SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

July 22, 2005

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, July 22, 2005 at the Santa Cruz City Council Chambers, 809 Center Street, Santa Cruz, CA.

Vice Chair Rotkin called the meeting to order at 9:00 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

DIRECTORS ABSENT

Jan Beautz
Dene Bustichi
Stephanie Harlan
Michelle Hinkle
Emily Reilly
Mike Rotkin
Dale Skillicorn
Pat Spence
Mark Stone
Marcela Tavantzis
Ex-Officio Wes Scott

Mike Keogh

STAFF PRESENT

Frank Cheng, MetroBase Project Manager Mark Dorfman, Assistant General Manager Terry Gale, IT 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

Jon Bartholomew, UTU
Cheryl Brondstatter, PSA
Rhonda Carter, UTU
John Daugherty, SEIU
Francisco Estrada, UTU
Anna Gouveia, UTU
Andre Hart, UTU
Jim Hobbs, SEIU Retiree

Ian McFadden, SEA
Bonnie Morr, UTU
Artie Muniz, UTU
Phoenix, Transit User
Will Regan, VMU
Mark Saunders, UTU
Peter Scott, Sierra Club
Cliff Tillman, SEIU Exec. Director

Rickey Kale, UTU
Gary Klemz, SEIU Field Representative
Sandra Lipperd, UTU
Paul Marcelin-Sampson, MAC Chair/MRU

Verna, Parent of METRO Employee Amy Weiss, Spanish Interpreter Bob Yount, MAC/MASTF/E&D TAC/BSAC

2. ORAL AND WRITTEN COMMUNICATION

Written:

Jonah Rae Whiteagle Re: Paratransit Service Area a. Dan Stevenson, Bus Operator Re: Communication to the Board b. Ian McFadden Communication to the Board C. Re: Dan Stevenson, Bus Operator Re: Communication to the Board <u>d.</u> **Gary Mayo METRO Bus Operators** Re: e. **Toni Castro** f. Re: Capitola Art & Wine Festival

Vice Chair Rotkin announced that Staff would respond to the written correspondence as appropriate and asked that all comments made at today's meeting be kept as brief as possible.

Oral:

Bob Yount, MAC Vice Chair, read a letter to the Board, which is attached to the file copy of these minutes, reporting that at its July 20, 2005 meeting, MAC adopted a Resolution thanking Les White, Mike Keogh, John Laird and his staff, and Rachel Mariconi for their diligent work and success in traveling to the CTC meetings representing METRO regarding MetroBase funding.

3. LABOR ORGANIZATION COMMUNICATIONS

Phoenix, a local college student and transit user, urged the Board to give workers a fair contract to avoid a strike.

Rickey Kale, UTU, said he commutes from San Leandro because he loves his job and although UTU does not want to strike, they cannot afford the District's proposal. Mr. Kale also read a letter opposing a strike, from Chester Stirling, a postal worker and transit user, which is attached to the file copy of these minutes.

Sandra Lipperd, UTU Vice Chair and member of the negotiating team, commented that she has seen poor financial decisions made by the Board negatively impact employees and the public and urged the Board to take care of the employees to keep service on the road for the public.

Vice Chair Rotkin commented that people could stand to show support of comments being made, rather than everyone coming up separately to speak.

Bonnie Morr, UTU, asked the bus operators to stand and said they were here on their own time to let the Board know how they feel on the status of labor negotiations. Ms. Morr then asked the entire workforce to stand to ask the Board for support and fair contracts. Ms. Morr commented that she feels the Board is being misinformed and that nobody is manipulating the system and suggested that he Board hire sufficient numbers of drivers to avoid overtime. Ms. Morr

distributed information, which is attached to the file copy of these minutes, from the Industrial Welfare Commission regarding the regulations that must be implemented by August 1, 2005.

Jim Hobbs, President of SEIU, Local 415 Retirees, commented he left private undustry to come to METRO for the benefits package. Mr. Hobbs said that he is grateful and appreciative of the excellent retirement benefits he receives and urged the Board to continue to provide for future retirees.

Cliff Tillman, Executive Director of SEIU, Local 415, said that he is here representing and supporting SEA, VMU and PSA, which are all part of SEIU. Mr. Tillman said that SEIU agreed to a one-year contract extension last year with no gains, and this year "take aways" and no improvements are being proposed. Mr. Tillman said that offering nothing is wrong and urged the Board to treat the workers with respect with a fair contract, address non-economic issues and avoid a strike, which will disrupt service to the public.

Artie Muniz, UTU, said he came to METRO for the benefits, but now he takes home less money than in his previous job because he pays \$413 per month for medical insurance and he hopes the new contract will address this.

John Daugherty, SEIU, commented that the workers are willing to work with the District and that he understands the difficult times but believes retirement benefits should remain the same. Mr. Daugherty stated that he felt Les White's memo regarding the proposals went around the negotiating team and that the memo implied that the workers were misinformed by their bargaining team.

lan McFadden, SEA, said that SEIU represents some of the lowest paid METRO employees who do not have the option of working overtime like the bus operators do and cannot afford the health insurance premiums being proposed. SEIU does not want to strike but it is an economic impossibility to accept the District's proposal. Mr. McFadden said that BART, VTA and AC Transit have all recently negotiated employee caps on health premiums, which would be acceptable to SEIU, but an employer cap is not acceptable and urged the Board to reach a fair contract.

Verna, a transit user whose daughter works for METRO, stated that the City Council needs to support the bus drivers.

DIRECTOR REILLY LEFT THE MEETING

Gary Klemz, SEIU, distributed a list of outstanding non-economic items to the Board for discussion in Closed Session.

Mark Saunders, UTU, accused the members of the Board of Supervisors and City Council on the METRO Board of letting "NIBYism" dictate where MetroBase would be built, and accused Les White of expanding METRO beyond what was needed for political reasons. Mr. Saunders urged the Board to make the right choice and not balance the budget on the backs of the workers.

Cheryl Brondstatter, PSA, said she was also a member of the negotiating team and urged the Board for a fair contract to avoid a strike.

Andre Hart, UTU, stated that he could not make ends meet without overtime and side jobs.

Rhonda Carter, UTU, said she was a former welfare mom and although she came to METRO to provide a better life for her son, she is taking home less now than she was a year ago and she is concerned about what her schedule may look like with the new contract and urged the Board to reach a fair contract.

Francisco Estrada, UTU, reminded the Board of their responsibility to think about how the public would be affected by a strike.

Will Regan, VMU, commented that many of the District's experienced workers live outside of the county due to high housing costs and he is hearing comments that they cannot afford to stay at METRO with the projected medical insurance costs. Mr. Regan urged the Board to be fair and reasonable in order to retain experienced workers and attract new ones to keep the service on the street.

Anna Gouveia, UTU, commented that lately, it does not seem to her that the District cares about the health and safety of its employees. Ms. Gouveia said that she is sick but cannot afford to go to the doctor because her paycheck has more taken out of it now.

Vice Chair Rotkin thanked everyone for their comments and said the Board would do its best to reach agreements between the District and the unions and that no one is interested in having a strike.

4. <u>ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS</u>

Replacement pages for Items #5-16 and #7 were distributed at today's meeting.

SECTION I: OPEN SESSION:

ADD TO ITEM #2 ORAL AND WRITTEN COMMUNICATION

(Insert additional written communication)

CONSENT AGENDA:

ADD TO ITEM #5-1 APPROVE REGULAR BOARD MEETING MINUTES OF JUNE 10

AND JUNE 24, 2005 AND SPECIAL MINUTES OF JUNE 17, 2005

(Insert the June 24, 2005 Minutes)

INSERT ITEM #5-3 ACCEPT AND FILE JUNE 2005 RIDERSHIP REPORT

(Insert Report. Page 1 will be included in the August Board

Packet)

INSERT ITEM #5-6 ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR

MAY 2005 AND APPROVAL OF BUDGET TRANSFERS

(Insert Staff Report)

DELETE ITEM #5-7 ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MAY

2005

(Will be included in the August Board Packet)

REPLACE ITEM #5-12 CONSIDERATION OF RENEWAL OF PROPERTY INSURANCE

COVERAGE FOR FY 05-06

(REPLACE Staff Report with REVISED Staff Report)

INSERT ITEM #5-13 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER

TO EXECUTE A CONTRACT FOR 3-POSITION BICYCLE

CARRIERS

(Insert Staff Report)

INSERT ITEM #5-14 ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE

PERIOD OF APRIL, MAY AND JUNE 2005

(Insert Staff Report)

ADD ITEM #5-15 CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER

TO EXECUTE A LEASE AMENDMENT FOR THE PROPERTY

LOCATED AT 370 ENCINAL STREET, SUITE 100

(Insert Staff Report)

ADD ITEM #5-16 CONSIDERATION OF REVISED LANGUAGE FOR THE

HEADWAYS PUBLICATION ALLOWING FOLDING BIKES TO BE

CARRIED INSIDE OF FIXED ROUTE BUSES

(Insert Staff Report)

ADD ITEM #5-17 CONSIDERATION OF STATUS OF BUS TIRES

(Insert Staff Report)

REGULAR AGENDA:

INSERT ITEM #8 CONSIDERATION OF ADOPTING AN ANNUAL DISADVANTAGED

BUSINESS ENTERPRISE (DBE) PARTICIPATION RATE FOR

FEDERALLY-FUNDED PROCUREMENTS IN FY 2006

(Insert Staff Report)

ADD ITEM #9 CONSIDERATION OF ACTION TAKEN ON JULY 14, 2005 BY

THE CALIFORNIA TRANSPORTATION COMMISSION
REGARDING AB 3090 DESIGNATION FOR METROBASE
FUNDING AND TCRP FUNDING FOR PACIFIC STATION

(Insert Staff Report)

ADD ITEM #10 CONSIDERATION OF ISSUING A REQUEST FOR PROPOSALS

FOR THE SERVICES OF A REAL ESTATE BROKERAGE FIRM TO PROMOTE AND MANAGE THE SALE OF THE PROPERTY OWNED BY METRO AT 25 SAKATA LANE, WATSONVILLE,

CALIFORNIA

(Insert Staff Report)

CONSENT AGENDA

Vice Chair Rotkin took Items #5-13 and #5-16 for discussion of new information prior to approving the Consent Agenda.

5-13. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR 3-POSITION BICYCLE CARRIERS

Summary:

Les White reported that Staff is recommending awarding a contract to Midwest Bus Corporation for 3-position bike carriers with the initial purchase of 10 carriers to be installed on the Hwy 17 UCSC routes. The award would have an option for 90 additional carriers if successful.

Mr. White said that the reason this varies from a routine contract is that Sportsworks has been the one predominant company which has made bike racks, but the contract is being proposed to be awarded to Midwest Bus Corporation, who has developed a design that is remarkably similar to the Sportsworks model at a significantly lower bid. Sportworks has indicated to Staff this week that they have a patent pending on their design and it is their intention when they get a patent to take infringement action against Midwest. Staff is recommending that the Board award the contract to Midwest indicating in the notice of award that if there is any liability as a result of Sportworks achieving a successful patent designation, indemnification language in the contract with Midwest would negate the option to purchase an additional 90 racks from Midwest.

Discussion:

Ex Officio Director Scott stated UC is highly supportive of any way for the District to have additional capacity to bring bikes on campus.

Director Tavantzis commented that the 7% overhead fees the District is being charged by the County seems excessive in this case, and offered that City of Watsonville could be the coapplicant in the future to avoid these charges. Other Directors agreed that METRO should approach other jurisdictions to determine which one would offer the best rate.

5-16. CONSIDERATION OF REVISED LANGUAGE FOR THE HEADWAYS PUBLICATION ALLOWING FOLDING BIKES TO BE CARRIED INSIDE OF FIXED ROUTE BUSES

Summary:

Les White reported that Attachment "A-1", which was distributed earlier today, replaces Attachment "A". Mr. White explained that when he wrote the Staff Report, his recollection was that folding bikes were not going to be allowed in the wheelchair securement area, but that after reviewing the minutes and the action that the Board had taken, he found that was not the case. Attachment "A-1" addresses this by being silent on the issue, treating folding bikes like any other items while maintaining that people in wheelchairs have priority in the securement areas. MAC recommends using the language in Attachment "A-1" with Staff to monitor the situation and return to the Board for direction if needed.

Discussion:

Bob Yount reported that one of the members of MAC is on the local bike group and will get the word out about the priority of the securement areas.

Jon Bartholomew, UTU, asked for criteria for a folding bike to be eligible. Vice Chair Rotkin replied that the bike must fold in half and that there is a Bikes on Buses policy regarding full size bikes.

Regarding Item #5-13, Francisco Estrada, UTU, asked if the new bike racks would accommodate wider bikes because drivers are having to tell passengers that if their bike does not fit on the rack, it cannot go. Mark Dorfman said that the overly wide bikes would not fit.

Returning to Item #5-16, Director Spence stated that although the ADA does not require that the District enforce the priority seating of the wheelchair securement areas, she would prefer language stating that the securement areas be the last area of choice regarding storing the folding bikes.

Paul Marcelin-Sampson, MAC Chair, commented that he believes the wheelchair securement areas should be the last spaces on buses to be used for seating or storing items. Mr. Marcelin-Sampson said that Director Spence is correct and that both the bus operator and wheelchair passenger are victimized and set up for confrontation when the securement areas are used.

Vice Chair Rotkin remind everyone that the decision for the Board to make today is whether to treat folding bikes any differently than any other packages brought inside the buses.

- 5-1. <u>APPROVE REGULAR BOARD MEETING MINUTES OF JUNE 10 AND JUNE 24, 2005</u> AND SPECIAL MINUTES OF JUNE 17, 2005
- 5-2. <u>ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF</u>
 JUNE 2005
- 5-3. ACCEPT AND FILE JUNE 2005 RIDERSHIP REPORT
- 5-4. CONSIDERATION OF TORT CLAIMS: None
- 5-5. ACCEPT AND FILE THE METRO ADVISORY COMMITTEE (MAC) AGENDA FOR JULY 21, 2005 AND DRAFT MINUTES OF MAY 18, 2005
- 5-6. <u>ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR MAY 2005 AND CONSIDERATION OF BUDGET TRANSFERS</u>
- 5-7. <u>DELETED: will be included in the August Board Packet</u>
 (ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR MAY 2005)
- 5-8. ACCEPT AND FILE PARACRUZ OPERATIONS STATUS REPORT FOR THE MONTH OF APRIL 2005
- 5-9. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE FOR T HE MONTH OF MAY 2005
- 5-10. ACCEPT AND FILE METROBASE STATUS REPORT
- 5-11. <u>DELETED: will be included in the August Board Packet</u>
 (ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM
 APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION
 COMMISSION FOR THE JUNE 2005 MEETINGS)

- 5-12. CONSIDERATION OF RENEWAL OF LIABILITY AND PHYSICAL DAMAGE INSURANCE COVERAGE FOR FY 05-06
- 5-13. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT FOR 3-POSITION BICYCLE CARRIERS
- 5-14. ACCEPT AND FILE CALL STOP AUDIT REPORT FOR THE PERIOD OF APRIL, MAY AND JUNE 2005
- 5-15. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AMENDMENT FOR THE PROPERTY LOCATED AT 370 ENCINAL STREET, SUITE 100
- 5-16. CONSIDERATION OF REVISED LANGUAGE FOR THE HEADWAYS PUBLICATION ALLOWING FOLDING BIKES TO BE CARRIED INSIDE OF FIXED ROUTE BUSES
- 5-17. CONSIDERATION OF STATUS OF BUS TIRES

Director Harlan requested that the following correction be made to the Board Minutes of June 10, 2005 at the top of Page 5-1.5: "The letter suggested that Ecology Action contact the City of Santa Cruz and UC."

Regarding Item #5-15, Director Harlan asked if a longer lease was requested or needed for 370 Encinal Street. Les White responded that it is anticipated that the location will not be needed beyond two years.

Regarding Item # 5-14, Director Tavantzis commented that it seems that METRO is going the wrong direction with the Call Stops. Les White explained that definitions of a missed call have changed because in the past, if the enunciation system failed, the operator called the agreed upon stops manually, but the report would show that the stop where the system failed was missed. In actuality, in the event of a system failure, all of the stops that the talking bus system would have called, that are not required to be called and are not called by the operator manually, are also listed as failures or missed calls. Apparently, those were not counted in the old reporting system, but are now.

Vice Chair Rotkin asked that the reporting forms be changed to make this clear in writing in anticipation of these records becoming documents in a court case someday.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR ROTKIN

Approve the Consent Agenda with the correction to the June 10, 2005 Minutes¹ and with Staff to bring back a report on the Wheelchair Securement Areas in Buses for further discussion next month

Director Spence commented that previous Headways had mentioned jogging and folding bikes, and that Paul Marcelin-Sampson had noticed grammatical errors. Director Spence also requested, as she had previously, that the word "handicapped" be changed to "people with disabilities." Les White replied that it was his hope that Harlan Glatt could work with Mr. Marcelin-Sampson on correcting the grammatical errors and that is was recognized that "handicapped" was missed under the Guaranteed Back Up Service section of the last Headways, but would be changed this time.

¹ This correction has been made to the file copy of the June 10, 2005 Minutes.

Motion passed unanimously with Directors Keogh and Reilly being absent.

REGULAR AGENDA

6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS: None

No Employee Anniversaries for the month of June 2005.

7. CONSIDERATION OF SERVICE REVISIONS FOR FALL 2005

Summary:

lan McFadden reported only on the changes from what was presented to the Board on July 8^{th.} Staff met with UCSC TAPS Staff on July 11th and agreed to add an 8:50 a.m. trip to the Route 20 to help with overloads on Western Drive instead of adding proposed trips to the Routes 15 and 16. Also, the 2:55 a.m. Friday and Saturday Night Owl trip will be eliminated and the request from Peter Scott to move the Route 40 3:30p.m. trip to 4:30 will be implemented as well.

DIRECTOR REILLY RETURNED

Les White reported that Staff had met with the Highway 17 partner agencies on July 19th to review the proposed modifications and that early morning weekend trips had been reinstated in each direction, as suggested by Paul Marcelin-Sampson, with Caltrans to pay the additional cost of approximately \$12,000.00 annually.

Discussion:

Paul Marcelin-Sampson and Peter Scott thanked Staff for implementing their suggestions.

Direction:

Director Reilly asked that Mr. Marcelin-Sampson's website "iridethebus.org" and the website address for Peter Scott's Highway 17 information, when it is developed, both be listed in the next Headways.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR SKILLICORN

Approve the proposed service modifications for implementation in the Fall 2005 schedule change

Motion passed unanimously with Director Keogh being absent.

8. CONSIDERATION OF ADOPTING AN ANNUAL DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION RATE FOR FEDERALLY-FUNDED PROCUREMENTS IN FY 2006

ACTION: MOTION: DIRECTOR TAVANTZIS SECOND: DIRECTOR BEAUTZ

Adopt an annual DBE participation rate of 1.57% for FY 2006

Motion passed unanimously with Director Keogh being absent.

9. CONSIDERATION OF ACTION TAKEN ON JULY 14, 2005 BY THE CALIFORNIA TRANSPORTATION COMMISSION REGARDING AB 3090 DESIGNATION FOR METROBASE FUNDING AND TCRP FUNDING FOR PACIFIC STATION

Summary:

Les White reported that he and Chair Keogh had met with the CTC on July 14, 2005 and that the CTC had approved the AB 3090 designation for the \$6,363,000 in STIP funds programmed for the MetroBase project with a repayment year of 2008/2009. The CTC also encouraged METRO to have an allocation request ready now, as funds may be available much sooner. An allocation request for \$884,000 in TCRP funds for the METRO Center (Pacific Station) renovation project was also approved.

Mr. White said it is rare for AB 3090 designations to be approved and that the action of the CTC on July 14, 2005 eliminates the necessity of issuing long-term debt backed sales tax to replace STIP funds for the MetroBase project and provides the local match for the Congressional Earmarked funds to acquire the Greyhound property for the Pacific Station project.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR REILLY

Approve Staff recommendation that the Board of Directors formally express appreciation to Assembly Member John Laird and his staff, the Members of the CTC, the CTC staff, the RTC, the RTC staff and Board Chair Michael Keogh for their support of these critical projects.

Motion passed unanimously with Director Keogh being absent.

10. CONSIDERATION OF ISSUING A REQUEST FOR PROPOSALS FOR THE SERVICES
OF A REAL ESTATE BROKERAGE FIRM TO PROMOTE AND MANAGE THE SALE
OF THE PROPERTY OWNED BY METRO AT 25 SAKATA LANE, WATSONVILLE,
CALIFORNIA

Summary:

Les White reported that no bids were received on the property at 25 Sakata Lane in Watsonville, which was listed with an opening bid of \$4 million, and that Staff recommends issuing an RFP to obtain the services of a real estate brokerage firm to promote and manage the sale of the property.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR SKILLICORN

Authorize the General Manager to issue a Request for Proposals (RFP) to obtain the services of a real estate brokerage firm to promote and manage the sale of the property owned by METRO located at 25 Sakata Lane, Watsonville, California.

Motion passed unanimously with Director Keogh being absent.

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

Margaret Gallagher reported that the Board would be discussing SEIU and UTU Labor Negotiations with their Labor Negotiator.

12. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

Bonnie Morr gave the Board a written statement from a bus operator for their review in Closed Session and said she was happy to see the budget is coming in with over \$1 million over the last budget and that sales tax is moving up, which she hopes helps the Board see a light down the path in order to get the contracts settled appropriately.

Paul Marcelin-Sampson urged the Board not to take an action that requires service cuts or layoffs, but rather provide a small, moderate pay increase for everybody tied to the CPI. Mr. Marcelin-Sampson cited the action taken at the April 19, 2002 when the Board approved raises, service cuts and layoffs at the same meeting.

Will Regan, VMU, asked the Board to also consider the costs in this area, what other transit districts are providing their employees, and that what the workers are asking for is not unreasonable.

SECTION II: CLOSED SESSION

Vice Chair Rotkin adjourned to Closed Session at 10:27 a.m. and did not reconvene to Open Session due to loss of a quorum in Closed Session.

Respectfully submitted,

CINDI THOMAS
Administrative Services Coordinator