

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

November 18, 2005

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, November 18, 2005 at the Watsonville City Council Chambers, 250 Main Street, Watsonville, CA.

Vice Chair Rotkin called the meeting to order at 9:03 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

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

DIRECTORS ABSENT

Stephanie Harlan
Mike Keogh
Ex-Officio Wes Scott

STAFF PRESENT

Mark Dorfman, Assistant General Manager
Margaret Gallagher, District Counsel
Steve Paulson, Paratransit Administrator
Elisabeth Ross, Finance 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

Norm Hagen, MAC
Bonny Hawley, Asm Laird's Office
Gary Klemz, SEIU Field Representative
Ian McFadden, SEA
Paul Marcelin-Sampson, MAC

Bill Maxfield, Asm Laird's Office
Rachel Moriconi, SCCRTC
Will Regan, VMU
Amy Weiss, Spanish Interpreter
Bob Yount, MAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

a. Lindsay Knisely

Re: Strike Communication

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| b. | Michelle L. | Re: Strike Communication |
| c. | Anonymous | Re: Strike Communication |
| d. | Anonymous | Re: Strike Communication |
| e. | Oakes! | Re: Strike Communication |
| f. | Anonymous | Re: Strike Communication |
| g. | Anonymous | Re: Strike Communication |
| h. | Wendy Mathias | Re: Strike Communication |
| i. | Connie Sutherland | Re: Strike Communication |
| j. | Charles & Carol Marchbank | Re: Strike Communication |
| k. | Barbara Poirier | Re: Strike Communication |
| l. | Tracy Tompkins | Re: Strike Communication |
| m. | Cheryl Ban | Re: Strike Communication |
| n. | Yesenia Cardona | Re: Strike Communication |
| o. | Sirleen & Norm Ghileri | Re: Strike Communication |
| p. | Kim Flock | Re: Strike Communication |

Oral:

Norm Hagen, MAC, thanked Director Tavantzis and Les White for all their continued hard work making it possible for people with disabilities to have mobility with public transit. Mr. Hagen distributed a synopsis of METRO Bus Runs, which is attached to the file copy of these minutes, and urged the Board not to cut any more service and to provide expanded, consistent service in South County, which is currently underserved by METRO.

Paul Marcelin-Sampson, MAC Chair, reported that MAC had formed a subcommittee to review the Paratransit Coordination Task Force's recommendations and will bring MAC's input and recommendations back to the Board. MAC also added Rosa Parks Day and Service Defaults as two emergency items to their November agenda. Mr. Marcelin-Sampson said he agreed with Norm Hagen that South County service needs to be expanded.

Bob Yount, MAC, MASTF, said he supported Norm Hagen's comments and reported that MASTF met yesterday and elected Camille Pierce Chair and Sharon Barbour was elected Vice Chair. Mr. Yount spoke about the negative affects of smoking and urged the Board to address the smoking at Transit Centers and bus stops.

Director Spence said she wished to recognize the 1-year milestone that METRO ParaCruz has reached and thanked the ParaCruz Staff for all their hard work and the excellent job they are doing.

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: Page #5-3.1 of the September Ridership Report and the Staff Report for Item #11.

CONSENT AGENDA

- 5-1. APPROVE SPECIAL BOARD MEETING MINUTES OF SEPTEMBER 30, 2005
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF OCTOBER 2005
- 5-3. ACCEPT AND FILE SEPTEMBER 2005 RIDERSHIP REPORT
- 5-4. CONSIDERATION OF TORT CLAIMS: DENY THE CLAIM OF TANYA POSEY-KINGSLAND, CLAIM #05-0023
- 5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR NOVEMBER 16, 2005 AND DRAFT MINUTES OF SEPTEMBER 21, 2005
- 5-6. ACCEPT AND FILE THE METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) AGENDA FOR NOVEMBER 17, 2005
- 5-7. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MAY AND JUNE 2005
- 5-8. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF AUGUST 2005
- 5-9. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF AUGUST 2005
- 5-11. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE OCTOBER 2005 MEETINGS
- 5-12. CONSIDERATION OF RENEWING CONTRACT WITH CLAREMONT BEHAVIORAL SERVICES FOR AN EMPLOYEE ASSISTANCE PROGRAM
- 5-13. ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF JULY, AUGUST AND SEPTEMBER 2005
- 5-14. CONSIDERATION OF A NEW FIVE-YEAR LEASE FOR WATSONVILLE TRANSIT CENTER KIOSK #9 FOR JUAN AND MARIA VALDIVIA DBA TAQUERIA EL TORITO
- 5-15. CONSIDERATION OF RESOLUTIONS OF APPRECIATION FOR, SCCRTC ACTING EXECUTIVE DIRECTOR PAT DELLIN, SCMTD BOARD CHAIR MICHAEL W. KEOGH, CONGRESSMAN SAM FARR, AND CONGRESSWOMAN ANNA ESHOO FOR THEIR ASSISTANCE IN OBTAINING METROBASE FUNDING FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Vice Chair Rotkin pulled the Laird and Moriconi Resolutions from Item #5-15 to become Items #7a and #7b, respectively, because the recipients were present at today's meeting. Item #5-10 was pulled for public comment. Regarding Item #5-13, Director Tavantzis expressed concern about 10 missed calls on one route.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR ROTKIN

Approve the remainder of the Consent Agenda.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote for Item #5-15 with Directors Harlan and Keogh being absent.

5-10. ACCEPT AND FILE METROBASE STATUS REPORT

Will Regan, VMU, spoke in support of MetroBase and commended Staff for reducing the charges from RNL. Mr. Regan urged the Board to move forward with the Maintenance Facility

as soon as possible because METRO currently has only seven useable bays to maintain over 100 buses and the three bays at Dubois cannot accommodate the CNG buses without first removing the CNG fuel at the fueling station and then towing the bus back to the shop.

Paul Marcelin-Sampson, MAC, stated there is a tremendous need to inform the public on the benefits and importance of MetroBase because public perception is that it is a luxury project.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ

Accept and file the MetroBase Status Report.

Motion passed unanimously with Directors Harlan and Keogh being absent.

REGULAR AGENDA

6. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR EMPLOYEE DENTAL INSURANCE

Summary:

Tom Stickel reported that the current dental insurance coverage plan expires on December 31, 2005. Two firms submitted proposals for evaluation. The evaluation committee, which included representatives from SEIU and UTU gave the highest ranking to Driver Alliant Insurance Services offering the dental plan from Delta Dental, which Staff recommends authorizing a two-year contract.

ACTION: MOTION: DIRECTOR SPENCE SECOND: DIRECTOR BEAUTZ

Authorize the General Manager to execute a contract with Driver Alliant Insurance Services representing Delta Dental to provide employee dental insurance coverage.

Motion passed unanimously with Directors Harlan and Keogh being absent.

7a. CONSIDERATION OF RESOLUTION OF APPRECIATION FOR ASSEMBLYMEMBER JOHN LAIRD FOR HIS ASSISTANCE IN OBTAINING METROBASE FUNDING FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY

Move passage of a Resolution of Appreciation for Assemblymember John Laird for his assistance in obtaining MetroBase funding for the Santa Cruz Metropolitan Transit District.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Directors Harlan and Keogh being absent.

7b. CONSIDERATION OF RESOLUTION OF APPRECIATION FOR SCCRTC SENIOR TRANSPORTATION PLANNER RACHEL MORICONI FOR HER ASSISTANCE IN OBTAINING METROBASE FUNDING FOR THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR BEAUTZ

Move passage of a Resolution of Appreciation for SCCRTC Senior Transportation Planner Rachel Moriconi for her assistance in obtaining MetroBase funding for the Santa Cruz Metropolitan Transit District.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Directors Harlan and Keogh being absent.

Director Spence wished to acknowledge and thank Les White for his persistent efforts in obtaining MetroBase funding as well. Bob Yount said that MAC heartily approves of all of these MetroBase funding Resolutions. Director Reilly thanked Les White as well and commented that when she was representing the District as Board Chair, she realized the enormous respect nationwide in the transit industry in which Mr. White is regarded.

7. CONSIDERATION OF RESOLUTION OF POSTHUMOUS HONOR TO ROSA L. PARKS FOR HER ACTIONS, LEADERSHIP, AND INSPIRATION IN STRIVING TO OBTAIN DIGNITY AND EQUALITY FOR ALL PEOPLE, AND DECLARING DECEMBER 1, 2005 “ROSA PARKS DAY”

Summary:

Les White relayed his experience with Rosa Parks while he was Chair of APTA and gave a synopsis of her brave action taken on December 1, 1955 in refusing to relinquish her seat on the bus and how that action and the resulting 382-day Montgomery Bus Boycott resulted in the repeal of the laws requiring segregation on public buses and served as a catalyst for the actions that would be taken in the Civil Rights movement for many years to follow.

Mr. White said that transit systems nationwide would be honoring Rosa Parks on December 1st, which is the 50th anniversary of her refusal to give up her seat. In addition to holding appropriate activities and ceremonies, bus operators across the country will be stopping for 30 seconds at 12:00 p.m., if safe to do so, to honor her memory. METRO would like the Board to formally adopt the Resolution of Appreciation, formally establish December 1st as Rosa Parks Day, establish 3:00 p.m. as the time of the Ceremony to be held at METRO Center, authorize METRO to operate free fixed route service on December 1st if sufficient contributions are collected, and authorize bus operators to stop at 12:00 p.m. for 30 seconds, if safe to do so, to honor the memory of Rosa Parks. METRO would also like the Board to authorize the Chair to send letters to the four cities and county of Santa Cruz to request they declare Rosa Parks Day proclamations as well.

ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY

Move passage of a Resolution of Posthumous Honor to Rosa L. Parks for her actions, leadership, and inspiration in striving to obtain dignity and equality for all people, and declaring December 1, 2005 “Rosa Parks Day”, establish 3:00 p.m. as the time of the Ceremony to be held at METRO Center, authorize METRO to operate free fixed route service on December 1st if sufficient contributions are collected, and authorize bus operators to stop at 12:00 p.m. for 30 seconds, if safe to do so, to join fellow transit agencies nationwide in honoring the memory of Rosa Parks. Authorize the Board Chair to send letters to the four cities and county of Santa Cruz to request they support Rosa Parks Day as well.

Motion passed by unanimous affirmative voice vote in lieu of a roll call vote with Directors Harlan and Keogh being absent.

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

Margaret Gallagher reported that the Board would be discussing one case of existing litigation with its Legal Counsel.

ITEM #11 WAS TAKEN OUT OF ORDER AT THIS TIME

11. CONSIDERATION OF SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S RESPONSE TO FTA DETERMINATION THAT RIDING SIDE-FACING IN A METRO PARACRUZ VEHICLE IS REQUIRED IF REQUESTED

Summary:

Les White reported that Sister Karen Hall, a ParaCruz eligible rider and a wheelchair user, has requested that she be allowed to ride side-facing in the ParaCruz vans. METRO has denied the request based on a number of different factors including safety concerns.

Sister Hall appealed to the FTA's Office of Civil Rights who issued a written determination that it finds it a reasonable modification to permit Sister Hall to ride side-facing. FTA has requested that METRO respond within seven days.

Staff has requested an extension until December 16th to allow Staff to review METRO's position and prepare a full report with recommendations to the Board regarding how METRO should respond at its regular meeting in December.

Discussion:

Paul Marcelin-Sampson said that as a private citizen, he feels this issue has a real possibility and risk of civil rights litigation and liability claims against METRO and it should be discussed in Closed Session as much as possible. Mr. Marcelin-Sampson said the FTA determination on this issue surprised him because most of their responses are moderate and rational and this one is not.

ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ

Authorize METRO Staff to review METRO's position in this matter in light of the FTA determination and prepare a full report with recommendations regarding how METRO should respond to the FTA's Office of Civil Rights determination in this matter. Authorize Staff to send a letter to FTA advising of why METRO is not responding within 7 days.

Motion passed unanimously with Directors Harlan and Keogh being absent.

9. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Vice Chair Rotkin adjourned to Closed Session at 10:12 a.m. and reconvened to Open Session at 10:30 a.m.

SECTION III: RECONVENE TO OPEN SESSION

10. REPORT OF CLOSED SESSION

Margaret Gallagher had no reportable action at this time.

ADJOURN

There being no further business, Vice Chair Rotkin adjourned the meeting at 10:30 a.m.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator