

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

September 23, 2005

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 23, 2005 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Chair Keogh called the meeting to order at 9:02 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Jan Beautz
Dene Bustichi
Stephanie Harlan
Mike Keogh
Emily Reilly
Mike Rotkin (arrived after roll call)
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis
Ex-Officio Wes Scott

DIRECTORS ABSENT

Michelle Hinkle

STAFF PRESENT

Frank Cheng, MetroBase Project Manager
Mark Dorfman, Assistant General Manager
Terry Gale, IT Manager
Margaret Gallagher, District Counsel
Harlan Glatt, Sr. Database Administrator
Steve Paulson, Paratransit Administrator

Elisabeth Ross, Finance Manager
Robyn Slater, Human Resources Manager
Judy Souza, Acting Operations Manager
Tom Stickel, Maintenance Manager
Les White, General Manager

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

Ellen Aldridge, Avery & Associates
Glenn Bartz, SEIU
Frank Bauer, PSA
Genevieve Bookwalter, Sentinel Newspaper
Gary Klemz, SEIU Field Representative

Carol Koenig, Counsel to UTU
Brenda Malphrus
Dan Stevenson, UTU
Mike Tomasee, "King of Marijuana"
Amy Weiss, Spanish Interpreter

VICE CHAIR ROTKIN ARRIVED

Chair Keogh announced that the following additional item needs to be added to today's Closed Session Agenda because information was received after the posting of the Agenda and it is necessary to consider the following item prior to the next Board meeting:

CONFERENCE WITH LABOR NEGOTIATOR
(Pursuant to Government Code Section 54957.6)

a. **Agency Negotiator:** **Mark Dorfman, Assistant General Manager**

1. **Employee Organization:** **United Transportation Union (UTU),
Local 23**

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ

Make the necessary findings to add this item to today's Closed Session Agenda

Motion passed unanimously with Director Hinkle being absent.

2. **ORAL AND WRITTEN COMMUNICATION**

Written:

- a. The following individuals submitted letters Re: Labor Negotiations:
- CR Payne
 - Ceral Leigh
 - Sterling
 - Nina Taylor
 - Wallea Draper
 - Logan Quincy
 - Jamie Perkins
 - Michael & Dorothy Spaventa
 - Linda M. Reber
 - Judith Hilliard
 - Dan Stevenson
 - William Tatt
 - Stephanie Reber
 - Andrea Ames

Oral:

Dan Stevenson, UTU, commented on his written communication to the Board on page 2-a.7. Mr. Stevenson invited the Board to ride his bus and he spoke in favor of General Leave, explaining that he utilizes that time to rebooster his health, kick his caffeine addiction, get away from cigarette smoke and may use the time to look for a different job.

Mike Tomassee, “King of Marijuana”, said that the flag should be a half-mast and the drivers should have General Leave so they can have a good time and take care of their bodies.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

The following items were distributed at today’s meeting and are attached to the file copy of these minutes: written communication to the Board regarding Labor Negotiations, this item is being added to today’s Closed Session Agenda, and revised page 9.2. Items #5-6, #5-13 and #7 were pulled from the Agenda to be brought back at a later date.

CONSENT AGENDA

- 5-1. **APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 12, AUGUST 17, AND AUGUST 26 AND SPECIAL MEETING MINUTES OF AUGUST 3, 2005**
- 5-2. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF AUGUST 2005**
- 5-3. **ACCEPT AND FILE AUGUST 2005 RIDERSHIP REPORT**
- 5-4. **CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF DELMY JACKSON, CLAIM # 05-0019**
- 5-5. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR SEPTEMBER 21, 2005 AND DRAFT MINUTES OF JULY 20, 2005**
- 5-6. **DELETED: Will be provided at a later date (ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MAY, JUNE AND JULY 2005)**
- 5-7. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JUNE 2005**
- 5-8. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF JULY 2005**
- 5-9. **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE AUGUST 2005 MEETINGS**
- 5-10. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE OPTION TO PURCHASE PARATRANSIT BUS USING THE STATE OF CALIFORNIA CONTRACT**
- 5-11. **ACCEPT AND FILE INFORMATION ON AB2766 JOINT GRANT AWARD FOR BUS RAPID TRANSIT (BRT) FEASIBILITY STUDY**
- 5-12. **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A WATSONVILLE TRANSIT CENTER LEASE AGREEMENT WITH ALI GHARAHGOZLOO AND JESSICA HSU D/B/A JESSICA’S GROCERY STORE, INC., FOR SPACE IN THE BUILDING FOR CONVENIENCE STORE AND ON-SITE JANITORIAL, MAINTENANCE AND MANAGEMENT DUTIES**

5-13. DELETED: Will be provided at a later date
(CONSIDERATION OF APPROVAL OF RESOLUTION TO ALLOW CALPERS TO ADJUST THE PREMIUM PAYMENT CAPS FOR MEDICAL INSURANCE FOR SEIU)

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve the Consent Agenda

Motion passed unanimously with Director Skillicorn abstaining from voting on the August 3rd minutes, Director Beautz abstaining from voting on the August 17th minutes, and Director Reilly abstaining from voting on the August 26th minutes due to their absence from those meetings, and with Director Hinkle being absent.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS:

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

TWENTY-FIVE YEARS

Glenn D. Bartz, Senior Facilities Maintenance Worker
Fred C. LoGiudice, FM Mechanic III

8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR LICENSED BROKER SERVICES FOR REAL ESTATE MARKETING AND SALES OF PROPERTY LOCATED AT 25 SAKATA LANE, WATSONVILLE, CA

Summary:

Tom Stickel reported that the District legally advertised and mailed out requests for proposals to 19 firms, but received only one proposal. Staff reviewed the proposal and did a costs analysis and recommends the contract be awarded to Hirsch and Associates.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Authorize the General Manager to execute a contract with Hirsch and Associates for licensed broker services for real estate marketing and sales of District property located at 25 Sakata Lane, Watsonville, CA.

Motion passed unanimously with Director Hinkle being absent.

9. ACCEPT AND FILE METROBASE STATUS REPORT

Summary:

Frank Cheng reported that on August 25, 2005, METRO received one bid for the construction of the MetroBase Project. The bid was from Hansel Phelps Construction at \$38,400,000, which is 27% over budget. Staff has been working diligently with RNL and Harris & Associates to find

other options to continue the project. METRO will reject the bid from Hansel Phelps on September 26th and Staff will present a recommendation to the Board in October regarding the next steps to be taken.

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

Margaret Gallagher reported that the Board would be discussing UTU Labor Negotiations with its Labor Negotiator, which was the item added at today's meeting, and would be discussing one case of anticipated litigation with its Legal Counsel.

11. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Carol Koenig, Counsel to UTU, said she figured the Board has already decided to accept or not accept the Revised LBF from UTU and asked that the decision be made today. Ms. Koenig denied that UTU missed a deadline in submitting the written communication distributed to the Board today.

Chair Keogh reported that he had met with the UTU Bargaining Team recently to discuss repairing the relationship between the bargaining units, management and the Board. While he had no solutions at that meeting, the answer is re-establishing trust based on telling the truth. Chair Keogh urged everyone to talk to each other honestly and never lose sight of the fact that we are not here for management, the Board or for labor, but rather for the passengers.

SECTION II: CLOSED SESSION

Chair Keogh adjourned to Closed Session at 9:25 a.m. and reconvened to Open Session at 11:14 a.m.

SECTION III: RECONVENE TO OPEN SESSION

12. REPORT OF CLOSED SESSION

Margaret Gallagher had nothing to report at this time.

Vice Chair Rotkin stated that an IWC waiver could still be entered into by the UTU and METRO. Vice Chair Rotkin clarified that the previously imposed arrangement regarding UTU is still in place and that the METRO is prepared to continue negotiating with the UTU. The majority of the Board rejected the UTU proposal because a number of agreements were entered into in the past to avoid labor conflict that were bad for the operators and bad for METRO. If the UTU proposal had been accepted, UTU's medical rates would have increased significantly in July 2006, with payment due in June 2006.

METRO has dramatically reduced the employee paid medical cost for families in the imposed last, best and final offer and in order to pay for this, a number of work rules had to be changed. Very few people are being affected by the elimination of these work rules, while the majority benefit from reduced medical premiums.

METRO has a generous vacation and holiday package and is willing to negotiate how vacations are arranged so drivers can take time off without General Leave. State law provides for medical leave and METRO has never denied leave request for any personal crisis. Vice Chair Rotkin personally feels it does not make any sense to keep a benefit being taken by 15 drivers at the expense of the healthcare needs of all the drivers.

Director Beautz commented some drivers took 3 – 5 months off within 2 years on top of vacation time, somewhat creating part-time jobs.

Director Harlan said that the Board looks forward to productive negotiations next year with both sides bringing offers and ideas to the table.

Vice Chair Rotkin reiterated that METRO is still interested in negotiating to find additional money within the contract and reaching an agreement, rather than the imposed solution.

Director Bustichi asked about the IWC agreement. Les White replied that an IWC waiver agreement would need to be approved by the Board by its October 28th meeting in order to be in place to meet the next scheduling deadline.

ADJOURN

There being no further business, Chair Keogh adjourned the meeting at 11:35 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator