

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**Minutes- Board of Directors**

**September 22, 2006**

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 22, 2006 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

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

## **SECTION 1: OPEN SESSION**

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

#### **DIRECTORS PRESENT**

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

#### **DIRECTORS ABSENT**

None

#### **STAFF PRESENT**

Frank Cheng, MetroBase Project Manager	Elisabeth Ross, Finance Manager
Mark Dorfman, Assistant General Manager	Robyn Slater, Human Resources Manager
Mary Ferrick, Base Superintendent	Tom Stickel, Maintenance Manager
Margaret Gallagher, District Counsel	Les White, General Manager
Steve Paulson, Paratransit Administrator	

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

Norm Hagen, MAC	Manuel Osorio, Cabrillo College
Christine Jones, Transit Supervisor	Ivan Rusch, Transit User
Paul Marcelin-Sampson, Metro Riders Union	Amy Weiss, Spanish Interpreter
John Mellon, VMU	Bob Yount, MAC

## 2. ORAL AND WRITTEN COMMUNICATION

### Written:

- |           |                                    |            |                                  |
|-----------|------------------------------------|------------|----------------------------------|
| a.        | George Dondero, Exec. Dir., SCCRTC | Re:        | Public Transit Resources         |
| <b>b.</b> | <b><u>Louise Barnes</u></b>        | <b>Re:</b> | <b><u>Service Complaints</u></b> |
| <b>c.</b> | <b><u>Patricia A. Spence</u></b>   | <b>Re:</b> | <b><u>TFTF Resignation</u></b>   |

Paul Marcelin-Sampson, Metro Riders Union, distributed a letter to the Board that he submitted to MST regarding Proposed Monterey Peninsula Service Realignment, which is attached to the file copy of these minutes. Chair Rotkin stated that this letter would be included in the next Board Packet and that Staff would respond to it prior to that time.

Les White reported that Staff would continue to respond to the specific service issues raised in Ms. Barnes' letters, however, her letters continue to be racially offensive and not constructive.

### Oral:

Ivan Rusch, Transit User, asked when 3-bike racks would be installed on local routes. Mark Dorfman responded that METRO is currently working with the vendor and offered to contact Mr. Rusch with details.

Paul Marcelin-Sampson, Metro Riders Union, stated that Ms. Barnes' letters were very offensive, not constructive and not worthy of a response. Mr. Marcelin-Sampson urged the Board to pressure SCCRTC Staff to address the TFTF meeting accessibility issues raised in Director Spence's letter causing her resignation, and he thanked METRO Staff for the quick response to MST's short-notice service reduction mentioned in the letter he distributed at today's meeting.

## **DIRECTORS REILLY AND BEAUTZ ARRIVED**

Norm Hagen, MAC, stated that he was appalled at Ms. Barnes' letter, which he feels is completely unwarranted, and he commended METRO's fixed route and ParaCruz operators for their professional manner.

Director Keogh requested that the Director Spence's letter regarding that accessibility of the TFTF meetings be on the next Board Agenda and that another representative be appointed if the issue is not resolved. Director Keogh stated that the SCCRTC read the letter at their meeting yesterday and are aware of the situation.

Director Beautz added that it would be helpful to suggest to the SCCRTC accessible meeting locations for the TFTF.

## 3. LABOR ORGANIZATION COMMUNICATIONS

None.

## 4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Page 1 of the August Ridership Report and a draft APTA Annual Conference bus pass were distributed today and are attached to the file copy of these minutes.

**DIRECTOR BEAUTZ ARRIVED**

**SECTION I:**

**OPEN SESSION:**  
**ADD TO ITEM #2**

ORAL AND WRITTEN COMMUNICATION  
**(Insert new Written Communication)**

**CONSENT AGENDA:**  
**ADD TO ITEM #5-1**

APPROVE REGULAR BOARD MEETING MINUTES OF AUGUST 11  
& 25, 2006  
**(Insert Minutes)**

**ADD TO ITEM #5-3**

ACCEPT AND FILE AUGUST 2006 RIDERSHIP REPORT  
**(Insert Page 4)**

**(Page 1 will be distributed at the September 22, 2006 Board Meeting)**

**ADD TO ITEM #5-4**

CONSIDERATION OF TORT CLAIMS  
**(Delete Claim #06-0017; Insert Claim #06-0025)**

**ADD TO ITEM #5-5**

ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC)  
AGENDA FOR SEPTEMBER 20, 2006 AND MINUTES OF JULY 19,  
2006

**(Replace existing Agenda with REVISED Agenda)**

**INSERT ITEM #5-6**

ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR  
MAY 2006 AND APPROVAL OF BUDGET TRANSFERS

**(Insert Staff Report)**

**INSERT ITEM #5-7**

ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR  
JUNE 2006; DESIGNATION OF EXCESS SALES TAX FUNDS IN  
THE AMOUNT OF \$649,817 FOR CARRYOVER IN THE FY 06-07  
BUDGET, \$143,221 FOR LIABILITY INSURANCE RESERVES,  
\$434,812 FOR WORKERS' COMPENSATION RESERVES; \$77,697  
FOR BUS OPERATOR WAGE ADJUSTMENT RESERVES, AND THE  
REMAINDER, IF ANY, FOR CAPITAL RESERVES; AND ADOPTION  
OF SCHEDULE OF RESERVE ACCOUNTS

**(TITLE AMENDED FROM SEPTEMBER 8, 2006 AGENDA)**

**(Insert Staff Report)**

**INSERT ITEM #5-11**

**ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS**  
FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL  
TRANSPORTATION COMMISSION FOR THE AUGUST 2006  
MEETING(S)

**(Insert Staff Report)**

**INSERT ITEM #5-12**

ACCEPT AND FILE METROBASE STATUS REPORT

**(Insert Staff Report)**

**ADD ITEM #5-16**

**CONSIDERATION OF SUPPORT FOR THE CITY OF SANTA CRUZ**  
**GRANT APPLICATION FOR A BAY CORRIDOR MULTI-MODAL**  
**PLANNING STUDY**

**(Insert Staff Report)**

- ADD ITEM #5-17**            **CONSIDERATION OF APPROVAL OF PARATRANSIT CLASS SPECIFICATION (JOB DESCRIPTION) FOR PARATRANSIT DISPATCHER**  
(Insert Staff Report)
- ADD ITEM #5-18**            **ACCEPT AND FILE NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SALE OF REAL PROPERTY LOCATED AT 25 SAKATA LANE, WATSONVILLE, CA**  
(Insert Notice)
- ADD ITEM #5-19**            **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A NEW LEASE WITH FARINOSH SALILI FOR SUITE C AT PACIFIC STATION**  
(Insert Staff Report)
- REGULAR AGENDA:**
- REPLACE ITEM #7**            **PUBLIC HEARING: CONSIDERATION OF MODIFICATIONS TO THE PARATRANSIT PLAN REFERRED TO AS THE PARACRUZ CUSTOMER GUIDE**  
(Replace existing Staff Report with **REVISED Staff Report**)
- DELETE ITEM #8**            **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE PURCHASE OF AN EMERGENCY GENERATOR FOR THE ENCINAL OFFICES**  
(Deleted: Action taken at the **September 8, 2006 Board Meeting**)
- DELETE ITEM #10**            **ACCEPT REPORT ON FEDERAL LEGISLATION FROM CAROLYN CHANEY OF CHANEY & ASSOCIATES, WASHINGTON, DC**  
(Deleted: Presentation took place at the **September 8, 2006 Board Meeting**)
- ADD ITEM #11**            **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE PREPARATION OF A SHORT RANGE TRANSIT PLAN**  
(Insert Staff Report)
- ADD ITEM #12**            **CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE REPLACEMENT OF THE SLIDING AND SWING DOORS AT PACIFIC STATION**  
(Insert Staff Report)
- ADD ITEM #13**            **CONSIDERATION OF ADOPTING POSITIONS OF SUPPORT FOR STATE BALLOT PROPOSITIONS 1A, 1B, 1C, 87, AND A POSITION OF OPPOSITION FOR PROPOSITION 90**  
(Insert Staff Report)

**CONSENT AGENDA**

- 5-1. APPROVE REGULAR BOARD MEETING MINUTES AUGUST 11 & 25**
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF AUGUST 2006**
- 5-3. ACCEPT AND FILE AUGUST 2006 RIDERSHIP REPORT**

- 5-4. CONSIDERATION OF TORT CLAIMS: DELETED: SETTLEMENT REACHED (DENY THE CLAIM OF AMERIPRISE (NGUYEN), CLAIM #06-0017)  
DENY THE CLAIM OF COUNTY OF SANTA CRUZ, CLAIM #06-0025
- 5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR SEPTEMBER 20, 2006 AND MINUTES OF JULY 19, 2006
- 5-6. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR MAY 2006 AND APPROVAL OF BUDGET TRANSFERS
- 5-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR JUNE 2006; DESIGNATION OF EXCESS SALES TAX FUNDS IN THE AMOUNT OF \$649,817 FOR CARRYOVER IN THE FY 06-07 BUDGET, \$143,221 FOR LIABILITY INSURANCE RESERVES, \$434,812 FOR WORKERS' COMPENSATION RESERVES; \$77,697 FOR BUS OPERATOR WAGE ADJUSTMENT RESERVES, AND THE REMAINDER, IF ANY, FOR CAPITAL RESERVES; AND ADOPTION OF SCHEDULE OF RESERVE ACCOUNTS (Title amended from September 8, 2006 Agenda)
- 5-8. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JUNE 2006
- 5-9. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JUNE 2006
- 5-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR MONTH OF JULY 2006
- 5-11. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE AUGUST 2006 MEETING(S)
- 5-12. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-13. CONSIDERATION OF AUTHORIZING THE DISPOSAL OF ONE 1986 SERVICE TRUCK, ONE 1985 SERVICE VAN, ONE 1986 SERVICE VAN, TWO (2) 1985 PICK-UP TRUCKS, AND ASSOCIATED PARTS
- 5-14. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH CLAREMONT BEHAVIORAL SERVICES FOR EMPLOYEE ASSISTANCE PROGRAM
- 5-15. CONSIDERATION OF APPROVAL OF CALPERS RESOLUTIONS TO FIX THE DISTRICT'S MEDICAL PREMIUM CONTRIBUTION RATES FOR SEIU AND UTU FIXED ROUTE  
(Moved to Consent Agenda at the September 8, 2006 Board Meeting. Retained original numbering as Item #9)
- 5-16. CONSIDERATION OF SUPPORT FOR THE CITY OF SANTA CRUZ GRANT APPLICATION FOR A BAY CORRIDOR MULTI-MODAL PLANNING STUDY
- 5-17. CONSIDERATION OF APPROVAL OF PARATRANSIT CLASS SPECIFICATION (JOB DESCRIPTION) FOR PARATRANSIT DISPATCHER
- 5-18. ACCEPT AND FILE NOTIFICATION OF ACTIONS TAKEN IN CLOSED SESSION REGARDING THE SALE OF REAL PROPERTY LOCATED AT 25 SAKATA LANE, WATSONVILLE, CA
- 5-19. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A NEW LEASE WITH FARINOSH SALILI FOR SUITE C AT PACIFIC STATION

**ACTION: MOTION: DIRECTOR SKILLICORN SECOND: DIRECTOR REILLY**

**Approve the Consent Agenda**

**Motion passed by unanimous affirmative voice vote in lieu of a roll call vote for Item #5-15 with all Directors present.**

## **REGULAR AGENDA**

### **6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS**

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

#### **TEN YEARS**

Brenda J. Blevins, Sr. Accounting Technician  
Christine M. Jones, Transit Supervisor

### **7. PUBLIC HEARING: CONSIDERATION OF MODIFICATIONS TO THE PARATRANSIT PLAN REFERRED TO AS THE PARACRUZ CUSTOMER GUIDE**

#### **Summary:**

Steve Paulson reported that the Board is being asked to adopt the most recent revision of the ParaCruz Customer Guide, which is METRO's Paratransit Plan. The revision process took approximately four months and great input has been received from MAC and the public. The latest revision is clearer, more readable, and customer-friendly than it previously was.

Mr. Paulson pointed out the following notable items included in this revision:

- 1) Clarification that ParaCruz is not a taxi service
- 2) New section covers Natural Disasters

Mr. Paulson reported that the following items would be added to the final revision:

- 1) A statement that the Customer Guide is METRO's Paratransit Plan
- 2) MAC will be identified as METRO's official advisory body

Mr. Paulson explained that the new guide would be distributed by a full mailing and available on all vehicles, at the Stroke Center, all dialysis centers, all service agencies, and by request. Available formats will include large-print and Braille and the Braille transcription will be provided to METRO free of charge.

#### **Discussion:**

Director Skillicorn stated that he would like to see accommodations made for weather related same-day changes of mobility devices when possible in the future. Les White replied that this type of accommodation could be considered when all of METRO's smaller Paratransit vehicles are replaced with larger vehicles and it would not impact the service.

Director Spence and Norm Hagen added that only the controls of electric mobility devices need to be protected from the weather.

**CHAIR ROTKIN OPENED THE PUBLIC HEARING AT 9:40 A.M.**

Paul Marcelin-Sampson commended Steve Paulson for the level of public outreach in the process of developing this document. Mr. Marcelin-Sampson suggested that if a full mailing cannot be done, that a one-page large-print notification be mailed out announcing that the Customer Guide has been updated and instructions on how to obtain a copy. Mr. Marcelin-Sampson stated that he supports MAC being named the official advisory body, identifying the Customer Guide as the District's Paratransit Plan, and strongly supports the three-day advance reservation policy to reduce the no-show situation.

Norm Hagen stated that he supports the three-day advance reservation policy and added that METRO is providing above and beyond what the ADA requires.

Bob Yount reported that although every MAC member contributed to this guide, he felt that E&D TAC did not take it seriously or make comments on it.

**CHAIR ROTKIN CLOSED THE PUBLIC HEARING AT 9:49 A.M.**

**Discussion:**

Director Stone thanked MAC for all the time and effort they put into these modifications.

Director Spence pointed out that page numbers were missing and that there were punctuation errors and typos in the document. Chair Rotkin replied that Staff has the authority to make those types of corrections without substantive changes.

Director Spence asked that the Eligibility categories on page #7.a23 be reviewed because the ADA lists more categories. Director Spence asked if the Suggested Changes that begin on page #7.b1 are all the changes that were made. Steve Paulson replied that Attachment B lists all input received. Director Spence asked why the language listed on page #7.b9 regarding steep slopes was not included in the document. Mr. Paulson responded that the last line on page #7.a16 was included to address this and the language is less restrictive. Regarding page #7.a20, Director Spence asked if the smoking distance was 40 feet or 50 feet. Mr. Paulson replied that District policy is 40 feet.

Les White suggested changing the word "Eligibility" on page #7.a23 that Director Spence mention, as this section relates to people who are already certified as eligible to use Paratransit service.

**ACTION:     MOTION:     DIRECTOR SPENCE     SECOND:     DIRECTOR TAVANTZIS**

**Approve modifications to the Paratransit Plan referred to as the ParaCruz Customer Guide, including adding a statement identifying the Customer Guide as METRO's Paratransit Plan, identifying MAC as METRO's official advisory body, and changing the word "Eligibility" on page #7.a23**

**Motion passed unanimously with all Directors present.**

**11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE PREPARATION OF A SHORT RANGE TRANSIT PLAN**

**Summary:**

Mark Dorfman reported that a Short Range Transit Plan (SRTP) is required by the federal government as a condition of receiving transit assistance funds. METRO's last full SRTP was completed in 1997 and the FTA has been prodding METRO to update its plan. Staff is recommending that the Board award the contract to Wilbur Smith Associates to develop a STRP for an amount not to exceed \$97,815.

FTA 5303 grant funds though AMBAG will pay \$85,000 toward contract costs, with the District paying the remaining \$12,815 in required matching funds from capital reserves.

Existing METRO Staff will be trained to be able to develop future STRPs and keep them updated going forward.

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR ROTKIN**

**Authorize the General Manager to execute a contract for the preparation of a Short Range Transit Plan with Wilbur Smith Associates**

**Motion passed unanimously with all Directors present.**

**12. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR THE REPLACEMENT OF THE SLIDING AND SWING DOORS AT PACIFIC STATION**

**Summary:**

Tom Stickel reported that the sliding and swing doors at Pacific Station are worn out and in poor condition and that the doors are frequently inoperative in the automatic mode.

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR STONE**

**Authorize the General Manager to execute a contract for replacement of the sliding and swinging doors at Pacific Station with Automatic Door Systems, Inc.**

**Motion passed unanimously with all Directors present.**

**13. CONSIDERATION OF ADOPTING POSITIONS OF SUPPORT FOR STATE BALLOT PROPOSITIONS 1A, 1B, 1C, 87, AND A POSITION OF OPPOSITION FOR PROPOSITION 90**



**Summary:**

Les White reported that on November 7<sup>th</sup>, voters will be asked to consider a number of State Ballot Propositions, several of which directly affect METRO. Staff recommends that the Board adopt positions of support for Propositions 1A, 1B, 1C & 87 and a position of opposition for Proposition 90. Mr. White gave a brief description of each proposition and how it affected METRO:

- 1A – would provide protection for sales tax revenue on fuel
- 1B – would authorize approximately \$19.9 billion to support transportation projects
- 1C – would authorize approximately \$2.9 billion in housing projects, including approximately \$300 million for projects such as METRO's Pacific Station Redevelopment
- 87 – would establish 1.5% variable tax on oil producers
- 90 – would restrict how public agencies use Eminent Domain authority

**Discussion:**

Paul Marcelin-Sampson thanked Mr. White for his review and political overview of these propositions and suggested that a METRO put a flyer on the buses before the elections educating the public on these propositions and the consequences of voting for or against them.

Manuel Osorio, Cabrillo College, thanked Mr. White and urged the Board to support Proposition 87.

Norm Hagen suggested publishing METRO's position on these propositions in the Sentinel and Register Pajaronian.

Director Scott thanked Mr. White and agreed that METRO's position should be made public before elections.

Directors Nicol and Bustichi suggested taking separate votes rather than voting on all five propositions at once.

Director Keogh stated that he supports the Staff recommendation and voting on 1A, B, & C, but feels METRO should not be taking any action on 87 or 90.

Chair Rotkin divided the motion into three parts as follows:

**ACTION:      MOTION:      DIRECTOR SKILLICORN      SECOND:      DIRECTOR BEAUTZ**

**Adopt positions of support for State Ballot Propositions 1A, 1B, & 1C**

**Motion passed unanimously with all Directors present.**

**ACTION: MOTION: DIRECTOR STONE SECOND: DIRECTOR REILLY**

**Adopt position of support for State Ballot Proposition 87**

**Motion passed with Directors Hinkle, Reilly, Rotkin, Skillicorn, Spence, Stone, and Tavantzis voting yes and Directors Beautz, Bustichi, Keogh and Nicol voting no.**

**ACTION: MOTION: DIRECTOR REILLY SECOND: DIRECTOR BEAUTZ**

**Adopt position of opposition for State Ballot Proposition 90**

**Motion passed with Directors Beautz, Bustichi, Hinkle, Nicol, Reilly, Rotkin, Skillicorn, Spence, Stone, and Tavantzis voting yes and Director Keogh voting no.**

**Discussion:**

There was a discussion regarding getting educational information out to the public in a non-biased way prior to elections. Chair Rotkin stated that Staff would issue a press release.

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

Chair Rotkin reported that the Board would have a conference with its Labor Negotiators regarding SEIU, Local 415 and UTU, Local 23, ParaCruz Division, and that the Board would have a conference with its Legal Counsel regarding two cases of existing litigation.

Les White requested that the Board include an additional case of Anticipated Litigation under Item #3a on today's Closed Session Agenda. Margaret Gallagher reported that Staff received information after the Agenda was posted and there is a need to discuss it prior to the next Board meeting.

**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 all Directors present.**

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

**SECTION II: CLOSED SESSION**

Chair Rotkin adjourned to Closed Session at 10:45 a.m. and reconvened to Open Session at 11:45 a.m.

**SECTION III: RECONVENE TO OPEN SESSION**

**16. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the Board took no reportable action in Closed Session.

**ADJOURN**

There being no further business, Chair Rotkin adjourned the meeting at 11:46 a.m.

Respectfully submitted,

CINDI THOMAS  
Administrative Services Coordinator