

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**October 28, 2005**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, October 28, 2005 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

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

## **SECTION 1: OPEN SESSION**

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

#### **DIRECTORS PRESENT**

Jan Beautz  
Dene Bustichi  
Michelle Hinkle  
Mike Keogh  
Emily Reilly  
Mike Rotkin (arrived after roll call)  
Dale Skillicorn  
Pat Spence  
Mark Stone  
Marcela Tavantzis

#### **DIRECTORS ABSENT**

Stephanie Harlan  
Ex-Officio Wes Scott

#### **STAFF PRESENT**

Mark Dorfman, Assistant General Manager  
Margaret Gallagher, District Counsel  
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  
Verna Carter  
Tim Fitzmaurice, SC City Council Member  
Paul Johnston, MBCLC  
"Isis Jones", formerly Bev Edwards, UTU  
Nadia Jones' Mother, Transit User  
Gary Klemz, SEIU Field Representative  
David Lucier, UTU Retiree  
Steve Marcus, UTU

Bonnie Morr, UTU  
Arthur Muniz, UTU  
Paul Ortiz, UCSC Professor  
Randall Payne, Transit User  
Will Regan, VMU  
Dan Stevenson, UTU  
Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

Chair Keogh announced there was a possibility of limiting the time allotted for public input for Item #2 and Item #14

**ITEM #4 WAS TAKEN OUT OF ORDER AT THIS TIME**

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

Additional written communication regarding today's Closed Session Item was distributed at today's meeting and Item #8 was pulled from the Agenda to be brought back at a later date.

**SECTION I:**  
**OPEN SESSION:**

**ADD TO ITEM #2** ORAL AND WRITTEN COMMUNICATION  
**(Insert additional written communication)**

**CONSENT AGENDA:**

**ADD ITEM #5-4** **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF SEPTEMBER 2005**

**(Insert Claims)**

**ADD ITEM #5-6** **ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JULY 2005 AND APPROVAL OF BUDGET TRANSFERS**

**(Insert Staff Report)**

**ADD ITEM #5-7** **ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE SEPTEMBER 2005 MEETING**

**(Insert Staff Report)**

**ADD ITEM #5-8** **CONSIDERATION OF APPROVAL OF BOARD OF DIRECTORS REGULAR MEETING SCHEDULE FOR 2006**

**(Insert Staff Report)**

**REGULAR AGENDA:**

**DELETE ITEM #6** CONSIDERATION OF A REQUEST FOR A CHANGE ORDER IN THE AMOUNT OF \$282,036 FOR THE ARCHITCTURAL/ENGINEERING CONTRACT WITH RNL DESIGN AND PROVIDING STAFF WITH THE AUTHORITY TO SOLICIT BIDS FOR THE CONSTRUCTION OF THE FUEL/SERVICE BUILDING

**(Deleted: Action Taken at the October 14, 2005 Meeting)**

**DELETE ITEM #7** CONSIDER REQUEST OF ABDO AZZUBAIDI TO CANCEL LEASE AGREEMENT FOR THE KIOSK SPACE AT PACIFIC STATION  
**(Deleted: Action Taken at the October 14, 2005 Meeting)**

- ADD ITEM #8**                    **CONSIDERATION OF FOUR RESOLUTIONS WHICH MODIFY THE EMPLOYER CONTRIBUTION TO CALPERS MEDICAL PREMIUM COSTS TO CONFORM TO EACH EMPLOYEE GROUP CONTRACTUAL AGREEMENTS OR COMPENSATION PLAN AND CALPERS RULES**  
(Insert Staff Report)
- ADD ITEM #9**                    **CONSIDERATION OF RENT RELIEF FOR METRO CENTER TENANTS**  
(Will be distributed at the October 28, 2005 Board Meeting)
- ADD ITEM #10**                   **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ISSUE A SOLE SOURCE CONTRACT WITH GIRO, INC. TO PROVIDE CONSULTING SERVICES TO ASSIST IN THE CREATION OF THE WINTER BID USING HASTUS 2006**  
(Will be distributed at the October 28, 2005 Board Meeting)
- ADD ITEM #11**                   **CONSIDERATION OF CANCELING THE NOVEMBER 11, 2005 REGULAR BOARD MEETING DUE TO VETERANS' DAY HOLIDAY**  
(Insert Staff Report)
- ADD ITEM #12**                   **ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR NOVEMBER 18, 2005 – WATSONVILLE CITY COUNCIL CHAMBERS, 250 MAIN STREET, WATSONVILLE**  
(Oral Announcement by Chair)

**2.     ORAL AND WRITTEN COMMUNICATION**

Written:

- |           |                                     |            |                                    |
|-----------|-------------------------------------|------------|------------------------------------|
| a.        | Susan Kauffman                      | Re:        | Strike Communication               |
| b.        | Alberto Gutierrez                   | Re:        | Strike Communication               |
| c.        | Sarah Schiffrin                     | Re:        | Strike Communication               |
| d.        | Anonymous                           | Re:        | Fare Policy                        |
| e.        | Petition 10/5/05                    | Re:        | Strike Communication               |
| f.        | Petition 10/5/05                    | Re:        | Strike Communication               |
| <b>g.</b> | <b><u>John P. Callus</u></b>        | <b>Re:</b> | <b><u>Strike Communication</u></b> |
| <b>h.</b> | <b><u>Kevin Hobbs</u></b>           | <b>Re:</b> | <b><u>Strike Communication</u></b> |
| <b>i.</b> | <b><u>Letter dated 10/10/05</u></b> | <b>Re:</b> | <b><u>Strike Communication</u></b> |
| <b>j.</b> | <b><u>Petition 10/24/05</u></b>     | <b>Re:</b> | <b><u>UCSC Service</u></b>         |

Oral:

None.

**3.     LABOR ORGANIZATION COMMUNICATIONS**

None.

### CONSENT AGENDA

- 5-1. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JULY 2005
- 5-2. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-3. CONSIDERATION OF A REQUEST BY HOWARD CONNER FOR ACCESS TO 120 GOLF CLUB DRIVE FOR SOILS TESTING ADJACENT TO RAYNE WATER COMPANY BUILDING
- 5-4. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF SEPTEMBER 2005
- 5-5. CONSIDERATION OF TORT CLAIMS: None
- 5-6. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JULY 2005 AND APPROVAL OF BUDGET TRANSFERS
- 5-7. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE SEPTEMBER 2005 MEETING
- 5-8. CONSIDERATION OF APPROVAL OF BOARD OF DIRECTORS REGULAR MEETING SCHEDULE FOR 2006

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

**Approve the Consent Agenda**

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

### REGULAR AGENDA

- 9. CONSIDERATION OF RENT RELIEF FOR METRO CENTER TENANTS

**Summary:**

Margaret Gallagher reported that METRO is receiving requests for rent relief from transit center tenants because their businesses are suffering from lack of customers due to the strike. Ms. Gallagher recommends that the Board grant the rent relief for the month of November in exchange for giving riders a 10% discount for one-week after the strike is over and/or for putting a “Welcome Back Riders” sign in their spaces.

**Discussion:**

Director Reilly suggested being more flexible with the type of discounts for riders.

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

**Grant rent relief to all METRO’s tenants at the transit centers for the month of November 2005 in exchange for the tenants giving riders a discount for one week after the strike is over and/or for putting a “Welcome Back Riders” sign in their spaces, giving each business owner the flexibility to determine what type of discount to offer riders.**

Randall Payne, Transit User, urged the Board to end the strike and said he believes the fare reduction is ridiculous and that there is no reason to give people a gift because of the inconvenience the strike has caused.

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

**10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO ISSUE A SOLE SOURCE CONTRACT WITH GIRO, INC. TO PROVIDE CONSULTING SERVICES TO ASSIST IN THE CREATION OF THE WINTER BID USING HASTUS 2006**

**Summary:**

Mark Dorfman reported that in order to more economically comply with the Industrial Welfare Commission Wage Order 9 (IWC9), METRO needs to upgrade its current version of HASTUS software which is used to develop the driver runs. The software is made by Giro, Inc. and since the full software upgrade installation cannot happen fast enough for the Winter Bid, Staff recommends that Giro provide consulting services to assist in the creation of the Winter bid.

**ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR SPENCE**

**Authorize the General Manager to issue a Sole Source Contract with Giro, Inc. in an amount not to exceed \$42,000 to generate an improved schedule for Winter Bid Service, with a minimum expenditure of \$33,000**

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

**11. CONSIDERATION OF CANCELING THE NOVEMBER 11, 2005 REGULAR BOARD MEETING DUE TO VETERANS' DAY HOLIDAY**

Verna Carter, stated that all businesses are not closed on Veterans' Day and she would rather see the meeting rescheduled because she does not believe the Board deserves a day off.

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

**Cancel the November 11, 2005 Board Meeting with the Board being available if needed for an emergency meeting.**

Chair Keogh reminded the Board that they have all scheduled time in their calendars to be available to meet every Monday, Wednesday and Friday if necessary during negotiations to end the strike.

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

**12. ANNOUNCEMENT: NOTIFICATION OF MEETING LOCATION FOR NOVEMBER 18, 2005 – WATSONVILLE CITY COUNCIL CHAMBERS, 250 MAIN STREET, WATSONVILLE**

Chair Keogh announced that the November 18, 2005 Board meeting would be held in Watsonville and noted that it was scheduled one week earlier than normal due to the Thanksgiving Holiday the following week.

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

Margaret Gallagher requested that the Board include the following item in today's Closed Session because it came to the attention of Staff after the Agenda was posted and there is a need to discuss it prior to the next Board meeting. Ms. Gallagher reported that METRO had received a letter from the attorney representing the Santa Cruz Sentinel demanding that METRO disclose the Board's Closed Session vote made at its meeting on September 23, 2005 by the close of business today.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
**(Significant exposure to litigation exists pursuant to Government Code Section 54956.9 (b) (1))**

**a. Number of Cases: One**

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

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

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

Ms. Gallagher reported that the Board would also be discussing UTU Labor Negotiations with its Labor Negotiators.

Chair Keogh announced there would be a 30-minute limit on Oral Communications in order to allow the Board adequate time to discuss and deliberate the two Closed Session items.

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

Bonnie Morr, UTU, requested that the Board settle the strike now and believes that a point has been reached where that can happen.

David Lucier, UTU Retiree, said he was looking with optimism towards the future and suggested that management communicate and cooperate with the drivers. Mr. Lucier also read a letter, which is attached to the file copy of these minutes, in which he claims the Board intentionally sabotaged negotiations with UTU and acted in bad faith for failing to disclose the history of METRO's chief negotiator, Assistant General Manager Mark Dorfman.

Vice Chair Rotkin stated once again that it is not productive for either side to think that this strike is going to be settled by personal attacks on members of either bargaining team and that he is outraged by these types of continued comments.

Paul Johnston, MBCLC, respectfully asked that the comments be cut short as neither side needs to be lectured and the Board has important work to do in Closed Session, which will hopefully end the strike.

“Isis Jones”, formerly Bev Edwards, UTU, said she was a minion, as well as a mother, grandmother and bus driver and urged the Board to end the strike and to think about the people in wheelchairs, like her late husband, and how the bus system gives them dignity and independence. She also read a letter from a San Lorenzo Valley resident who is concerned about how the strike is affecting the students.

Arthur Muniz, UTU, urged the Board to end the strike today and think of principals, not personalities. Mr. Muniz told the Board of the generosity and inspiration of his fellow drivers that enabled him to return to work after an injury and serious infection had caused him to give up on his recovery.

Tim Fitzmaurice, Santa Cruz City Council Member and transit user, said he believes the Board’s willingness to settle is the key to ending the strike with the material available today and said the community is ready for a solution.

Steve Marcus, UTU, read a letter from another bus operator about being a proud bus operator, needing health benefits, and urging the Board to end the strike.

Paul Ortiz, UCSC Professor, echoed Bonnie Morr’s comments and urged the Board to end the strike today by correcting a mistake it made over a month ago.

Nadia Jones’ mother, transit user, urged the Board to end the strike and remember when Santa Cruz was known as the murder capital of the world because of all the girls that died hitchhiking, as they are having to do now.

## **SECTION II: CLOSED SESSION**

Chair Keogh adjourned to Closed Session at 9:43 a.m. and reconvened to Open Session at 10:38 a.m.

## **SECTION III: RECONVENE TO OPEN SESSION**

### **15. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the Board has authorized its Legal Counsel to defend any legal action brought by the Santa Cruz Sentinel to obtain confidential information from METRO Board of Directors’ Closed Sessions of Labor Negotiations.

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Chair Keogh reported that the District eagerly awaits a counter-proposal for further discussions of its offer of Wednesday, October 26, 2005, to UTU and wants to continue negotiating until an agreement is reached.

### **ADJOURN**

There being no further business, Chair Keogh adjourned the meeting at 10:40 a.m. The annual meeting Of The Santa Cruz Civic Improvement Corporation was held immediately after the Board meeting was adjourned.

Respectfully submitted,

CINDI THOMAS

Administrative Services Coordinator