

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

September 25, 2009

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A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, September 25, 2009 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, California.

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

## **SECTION 1: OPEN SESSION**

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

#### **DIRECTORS PRESENT**

Dene Bustichi  
Michelle Hinkle  
Emilio Martinez (arrived after roll call)  
Ellen Pirie  
Lynn Robinson  
Pat Spence  
Mark Stone  
Marcela Tavantzis  
Ex-Officio Donna Blitzer

#### **DIRECTORS ABSENT**

Ron Graves  
Donald Hagen  
Mike Rotkin

#### **STAFF PRESENT**

Ciro Aguirre, Operations Manager  
Angela Aitken, Finance Manager / Acting AGM  
Bob Cotter, Maintenance Manager  
Mary Ferrick, Fixed Route Superintendent  
Margaret Gallagher, District Counsel

Shona Harper, Asst Paratransit Superintendent  
Debbie Kinslow, Asst Finance Manager  
Robyn Slater, Human Resources Manager  
April Warnock, Paratransit Superintendent  
Les White, General Manager

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

Carolyn Hamm, SEA  
Manny Martinez, PSA  
Karena Pushnik, SCCRTC  
Will Regan, VMU

Amy Weiss, Spanish Interpreter  
Bob Yount, MAC

**2. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS**

Written:

None.

Oral:

Mr. Michael Beeson, transit rider, read aloud his letter, which is attached to the file copy of these minutes, regarding the failure of the Highway 17 Express to adhere to published time schedules.

**3. LABOR ORGANIZATION COMMUNICATIONS**

Sandra Lipperd of UTU Local 23 spoke about the recent loss of Bus Operator Raymond Mattos, and expressed gratitude to the Transit Supervisors and managers Robyn Slater, Ciro Aguirre and Mary Ferrick for their supportive efforts.

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

None.

**CONSENT AGENDA**

- 5-1. **ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF JUNE 2009**
- 5-2. **CONSIDERATION OF TORT CLAIMS:  
DENY THE CLAIM OF MADELINE ARIAS, CLAIM #09-0019**
- 5-3. **ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR SEPTEMBER 16, 2009 AND MINUTES OF JULY 15, 2009**
- 5-4. **ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF JUNE 2009**
- 5-5. **ACCEPT AND FILE RIDERSHIP AND PERFORMANCE REPORT FOR JULY 2009**
- 5-6. **ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR THE MONTH OF JULY 2009**
- 5-7. **ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR JULY 2009**
- 5-8. **ACCEPT AND FILE METROBASE PROJECT STATUS REPORT**
- 5-9. **ACCEPT AND FILE NINTH CIRCUIT COURT OF APPEALS DECISION IN GEORGE V. BART**
- 5-10. **CONSIDERATION OF LOWERING CPI INCREASES FOR ALL METRO TENANTS TO 1% FOR THE CALENDAR YEAR OF 2010**
- 5-11. **CONSIDERATION OF APPROVAL OF REVISED BOARD MEMBER TRAVEL FOR FY10**
- 5-12. **CONSIDERATION OF APPROVAL OF CONTINUED EMPLOYMENT OF TEMPORARY HELP THROUGH ROBERT HALF INTERNATIONAL FOR TEMPORARY EMPLOYMENT STAFFING FOR THE GRANTS ANALYST POSITION FOR AN AMOUNT NOT TO EXCEED \$40,000**

**5-13. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR THE AUGUST 2009 MEETING(S)**

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR ROBINSON**

**Approve the Consent Agenda.**

**Motion passed unanimously with Directors Graves, Hagen, Martinez and Rotkin being absent.**

**REGULAR AGENDA**

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

The following employees were presented with longevity awards for their years of service:

**TEN YEARS**

Salvador Calderon, Bus Operator  
Jose Herrera, Bus Operator  
Chris Kane, Custodial Service Worker I  
Mark Martinez, Bus Operator  
Eduardo Montesino, Bus Operator  
Kimberly Nied, Bus Operator  
Richard Orozco, Bus Operator  
James Taylor, Bus Operator  
Douglas Vest, Bus Operator  
Elizabeth Woodbridge, Bus Operator

**FIFTEEN YEARS**

None

**TWENTY YEARS**

A. John Daugherty, Access Services Coordinator  
Sergio Lona-Gonzalez, Bus Operator

**TWENTY-FIVE YEARS**

None

**THIRTY YEARS**

Michael T. Steber, Bus Operator

Due to a bus operator shortage this month, the Board continued the awards presentations for all of the Bus Operators listed above to next month.

**7. CONSIDERATION OF THE FISCAL YEAR END MONTHLY BUDGET STATUS REPORT FOR JUNE 30, 2009; DESIGNATION OF NET REDUCTION OF RESERVES IN THE AMOUNT OF: \$795,441 – CARRYOVER FROM PREVIOUS YEAR RESERVE AND \$462,000 – CAPITAL RESERVES AND THE REMAINDER OF REVENUE, IF ANY, FOR ALLOCATION TO CAPITAL FUNDING RESERVES; AND ADOPTION OF THE SCHEDULE OF RESERVE ACCOUNT BALANCES**

**Summary:**

Angela Aitken reported that the preliminary monthly revenue and expense report represents the status of the District's FY09 revised budget, as of June 30, 2009, the end of the fiscal year. The numbers in the report are preliminary, since all accounting adjustments have not yet been completed via the final audit due later this calendar year. The final Schedule of Reserve Account Balances (Attachment B) will be reported in the audited financial statements for the fiscal year. If the Schedule of Reserve Account Balances changes significantly following any audit adjustments, it will be brought back to the Board.

**DIRECTOR MARTINEZ ARRIVED**

**Discussion:**

There was a discussion about sales tax revenue projections, and another discussion about reallocating Bus Stop Improvement funds. Mr. White said that it was decided that it would be best to hold onto the reserve funds in case of major repairs instead of the upgrades METRO wanted to do.

**ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR SPENCE**

**Accept the fiscal year end monthly budget status report for June 30, 2009, and designate the transfer of \$795,441 from Carryover from Previous Year Reserves to balance the FY09 Operating budget; transfer \$462,000 from the Capital Alternative Fuel Conversion Fund Reserve to balance the FY09 Capital Budget; transfer \$400,000 from the Capital Bus Stop Improvement Reserve to the Capital Funding Reserve; designate the remainder of revenue, if any, for allocation to the Capital Funding Reserves; and adopt the attached Schedule of Reserve Account Balances.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**8. CONSIDERATION OF APPOINTING D. CRAIG AGLER TO THE METRO ADVISORY COMMITTEE (MAC) BY DIRECTOR RON GRAVES TO FILL THE POSITION OF HEIDI CURRY**

**Summary:**

Les White reported that there is currently a vacancy on the Metro Advisory Committee (MAC) for an appointment by Director Ron Graves, who is nominating D. Craig Agler to be appointed to MAC.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROBINSON**

**Approve the appointment of D. Craig Agler to the Metro Advisory Committee (MAC) as the appointment of Director Ron Graves.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**9. CONSIDER APPROVAL OF CLASS SPECIFICATION CHANGE FROM SUPERVISOR OF REVENUE COLLECTIONS TO VAULT ROOM COORDINATOR**

**Summary:**

Robyn Slater reported that the job duties of the Supervisor of Revenue Collections changed as a result of management observation and audit findings. Management initiated a reclassification study as a result of job duty changes. Once the class specification was re-written a wage survey was conducted with no suggested adjustment to the wage scale. Staff met with SEIU union representatives, who agreed to the modifications.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR TAVANTZIS**

**Approve the class specification change from Supervisor of Revenue Collections to Vault Room Coordinator.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**10. CONSIDERATION OF APPROVAL OF NEW MEDICARE MANDATORY REPORTING REQUIREMENTS POLICY AND AUTHORIZATION TO APPOINT ACCOUNT MANAGER AND ACCOUNT DESIGNEES**

**Summary:**

Robyn Slater reported that a new reporting requirement was recently added to the Medicare, Medicaid and State Children's Health Insurance Program Extension Act of 2007 (MMSEA) that requires employers report certain workers' compensation, liability and no-fault claims to Centers for Medicare and Medicaid Services (CMS). METRO developed a policy in response to the new reporting requirements. METRO is required to register as a Responsible Reporting Entity (RRE) on the CMS website by September 30, 2009. METRO must also identify Account Designee(s) who will provide data on a quarterly basis to the CMS.

**Discussion:**

There was a discussion about the impact on METRO employees, the legality of Medicare's authority to mandate the changes, and how other agencies were implementing the requirements administratively.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR ROBINSON**

**Approve the new policy titled: Medicare Mandatory Reporting Requirements Policy; authorize the Workers Compensation Third Party Administrator and HR personnel to act as Account Designees; and direct staff to set up informational meetings with all of the employee Union chapters.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**11. CONSIDERATION OF AUTHORIZING THE WITHDRAWAL OF THE BID RECEIVED FROM REBER CONSTRUCTION COMPANY, INC. FOR DEMOLITION AND CONSTRUCTION OF A PARKING LOT AT 1217 RIVER STREET, SANTA CRUZ**

**Summary:**

Les White reported that on August 14, 2009, METRO's Notice of Invitation for Bid No. 10-07 was mailed to general contractor firms, was legally advertised, was published in trade journals, and a notice was posted on METRO's web site. On September 14, 2009, bids were received and opened from six firms. The apparent low bidder (Reber Construction Company, Inc.) requested to withdraw their bid due to a scale error on the drawings supplied with the bid documents. METRO asked the second, third and fourth low bidders if their submitted bids were in error due to the scale error on the drawing and was informed that they had all compensated for the error and their bids were accurate. Staff is recommending that the Board of Directors authorize the withdrawal of the bid received from Reber Construction Company, Inc.

**ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR PIRIE**

**Authorize the withdrawal of the bid received from Reber Construction Company, Inc. for the demolition and construction of a parking lot at 1217 River Street, Santa Cruz.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**12. AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH PARC SERVICES, INC. FOR THE DEMOLITION AND CONSTRUCTION OF A PARKING LOT AT 1217 RIVER STREET, SANTA CRUZ FOR AN AMOUNT NOT TO EXCEED \$116,711 AND APPROVE CONTRACT CHANGE ORDER PROCEDURES**

**Summary:**

Les White reported that METRO purchased the properties located at 1211 and 1217 River Street for the purpose of adding property to the Golf Club Maintenance Facility. Before the Administration offices can be moved to the Vernon building, METRO needs parking spaces for Administration pool vehicles and Facilities Maintenance vehicles. The apparent low bidder requested a withdraw of their bid due to an error on the drawing scale of the submitted bid drawings.

Staff is recommending that if the METRO Board of Directors authorized the withdrawal of the Reber Construction Company, Inc. bid, that a contract be established with PARC Services, Inc.

for demolition and construction of a parking lot at 1217 River Street, Santa Cruz for an amount not to exceed \$116,711. Staff is also recommending that the Board of Directors approve contract change order procedures as provided in this report.

**ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR PIRIE**

**Authorize the General Manager to execute a contract with PARC Services, Inc. for the demolition and construction of a parking lot at 1217 River Street, Santa Cruz for an amount not to exceed \$116,711 and approve contract change order procedures.**

**Motion passed unanimously with Directors Graves, Hagen and Rotkin being absent.**

**13. ORAL ANNOUNCEMENT: THE OCTOBER 9, 2009 BOARD OF DIRECTORS MEETING HAS BEEN CANCELLED. THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD FRIDAY, OCTOBER 23, 2009 AT 9:00 A.M. – SANTA CRUZ CITY COUNCIL CHAMBERS, 809 CENTER ST, SANTA CRUZ**

Chair Bustichi announced that the October 9, 2009 Board meeting is cancelled, and that the October 23, 2009 Board meeting would be held at the Santa Cruz City Council Chambers.

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

Margaret Gallagher reported that Board would have a conference with its Legal Counsel regarding one case of whether to initiate litigation, and a conference with its Legal Counsel regarding the existing litigation claim of Joe Blair.

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

None.

## **SECTION II: CLOSED SESSION**

Chair Bustichi adjourned to Closed Session at 9:55 a.m. and reconvened to Open Session at 10:03 a.m.

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

**16. REPORT OF CLOSED SESSION**

Margaret Gallagher reported that the Board authorized initiating litigation against Nationwide Auction Services, Inc.; and that the Board authorized rejecting the settlement offer of Joe Blair and litigating the case.

## **ADJOURN**

There being no further business, Chair Bustichi adjourned the meeting at 10:03 a.m.

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Respectfully submitted,

ANTHONY TAPIZ  
Administrative Assistant