

## SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**December 17, 2004**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, December 17, 2004 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

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

### **SECTION 1: OPEN SESSION**

#### **1. ROLL CALL:**

##### **DIRECTORS PRESENT**

Sheryl Ainsworth  
Jan Beautz  
Michelle Hinkle  
Mike Keogh  
Dennis Norton  
Emily Reilly  
Mike Rotkin  
Pat Spence  
Mark Stone

##### **DIRECTORS ABSENT**

Marcela Tavantzis  
Ex-Officio Wes Scott

##### **STAFF PRESENT**

Bryant Baehr, Operations Manager  
Frank Cheng, MetroBase Project Manager  
Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
David Konno, Facilities Maint. Manager

Steve Paulson, ParaCruz Administrator  
Elisabeth Ross, Finance Manager  
Robyn Slater, Human Resources Manager  
Judy Souza, Base Superintendent  
Tom Stickel, Fleet Maintenance Manager

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

Sheryl Ainsworth  
Cheryl Brondstatter, Transit Supervisor  
Joseph Florez, Bus Operator  
Gary Klemz, SEIU  
Gilberto Limas, Bus Operator  
Paul Marcelin-Sampson, Metro Riders Union  
Bonnie Morr, UTU

Peter Prince, Bus Operator  
Will Regan, VMU  
Raymond Scargill, Parts & Materials Super  
Michael Smith, Custodial Svc. Worker I  
Amy Weiss, Spanish Interpreter  
Bob Yount, MAC/MASTF/E&D TAC

## 2. ORAL AND WRITTEN COMMUNICATION

### Written:

- |    |                   |     |                       |
|----|-------------------|-----|-----------------------|
| a. | Pat Clarke        | Re: | Bus Operator Retiring |
| b. | Linda Wilshusen   | Re: | Thank You Card        |
| c. | Peter Katzlberger | Re: | ParaCruz Service      |

### Oral:

Chair Reilly introduced Director Dene Bustichi, who was appointed by the Scotts Valley City Council to replace Director Ainsworth. Chair Reilly announced that Director Tavantzis' father had passed away, which is why she is absent.

Director Rotkin announced that General Manager Les White was absent due to a health problem his wife has.

Both Director Rotkin and Chair Reilly asked to be copied on the staff response to Item #2-a.

## 3. LABOR ORGANIZATION COMMUNICATIONS

None.

## 4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

No questions or comments.

### SECTION I:

#### OPEN SESSION:

#### CONSENT AGENDA:

- |                          |   |
|--------------------------|---|
| <b>ADD TO ITEM #5-3</b>  | ACCEPT AND FILE NOVEMBER 2004 RIDERSHIP REPORT<br><b>(Insert Page 1 of the Ridership Report)</b>  |
| <b>INSERT ITEM #5-6</b>  | ACCEPT AND FILE THE MASTF COMMITTEE AGENDA FOR<br>DECEMBER 16, 2004 AND THE MINUTES OF NOVEMBER 18,<br>2004<br><b>(Insert Agenda and Minutes)</b> |
| <b>DELETE ITEM #5-9</b>  | ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR<br>OCTOBER 2004<br><b>(Will be included in the January 14, 2005 Board Packet)</b>                    |
| <b>INSERT ITEM #5-11</b> | ACCEPT AND FILE METROBASE STATUS REPORT<br><b>(Insert Staff Report)</b>   |
| <b>ADD ITEM #5-15</b>    | ACCEPT AND FILE NOTIFICATION OF ACTIONS TAKEN IN<br>CLOSED SESSION REGARDING THE SETTLEMENT WITH<br>BEVERLY BEAMS<br><b>(Insert Staff Report)</b> |

**REGULAR AGENDA:**

- DELETE ITEM #8** CONSIDERATION OF AWARD OF CONTRACT FOR LONG TERM DISABILITY INSURANCE  
**(Action taken at the December 10, 2004 Board Meeting)**
- INSERT ITEM #10** CONSIDERATION OF A RESOLUTION AMENDING FY 04-05 BUDGET  
**(Insert Staff Report)**
- DELETE ITEM #15** RE-CONSIDERATION OF GRANTING A RIGHT OF WAY TO PG&E TO LOCATE A TRANSFORMER ON THE VIA DEL MAR PROJECT SITE, LOCATE PG&E LINES UNDERNEATH THE WATSONVILLE TRANSIT CENTER SIDEWALK AND ALLOW ACCESS TO THE TRANSFORMER VIA THE TRANSIT CENTER  
**(Action taken at the December 10, 2004 Board Meeting)**
- DELETE ITEM #16** CONSIDERATION OF PROVIDING ADDITIONAL SERVICE FOR FIRST NIGHT SANTA CRUZ ACTIVITIES  
**(Action taken at the December 10, 2004 Board Meeting)**
- ADD ITEM #17** CONSIDERATION OF A RESOLUTION AMENDING METRO'S BYLAWS RELATING TO THE NOMINATIONS AND ELECTIONS OF BOARD OFFICERS AND METRO REPRESENTATIVES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION  
**(Insert Staff Report)**

**CONSENT AGENDA**

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF NOVEMBER 12 and NOVEMBER 19, 2004 AND SPECIAL MINUTES OF NOVEMBER 19, 2004**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS**
- 5-3. **ACCEPT AND FILE NOVEMBER 2004 RIDERSHIP REPORT**
- 5-4. **CONSIDERATION OF TORT CLAIMS: NONE**
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR DECEMBER 15, 2004 AND MINUTES OF OCTOBER 20, 2004**
- 5-6. **ACCEPT AND FILE THE MASTF COMMITTEE AGENDA FOR DECEMBER 16, 2004 AND THE MINUTES OF NOVEMBER 18, 2004**
- 5-7. **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR OCTOBER 2004 AND APPROVAL OF BUDGET TRANSFERS**
- 5-8. **ACCEPT AND FILE PARACRUZ STATUS REPORT FOR SEPTEMBER 2004**
- 5-9. **DELETED: WILL BE INCLUDED IN THE JANUARY 14, 2005 BOARD PACKET**
- 5-10. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE**
- 5-11. **ACCEPT AND FILE METROBASE STATUS REPORT**
- 5-12. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE NOVEMBER MEETINGS**
- 5-13. **CONSIDERATION OF APPOINTMENT OF DENNIS PAPADOPULO TO THE METRO ADVISORY COMMITTEE (MAC) BY DIRECTOR SPENCE TO FILL VACANCY OF MICHAEL EDWARDS**

**5-14. CONSIDERATION OF REPORT ON APPOINTEE ATTENDANCE AT METRO ADVISORY COMMITTEE (MAC) MEETINGS**

**5-15. ACCEPT AND FILE NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SETTLEMENT WITH BEVERLY BEAMS**

**ACTION: MOTION: DIRECTOR NORTON SECOND: DIRECTOR SKILLICORN**

**Approve the Consent Agenda.**

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

**REGULAR AGENDA**

**Chair Reilly announced that she would take Item #17 before Item #12.**

**6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

The following employees were awarded longevity certificates for their years of service:

**TEN YEARS**

Michael T. Smith, Custodial Service Worker I

**TWENTY YEARS**

Gilberto Limas, Bus Operator  
Joseph A. Florez, Bus Operator  
Raymond F. Scargill, Supervisor of Parts & Materials

**TWENTY-FIVE YEARS**

Cheryl L. Brondstatter, Transit Supervisor  
Peter S. Prince, Bus Operator

**CHAIR REILLY TOOK ITEM #11 OUT OF ORDER AT THIS TIME**

**11. CONSIDERATION OF A RESOLUTION OF APPRECIATION OF THE SERVICE OF SHERYL AINSWORTH AS A MEMBER OF THE BOARD OF DIRECTORS**

Chair Reilly presented the Resolution of Appreciation to Sheryl Ainsworth

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

**Move passage of the Resolution of Appreciation for the services of Sheryl Ainsworth as a member of the Board of Directors.**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call with Director Tavantzis being absent.**

**7. CONSIDERATION OF RECEIPT OF REPORT REGARDING THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION'S PARATRANSIT COORDINATION TASK FORCE (PCTF) AND FINAL MINUTES OF NOVEMBER 17, 2004**

Director Spence reported she was unable to attend the December Task Force meeting and that she has become discouraged by the direction the PCTF has gone in the last 7 months and what seem to be personal attacks against the District. Director Spence feels the PCTF has been focusing on the transition of METRO providing ParaCruz service in-house, rather than working on the long-range goals that they were charged with.

Vice Chair Keogh stated that at its last meeting, the PCTF went over the matrix of ideas that will form the report to the RTC.

Chair Reilly stated she finds the meetings challenging with negative comments directed at District Staff, but also feels it is important for people to have the opportunity voice their opinions. She feels the PCTF has been productive and that there may be suggestions the District can say "Yes" to.

Director Beautz thanked Directors Spence, Reilly and Keogh for their time and effort representing the District at the Task Force meetings.

Director Rotkin reiterated that Supervisor Wormhoudt made it clear from the beginning that the purpose of the PCTF was to focus on long-term goals. He feels the Task Force is putting the public through another layer of beaurocracy because none of the minutes reflect any new ideas or how to reach goals. Director Rotkin feels the Task Force needs to change its focus and address the long-range issues it was charged with.

Tegan Speiser reported that the matrix mentioned earlier is made up of all the ideas the PCTF has come up with so far. There are preliminary recommendations that were developed at the November meeting. Ms. Speiser reported there would be two more meetings where the discussions will be concluded and recommendations made, which will then be finalized and forwarded to the RTC and METRO Board in the spring. Ms. Speiser offered to email the matrix to Staff to be forwarded to the Board.

Paul Marcelin-Sampson echoed what Directors Spence and Rotkin stated and also said it would be really nice for the District to be able to say "Yes" to special requests, but that the Task Force is asking for exceptions that would serve very few people.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Accept the report of the Paratransit Coordination Task Force and final minutes of the November 17, 2004 meeting.**

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

**9. CONSIDERATION OF PARACRUZ OPERATIONS STATUS REPORT**

Bryant Baehr said the Board would begin to see Staff Reports in the Board Packets next month. He and Steve Paulson gave a PowerPoint presentation and reported on what will be happening next including another face-to-face outreach with the dispatchers and the top 30 trip generators; focus on education and training; complete the eligibility facility enhancement; analyze post-trip data to optimize on-time performance, productivity and schedule efficiency. Staff will return to the Board with productivity numbers and recommendations for providing service measures.

Vice Chair Keogh stated that he would like to see future Staff Reports include answers to questions Staff ask of themselves including the speed of the Trapeze system, what the optimal speed is, etc. Mr. Baehr replied that the first report would include several items the Board can choose from to be included in future reports.

Paul Marcelin-Sampson congratulated ParaCruz employees, reported that he has heard very positive feedback from ParaCruz customers, and suggested doing the “Living the Paratransit Experience” again.

Bryant Baehr explained what “Living the Paratransit Experience” was and offered to arrange a tour and a ride-along for Director Skillicorn.

**10. CONSIDERATION OF A RESOLUTION AMENDING FY 04-05 BUDGET**

Elisabeth Ross reported that the amendment includes, among other things, a reallocation of Highway 17 revenue and a transfer of \$81,500 of the FTA operating assistance advance to the capital budget for one-time ParaCruz expenses. This reduction in operating revenues is completely offset by a reduction in ParaCruz operating expenses. The proposed revision to the staffing table for the Customer Service Department would allow the immediate callback of a laid off Customer Service Representative.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Move passage of the Resolution revising the FY 04-05 budget in accordance with Exhibit A, and authorize the revision to the staffing table in the Customer Service Department to reflect combining three (3) positions for Senior Customer Service Representative/Customer Service Representative.**

**Motion passed by affirmative roll call vote with Director Bustichi abstaining and Director Tavantzis being absent.**

**17. CONSIDERATION OF A RESOLUTION AMENDING METRO’S BYLAWS RELATING TO THE NOMINATIONS AND ELECTIONS OF BOARD OFFICERS AND METRO REPRESENTATIVES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION**

**Summary:**

Margaret Gallagher reported that the recommended amendments include the language that the Board is considering changing relating to nominations and elections of Board Officers and METRO representatives to the SCCRTC. Ms. Gallagher explained this would allow nominations to remain open up until the actual vote at the 2<sup>nd</sup> January meeting and that new officers would take over the 2<sup>nd</sup> January meeting immediately after the vote, which would be right after roll call.

Director Beautz suggested the following motion:

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

**Move passage of the Resolution amending METRO’s Bylaws as specified in the attachment relating to nominations and elections of Board Officers and METRO Representatives to the Santa Cruz County Regional transportation Commission with the following language:**

- 1. Add to the beginning of section 6.01(a) “The Directors shall at its 1<sup>st</sup> meeting in January nominate members..” and,**
- 2. Adding to section 14.02(a) nominations may be received until final selection occur to match the language in section 6.01(a).**

**Discussion:**

Director Rotkin proposed and Director Beautz did not accept amending the motion to include the language to say following January 1<sup>st</sup> rather than “at it’s 1<sup>st</sup> meeting in January”.

Director Stone suggested having parallel procedures for both the Board Officer and RTC elections and removing the last sentence of section 14.02 (a).

There was a discussion about the nomination process of the RTC representatives.

Vice Chair Keogh suggested the following additional motion separately:

**Clarify section 6.01(b) with the following language: In the permanent absence of the Chair, the Vice Chair shall assume that position for the remainder of the term and the Board of Directors shall replace the Vice Chair position.**

Director Beautz asked that the motions be voted on separately and restated her original motion:

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

**Move passage of the Resolution amending METRO’s Bylaws as specified in the attachment relating to nominations and elections of Board Officers and METRO Representatives to the Santa Cruz County Regional transportation Commission with the following language:**

1. **Add to the beginning of section 6.01(a) where “in December” is crossed out, “The Directors shall at its 1<sup>st</sup> meeting in January nominate members..” and,**
2. **Adding to section 14.02(a) after the sentence “At that first meeting in January, the Chair shall entertain other motions for SCCRTC representatives and alternates from the Directors.” Add “Nominations may be received until final selections occur” to match the language in section 6.01(a), and,**
3. **Remove the last sentence of section 14.02(a).**

Director Norton requested separating section 14.02 and section 6.01 into two separate motions. Chair Reilly agreed and asked for a vote on only the 1<sup>st</sup> part of the motion.

**Part 1 of the motion regarding section 6.01 passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Tavantzis being absent.**

Chair Reilly asked for a vote on part 2 and 3 of the motion regarding section 14.02.

Director Norton stated that Directors on the METRO Board represent approximately 5% of the population of people who use METRO and when a Director is a METRO representative on the SCCRTC, they represent 100% of the community and all forms of transportation, not just the Transit District. Director Norton voiced his opinion that the Bylaws should reflect that at least 2 of the 3 METRO representatives appointed to the RTC be elected people.

Director Beautz disagreed and stated it is very discriminatory and should not be included in the Bylaws that someone should have to be an elected person to be appointed to the RTC. She added that citizen representatives make excellent RTC members and should have the opportunity to be appointed.

Director Rotkin asked that this issue be tabled and does not want the vote to reflect that he supports the concept of double appointments as insulation from public recall.

Director Spence stated that she feels the 3 at-large appointments from the Board of Supervisors on the District Board represent the whole county including the cities and feel a great responsibility to the whole community and do not have the same pressures elected officials have.

**Parts 2 and 3 of the motion regarding section 14.02 passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Tavantzis being absent.**

Vice Chair Keogh restated his motion:

**ACTION: MOTION: DIRECTOR KEOGH SECOND: DIRECTOR ROTKIN**

**Move passage of the Resolution amending METRO’s Bylaws as specified in the attachment relating to nominations and elections of Board Officers and METRO Representatives to the Santa Cruz County Regional transportation Commission with the following clarifying language amending section 6.01(b): Should the office of the Chair become vacant during the calendar year, the Vice Chair shall assume the office of the**



**Chair. Should the office of the Vice Chair become vacant, the nomination and selection of Vice Chair shall be agendized and acted upon by the Board of Directors.**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Director Tavantzis being absent.**

**12. CONSIDERATION OF NOMINATION OF DIRECTORS TO SERVE AS BOARD OFFICERS FOR 2005, MAKING AN APPOINTMENT TO THE HIGHWAY 1 CONSTRUCTION AUTHORITY AND REVIEWING THE PROCESS FOR THE SELECTION OF APPOINTMENTS TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR 2005**

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR BEUATZ**

**Table this item until next month.**

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

**13. CONSIDERATION OF APPROVAL OF 2005 STATE LEGISLATIVE PROGRAM**

Mark Dorfman reported that the goals on page 13.a1 are what staff is proposing to put forward for the State Legislative Program. The first item, protecting existing funding sources and funding levels for transit operating assistance and capital assistance is the most critical. Mr. Dorfman distributed a Prop 42 brochure developed by the CTC, which is attached to these minutes. Mr. Dorfman pointed out that on page 6 of the brochure it states that the Highway 17 / Route 1 Merge Lanes and the MetroBase Project are 2 key projects that would be impacted if Prop 42 funds are again diverted. Mr. Dorfman then went over the remainder of the list.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Adopt the proposed METRO 2005 State Legislative Program as submitted by Staff.**

**Discussion:**

Director Rotkin pointed out that this could educate the public on METRO's relationship with the state. He stated that every local public survey in the past 10 years showed that traffic congestion is the biggest complaint. In 2002, California voters approved Prop 42 by almost 70%, redirecting the state's portion sales tax on gasoline from the General Fund to transportation programs. Since then, the state has diverted 90% of these funds expected to go towards transportation completely inappropriately. Director Rotkin wants to send a very strong message to our legislators that the state is stealing money from Prop 42 funds, which is not acceptable, and that these funds need to go towards transportation as the voters intended.

Director Beautz warned that voters need to watch emergency escape clauses, as Prop 42 has, that allows the state to divert funds. Director Beautz believes is should say in the proposition that these funds cannot be diverted for any reason.

**Direction from Chair Reilly:** Staff to contact local cities and the county and support any transit related issues included in their legislative programs.

Mark Dorfman clarified for Director Spence that the purpose of the Legislative program is to give marching orders to our lobbyist so that when things come up, we can react as opposed to bringing them back for revision. By having item #2 in there, if any funding program or legislation that comes onto the horizon, our legislative representative in Sacramento can quickly throw in a letter of support or sign on for us to a bill that meets these requirements.

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

**14. CONSIDERATION OF APPROVAL OF 2005 FEDERAL LEGISLATIVE PROGRAM**

Mark Dorfman reported that the goals on page 14.a1 are what staff is proposing to put forward for the Federal Legislative Program. The first item is to protect funding we have in the TEA-21 Act and to resist efforts by states trying to reduce those funds based on equity consideration. Mr. Dorfman said the inclusion of the Incentive Tier in the Federal Transit Formula Program in the Reauthorization of TEA-21 is critical and then went over the remainder of the list.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY**

**Adopt the proposed METRO 2005 Federal Legislative Program as submitted by Staff.**

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

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

Margaret Gallagher reported that Board will be discussing 3 potential litigation cases and that the Board is being asked to add the case of SCMTD v. Yvonne Aiassa Humphrey; Surf City Produce Company, Inc. et seq, and the claim of Kathy Biondi to today's Closed Session agenda because they came to the attention of Staff after the posting of the regular agenda and there is a need to take immediate action before to the next regular Board meeting.

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

**Make the necessary findings to add the case of SCMTD v. Yvonne Humphrey and the Worker's Compensation claim of Kathy Biondi to today's Closed Session agenda.**

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

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

None.

**SECTION II: CLOSED SESSION**

Chair Reilly adjourned to Closed Session at 10:57 a.m. and reconvened to Open Session at 12:00 p.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**20. REPORT OF CLOSED SESSION**

Margaret Gallagher had nothing to report at this time.

**ADJOURN**

There being no further business, Chair Reilly adjourned the meeting at 12:00 p.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator