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF SEPTEMBER 18, 2003 AND THE MINUTES OF THE AUGUST 21, 2003 MEETING DOCUMENTATION WILL BE DISTRIBUTED IN THE SEPTEMBER 26, 2003 BOARD PACKET

No questions or comments.

7-6. ACCEPT AND FILE AGENDA FOR THE MUG COMMITTEE MEETING OF SEPTEMBER 17, 2003 AND THE MINUTES OF THE AUGUST 20, 2003 MEETING

No questions or comments.

7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JULY 2003

No questions or comments.

7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR JUNE 2003

No questions or comments.

7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2003

No questions or comments.

7-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE

No questions or comments.

7-11. ACCEPT AND FILE METROBASE STATUS REPORT

Les White reported that the MetroBase schedule would change in October. The new design team is developing a revised schedule that they will present to the Board at the October 10th Board meeting. RNL Design will begin to break out pieces of the project and each piece will have its own timeline.

DIRECTOR ALMQUIST ARRIVED AT THE MEETING.

Mr. White added that METRO will meet its California Air Resources Board (CARB) requirements, however, there will be slippage in other components of the project.

7-12. CONSIDERATION OF APPROVAL OF ACCOUNTING TECHNICIAN RECLASSIFICATION

No questions or comments.

7-13. CONSIDERATION OF ACTIONS TAKEN IN RESPONSE TO EXCESSIVE NOISE ON TWENTY-NINE NEW BUSES

Tom Stickel reported on the noise complaints associated with 29 of the new convertible buses received from New Flyer. The cooling fans were running more than they should have been and are now working in relation to the heat requirements generated by the engine. Noise tests were conducted by METRO's Fleet Maintenance Dept. both before and after the cooling fans were fixed. All bus noise complaints were responded to by Bryant Baehr.

Mr. White added that there is still a problem with the particulate filters and that the filters will be shipped back to Ohio for a 5-day process of repair. Mr. Stickel spoke with the manufacturer about stocking the parts locally for a quicker turn-around and about how the manufacturer will experiment with changing the process before installing the filters to avoid this problem. The cost of fixing these problems falls on the manufacturer. There is a potential for damages if METRO does not have buses to pullout as a result of this problem. It was noted that when these buses are retrofitted to CNG, this problem would be gone.

7-14. CONSIDERATION OF REQUEST FOR SHUTTLE SERVICE FROM RUDOLF F. MONTE FOUNDATION FOR FIREWORKS FUNDRAISER

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Provide special shuttle service to the 2003 Fireworks Fundraiser as requested by the Rudolph F. Monte Foundation subject to a letter request being made by the County of Santa Cruz or some other governmental entity.

DIRECTOR BEAUTZ ARRIVED AT THE MEETING.

Motion passed unanimously with Directors Norton, Phares and Tavantzis being absent.

REGULAR AGENDA

**8. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS
THIS PRESENTATION WILL TAKE PLACE AT THE SEPTEMBER 26, 2003 BOARD MEETING**

No questions or comments.

**9. CONSIDERATION OF AWARD OF CONTRACT FOR EXCESS WORKERS
COMPENSATION COVERAGE
DOCUMENTATION WILL BE DISTRIBUTED IN THE SEPTEMBER 26, 2003 BOARD PACKET**

No questions or comments.

10. **CONSIDERATION OF ACCEPTING THE MEXICAN CONSULAR, KNOWN AS THE “MATRICULA CONSULAR”, AS A FORM OF IDENTIFICATION FOR PURCHASING BUS PASSES WITH A CHECK**

Summary:

Bryant Baehr reported that requests have been received from the public for METRO to accept the Matricula Consular as identification to purchase bus passes when the rider does not have a California driver’s license or valid ID card. METRO’s policy is that the check is written on a local bank. Staff is requesting that the Board approve this form of identification.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Authorize the acceptance of the Mexican Consular, known as the “Matricula Consular” as an accepted form of identification for purchasing bus passes with a check issues from a local bank.

Discussion:

There was discussion regarding security measures against falsifying this form of I.D. The Customer Service staff will be given information on ways to identify a false I.D.

Motion passed unanimously with Directors Norton, Phares and Tavantzis being absent.

11. **CONSIDERATION OF ONE-YEAR REVIEW OF PARACRUZ RECERTIFICATION**

Summary:

Bryant Baehr stated that his staff report responds to the numerous questions that arose at the July Board meeting regarding this issue. Comments were also received from the public and from Director Spence. He also discussed the “immediate needs” designation and how this is handled, i.e. timeline of 14 days vs. trip-by-trip. Some language was also modified in the appeals panel verbiage. Mr. Baehr mentioned the skilled nursing facilities and the lack of information they would supply to him on turnover rates, occupancy, etc. He added that customers going through the (re)certification process are now receiving advocate information with the initial letter being sent out.

Discussion:

Director Spence pointed out that the proposed language in Section 10.04 of the Appeals Process Policy does not include the words “conditional” or “restricted” eligibility as she had requested. Mr. Baehr will revise this language. Concern was expressed on tracking when the 14-day timeline expires. Bryant Baehr responded that this is monitored very closely by METRO staff along with Life Line being aware of the timeline as well.

12. CONSIDERATION OF REVISING THE PUBLIC ADVISORY COMMITTEE STRUCTURE

Vice Chairperson Keogh noted that the Chair of MASTF requested that this issue be postponed to the October Board meetings.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR AINSWORTH

Postpone this issue until October. Begin discussions at the October 10th meeting.

Motion passed unanimously with Directors Norton, Phares and Tavantzis being absent.

13. CONSIDERATION OF RENT STRUCTURE AT SANTA CRUZ METRO'S TRANSIT CENTERS

Summary:

Margaret Gallagher reported that in February when the Franaszeks purchased Storti's Pizza, they requested a rent reduction. At that time, the Board asked Ms. Gallagher to conduct a rent survey in six months of all the METRO tenants. The rents for each tenant vary depending on the nature of the business, its location, and length of tenancy. The lease includes a clause stating that the rent would be increased in accordance with the cost- of-living rate; however, the initial rent is determined to be whatever the market will bear.

Discussion:

There was discussion of the turnover rate at the Storti's Pizza location, and the fact that vendors add both safety and ambience to the transit centers.

14. CONSIDERATION OF CONSOLIDATING ALL PUBLIC, ORGANIZATIONAL AND LABOR COMMUNICATION UNDER ORAL AND WRITTEN COMMUNICATIONS

Summary:

Staff is recommending that labor and advisory organizations speak under the "Oral and Written Communications" section rather than under their own individual sections on the Board Meeting agendas.

Discussion

Director Almquist suggested that Labor organizations have different issues than advisory organizations and should have a separate section on the agenda. Bonnie Morr distributed a history of how the labor organizations came to be placed on the Board agenda. Ms. Morr agreed with Director Almquist that labor should be separate from advisory groups on the Board agenda. Gary Klemz of SEIU would also like labor to remain separate from advisory groups on the agenda and mentioned that this might be a "meet and confer" issue under Article 7 of the SEIU labor agreement.

Sharon Barbour suggested that this issue be deferred until the advisory groups issue is discussed in October. Paul Marcelin-Sampson added that his concern is that all groups representing riders have a separate item on the agenda, however, if these groups fall under “Oral and Written Communication”, they should all be treated equally.

15. CONSIDERATION OF AMENDING BUS ADVERTISING POLICY AND REGULATION TO ALLOW ADVERTISING FOR SANTA CRUZ METRO SERVICE

Summary:

Margaret Gallagher reported that this issue is an attempt to amend the advertising policy so METRO can advertise its own services.

Discussion:

Director Reilly mentioned that the Commute Solution advertisement does not list METRO’s phone number in it, therefore, would it be considered a METRO service? Ms. Gallagher responded that with the requested change to the policy, METRO would be allowed to have bus advertising on the buses regardless of who pays for it. Karena Pushnik stated that Commute Solutions offers information on the entire range of transit solutions, including bus information and assistance with the *Headways*. It was noted that in the current policy, any proposed advertising that doesn’t meet the standard would be reviewed by the General Manager. Also, no advertisements would be accepted for any type of alternate transportation even if it were combined with bus information. The advertising policy needs to be curtailed to commercial advertising, not public service announcements or ads from non-profits. Director Beautz asked that METRO’s phone number and/or website be added to the Commute Solutions ad. She was informed that RTC is tracking the effectiveness of this campaign and if calls were received by METRO, these would need to be tracked by METRO staff.

16. CONSIDERATION OF OPTIONS TO REINSTATE THE BUS ADVERTISING PROGRAM

Summary:

Les White reported that METRO’s contract with Obie Media has expired and METRO has come to a settlement with all outstanding issues related to the contract. Any advertisements currently on the bus that are from the Obie contract are being allowed to complete their advertising cycle. METRO staff has received an inquiry from MST regarding their interest in a joint, self-administered advertising program. Choices before the Board are: 1) no advertising on the buses; 2) METRO staff selling advertising for buses; 3) Working with another agency in a joint advertising effort.

Discussion:

Mr. White added that if a joint arrangement is made with another agency, METRO would obtain a local firm to assist rather than utilizing METRO staff. All production costs would be at the expense of the advertisers. The only cost to METRO would be for installation.

17. **CONSIDERATION OF POLICY REGARDING LEAFLETING AT METRO CENTERS DOCUMENTATION WILL BE DISTRIBUTED IN THE SEPTEMBER 26, 2003 BOARD PACKET**
18. **CONSIDERATION OF PROPERTY ACQUISITION OF 120 GOLF CLUB DRIVE AND 1122 RIVER STREET FOR THE METROBASE PROJECT** (See relevant Closed Session Item)

Summary:

Staff is requesting that this item be moved to Closed Session for discussion.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEAUTZ

Refer this item to Closed Session for further discussion.

Ms. Gallagher noted that she is required to have this item in Open Session to announce to the public the property METRO is considering to acquire: 120 Golf Club Drive where the Surf City Produce currently resides. Also 1122 River Street where the Tool Shed Equipment Rentals is currently residing. Negotiators for 120 Golf Club Drive are the City of Santa Cruz for the Transit District and Yvonne Aiassa, owner and negotiator for the property. For 1122 River Street, the City of Santa Cruz is negotiating for METRO and on behalf of Jeannine Gibson, Trustee, Ken DeFries and Ann Butler are the negotiators.

Motion passed unanimously with Directors Norton, Phares and Tavantzis being absent.

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

Margaret Gallagher reported that she will be discussing two anticipated litigation cases along with a conference with METRO negotiators on the 120 Golf Club Drive and 1122 River Street properties.

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

None

SECTION II: CLOSED SESSION

Vice Chairperson Keogh adjourned to Closed Session at 10:23 and reconvened to Open Session at 11:09 a.m.

SECTION III: RECONVENE TO OPEN SESSION

20. **REPORT OF CLOSED SESSION**

Margaret Gallagher stated that there is nothing to report at this time.

ADJOURN

There being no further business, Vice Chairperson Keogh adjourned the meeting at 11:09 a.m.

Respectfully submitted.

Dale Carr
Administrative Services Coordinator