

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

February 28, 2003

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, February 28, 2003 at the City Hall Council Chambers, 809 Center Street, Santa Cruz, California.

Chairperson Reilly called the meeting to order at 9:05 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Sheryl Ainsworth
Jeff Almquist
Jan Beautz
Michelle Hinkle
Mike Keogh
Dennis Norton
Ana Ventura Phares
Emily Reilly
Mike Rotkin
Ex-Officio Wes Scott
Pat Spence
Marcela Tavantzis

DIRECTORS ABSENT

None

STAFF PRESENT

Bryant Baehr, Operations Manager
Mark Dorfman, Asst. General Manager
Margaret Gallagher, District Counsel
Marilyn Fenn, Asst. Finance Manager

Elisabeth Ross, Finance Manager
Robyn Slater, Interim H.R. Manager
Tom Stickel, Fleet Maint. Manager
Les White, General Manager

EMPLOYEES AND MEMBERS OF THE PUBLIC WHO INDICATED THEY WERE PRESENT

Jim Dong, Raymundo Engineering
Ed Kramer, MASTF
Spence Erickson, PG&E
Tom Hiltner, SEA
Lianne Humble, Denise Duffy & Asso.
Pete Jussel, Metro Retiree
Jeff Leblanc, Rider
Fahmey Ma'Awad, MASTF
Paul Marcelin, MUG
Manny Martinez, PSA

Bonnie Morr, UTU
Will Regan, VMU
Barbie Schaller, MASTF
Bob Scott, Consultant
Celia Scott, Consultant
Peter Scott, Campaign for Sensible
Transpo.
Marion Taylor, League of Women Voters
Amy Weiss, Interpreter

2. ORAL AND WRITTEN COMMUNICATION

- a. **A. M. Stickel** **RE: MetroBase Project**
- b. **R. Paul Marcelin, MUG** **RE: Metro Users Group Committee**

Chairperson Reilly requested a report from Margaret Gallagher at the next Board meeting regarding Mr. Marcelin's comments concerning the MUG Committee.

Paul Marcelin spoke regarding his memo to the Board, specifically, the fact that the MUG meetings are held during the day and his concerns that this limits the amount of interest in the committee. He stated that the culture of METRO needs to be changed in order to be more receptive to the riders. He welcomed a discussion with the individual Board members or with the Board as a group in the future in this regard.

Mr. Marcelin also spoke to Consent Agenda Item #7-12 regarding the deletion of the laptop computer port on the new Highway 17 buses that are on order. He stated that no one spoke with the riders regarding this and expressed concern that it wasn't brought before the Board prior to notifying the manufacturer. Mark Dorfman responded by explaining that the vendor was having a problem working this option into the electrical system and including the ports would create a 24-week delay in delivery. Due to the TCRP (Traffic Congestion Relief Program) funding mechanism used to purchase these buses, staff's goal was to accelerate their delivery so as not to jeopardize the TCRP funds. Mr. Dorfman added that since the Highway 17 Express service is only one hour long, laptop computers should have ample battery power to handle the trip.

3. LABOR ORGANIZATION COMMUNICATIONS

None

4. METRO USERS GROUP (MUG) COMMUNICATIONS

Director Hinkle reported that nominations were taken for the Call Stop Committee and that Barbie Schaller and Ted Chatterton were nominated. Ms. Schaller agreed to represent the Seniors Commission on that committee so another MUG member is needed to complete their representation.

5. METRO ACCESSIBLE SERVICES TRANSIT FORUM (MASTF) COMMUNICATIONS

Ed Kramer reported that in April 2001 MASTF directed its Chair to send a letter to the Board that it approves of the MetroBase project.

At its February 20, 2003 meeting, MASTF confirmed the appointments of Connie Day and Ed Kramer as MASTF representatives to the METRO Call Stop Advisory Committee.

6. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

SECTION I:

ADD TO ITEM #2

ORAL AND WRITTEN COMMUNICATION

- a. A. M. Stickel RE: MetroBase Project
- b. R. Paul Marcelin, MUG RE: Metro Users Group
Committee
- c. Ceil Cirillo, Dir. of Redevelop. RE: MetroBase
City of Santa Cruz

(Insert written communications)

CONSENT AGENDA:

ADD TO ITEM #7-4

CONSIDERATION OF TORT CLAIMS: Deny the claims of: Ethan Miller, Claim #03-0005

(Insert Claim)

ADD TO ITEM #7-11

CONSIDERATION OF AUTHORIZATION OF DISPOSAL OF VEHICLE #893, AND TWENTY (20) FOOTHILL BUSES

(Insert Revised Staff Report and Attachment)

ADD TO ITEM #7-12

CONSIDERATION OF AMENDMENT TO CONTRACT WITH ORION BUS INDUSTRIES FOR THE PURCHASE OF DIESEL, HIGH-FLOOR SUBURBAN BUSES THAT CAN BE CONVERTED TO COMPRESSED NATURAL GAS (CNG)

(Insert Revised Page 11-B-5 – This item was moved from Regular Agenda to Consent Agenda. Staff Report retained original numbering as Item #11)

ADD TO ITEM #7-13

CONSIDERATION OF AMENDING DAY WIRELESS SYSTEM CONTRACT

(Insert Revised Page 12-1 – This item was moved from Regular Agenda to Consent Agenda. Staff Report retained original numbering as Item #12)

ADD TO ITEM #7-17

CONSIDERATION OF BUS ADVERTISING STATUS REPORT

(Insert Staff Report)

REGULAR AGENDA:

DELETE ITEM #10

CONSIDERATION OF AMENDING CONTRACT FOR THE CONSTRUCTION OF A COMPRESSED NATURAL GAS (CNG) FUEL STATION

(Information pending – Will be brought back to Board in March)

DELETE ITEM #16

CONSIDERATION OF APPROVAL OF INITIATING A LOCAL

- PLANNING PROCESS TO ACHIEVE PUBLIC PARTICIPATION
IN REVISING THE CALL STOP LIST
(Action was taken at the 2/14/03 meeting)
- AND....**
- REPLACE WITH NEW
STAFF REPORT** CONSIDERATION OF RESOLUTION OF APPRECIATION FOR TIM
FITZMAURICE
**(Replace deleted Call Stop List staff report with Resolution of
Appreciation as Item #16 for 2/28/03 Board meeting)**
- ADD TO ITEM #19** CONSIDERATION OF REMOVAL OF OWNER FROM LEASE FOR
TENANT’S BUSINESS AT WATSONVILLE TRANSIT CENTER
(Add Staff Report)
- ADD TO ITEM #20** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER
TO EXECUTE AN EXTENSION TO THE CURRENT LEASE FOR
THE PROPERTY LOCATED AT 111 DUBOIS STREET FOR AN
ADDITIONAL ONE-YEAR PERIOD
(Add Staff Report)
- ADD TO ITEM #21** CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER
TO EXECUTE AN ADDENDUM TO THE SANTA CRUZ
METROPOLITAN TRANSIT DISTRICT’S LEASE WITH
FREDERICK ELECTRONICS CORPORATION, DATED
DECEMBER 1, 2000 TO LEASE AN ADDITIONAL 1,000 SQUARE
FEET OF SPACE
(Add Staff Report)
- ADD TO ITEM #22** CONSIDERATION OF AUTHORIZING THE BOARD CHAIR TO
TRANSMIT A LETTER TO THE CONGRESSIONAL DELEGATION
EXPRESSING THE BOARD’S DISAPPROVAL OF THE BUSH
ADMINISTRATION’S PROPOSED CHANGES IN THE
STRUCTURE OF THE FEDERAL TRANSIT PROGRAM
(Add Staff Report)
- ADD TO ITEM #23** CONSIDERATION OF AMENDING MEMORANDUM OF
UNDERSTANDING BETWEEN THE SANTA CRUZ
METROPOLITAN TRANSIT DISTRICT AND THE SERVICE
EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 415
(Add Staff Report)
- ADD TO ITEM #24** CONSIDERATION OF AWARD OF CONTRACT FOR LEGAL
SERVICES IN THE AREA OF WORKER’S COMPENSATION
(Add Staff Report)

Margaret Gallagher requested approval from the Board to add one item as follows:
Consideration of authorizing the General Manager to execute lease agreement for 120 DuBois.
She explained that the current lease agreement expired on February 14 and due to a computer
error in the notification procedure, staff was not notified of the expiration until after the agenda

was posted. Action needs to be taken at today's meeting on this lease. Staff has set up a manual system to avoid this occurring in the future.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR KEOGH

Make the necessary findings to declare that there is a need to take action before the next Board meeting and place it on the regular agenda to be taken with Item #20.

Motion passed unanimously.

CONSENT AGENDA

- 7-1. APPROVE REGULAR BOARD MEETING MINUTES OF JANUARY 10 AND JANUARY 24, 2003
- 7-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS
- 7-3. ACCEPT AND FILE JANUARY 2003 RIDERSHIP REPORT
- 7-4. CONSIDERATION OF TORT CLAIMS: Deny the Claims of: Jason Joseffer, Claim #03-0003, Kevin Dysle, Claim #03-0004, Ethan Miller, Claim #03-0005
- 7-5. ACCEPT AND FILE AGENDA FOR THE MASTF COMMITTEE MEETING OF FEBRUARY 20, 2003 AND MINUTES OF THE JANUARY 16, 2003 MEETING
- 7-6. ACCEPT AND FILE AGENDA FOR THE MUG COMMITTEE MEETING OF FEBRUARY 19, 2003 AND MINUTES OF THE JANUARY 15, 2003 MEETING
- 7-7. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORT FOR DECEMBER 2002
- 7-8. ACCEPT AND FILE PARACRUZ STATUS REPORT FOR NOVEMBER 2002
- 7-9. ACCEPT AND FILE HIGHWAY 17 STATUS REPORT FOR DECEMBER 2002
- 7-10. ACCEPT AND FILE UNIVERSITY OF CALIFORNIA, SANTA CRUZ SERVICE UPDATE
- 7-11. CONSIDERATION OF AUTHORIZATION OF DISPOSAL OF VEHICLE #893, AND TWENTY (20) FOOTHILL BUSES
- 7-12. CONSIDERATION OF AMENDMENT TO CONTRACT WITH ORION BUS INDUSTRIES FOR THE PURCHASE OF DIESEL, HIGH-FLOOR SUBURBAN BUSES THAT CAN BE CONVERTED TO COMPRESSED NATURAL GAS (CNG)
(Moved to Consent Agenda at the February 14, 2003 Board Meeting. Staff report retained original numbering as Item #11)
- 7-13. CONSIDERATION OF AMENDING DAY WIRELESS SYSTEMS CONTRACT
(Moved to Consent Agenda at the February 14, 2003 Board Meeting. Staff report retained original numbering as Item #12)
- 7-14. CONSIDERATION OF APPROVAL TO PAY FOR ADDITIONAL WORK PERFORMED ON CONTRACT FOR RETROFITTING THE MINOR MAINTENANCE FACILITY
(Moved to Consent Agenda at the February 14, 2003 Board Meeting. Staff report retained original numbering as Item #13)
- 7-15. RECONSIDERATION OF BOARD OF DIRECTORS' DIRECTION TO ISSUE A REQUEST FOR PROPOSALS FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A KIOSK FOR THE OPERATION OF A NEW RESTAURANT BUSINESS AT THE WATSONVILLE TRANSIT CENTER
(Moved to Consent Agenda at the February 14, 2003 Board Meeting. Staff report retained original numbering as Item #14)
- 7-16. CONSIDERATION OF AUTHORIZATION TO PURCHASE PARATRANSIT AND FIXED ROUTE MID-SIZE BUSES USING STATE CONTRACT

(Moved to Consent Agenda at the February 14, 2003 Board Meeting. Staff report retained original numbering as Item #15)

7-17. CONSIDERATION OF BUS ADVERTISING STATUS REPORT

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR REILLY

Approve the Consent Agenda, including Item #7-12 which was previously pulled for discussion.

Motion passed unanimously.

REGULAR AGENDA

8. CONSIDERATION OF PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

Discussion:

Director Rotkin requested that when a 25-year employee cannot attend the Board meeting to accept his/her Certification of Appreciation, that the presentation be postponed until the next Board meeting to give the employee the opportunity to attend.

The following employee was acknowledged with a longevity certificate for his years of service:

FIFTEEN YEARS

Pete Legorretta, Bus Operator

TWENTY-FIVE YEARS

Henry Lee, Lead Mechanic

It was noted that Pete Legorretta was just promoted to the supervisory position and Henry Lee has been a lead mechanic for the past two years. Mr. Lee was not in attendance and will, therefore, be invited to the March Board meeting.

9. CONSIDERATION OF APPROVING THE UPDATE TO THE EQUAL EMPLOYEE OPPORTUNITY PLAN (EEOP)

Summary:

Robyn Slater reported that this plan has to be recertified every three years and sent to FTA (Federal Transit Administration). Staff is requesting approval so the plan can be submitted to the FTA as required by March 3, 2003.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR PHARES

Approve the Equal Employee Opportunity Plan.

Director Rotkin acknowledged how valuable this information is to the Board so they can ensure that METRO has an effective affirmative action plan in place. Staff is making decisions that reflect our community. He thanked the staff for their efforts.

Motion passed unanimously.

10. **DELETED**
11. **MOVED TO CONSENT AGENDA AS ITEM #7-12**
12. **MOVED TO CONSENT AGENDA AS ITEM #7-13**
13. **MOVED TO CONSENT AGENDA AS ITEM #7-14**
14. **MOVED TO CONSENT AGENDA AS ITEM #7-15**
15. **MOVED TO CONSENT AGENDA AS ITEM #7-16**
16. **CONSIDERATION OF RESOLUTION OF APPRECIATION FOR TIM FITZMAURICE**

Summary:

Les White reported that this is a Resolution of Appreciation for Ex-Director Tim Fitzmaurice recognizing his service on the METRO Board. Chairperson Reilly read the Resolution aloud.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve Resolution of Appreciation

AYES: Ainsworth, Almquist, Beautz, Hinkle, Keogh, Norton, Phares, Reilly, Rotkin, Spence, Tavantzis

NOES: None

ABSTAIN: None

ABSENT: None

It was pointed out that Mr. Fitzmaurice rode the bus every day and how important it is to have a Board member who has this intimate connection to the transit system.

17. **CONSIDERATION OF RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE METROBASE PROJECT, AND ADOPTION OF**

**LEGAL FINDINGS AND MITIGATION MEASURES AND MITIGATION MONITORING
AND REPORTING PROGRAM**

Summary:

Les White reported that the EIR of the Harvey West Cluster #1 is before the Board for certification at today's meeting. A map was shown that reflects the sites included in the EIR, which are the River Street Operating facility, the Tool Shed property, the Golf Club minor maintenance facility and the Surf City Produce property. The scope of this component of the project would support conversion of the fleet to CNG in the timeframe necessary by 2005. This would support a fleet of approximately 98 buses for fleet maintenance and operations functions only.

Leianne Humble of Denise Duffy & Associates authored the EIR and summarized the EIR process beginning with the Notice of Preparation on April 30, 2002 to the final EIR being completed and ready for review on February 7, 2003. There were no questions from the Board and discussion was opened up to the public.

Discussion:

Ed Davidson of 200 Button Street stated that he submitted a letter during the scoping period but did not see it in the final EIR report. His letter was regarding the eastern access to the University of California, Santa Cruz. He stated that this access would occur during the life of the MetroBase project. He added that to ignore the eastern access is not consistent with the requirements of the California Environmental Quality Act (CEQA). He asked that the Board not certify the EIR because it is in conflict with the requirements of CEQA.

Barbie Schaller, a Blackbird Street resident, spoke regarding her extensive bus riding experience and the fact that there are 74 projects in which seniors are involved. Seniors comprise more than 15% of the volunteers in Santa Cruz and they need the bus to get around. Lack of bus service would mean lack of volunteers in Santa Cruz County. Ms. Schaller is in support of the Board approving the MetroBase EIR and project.

Jeff LeBlanc, a resident of Santa Cruz, has been riding the buses for sixteen years as a matter of necessity. The bus system has enabled him to be a part of the community to an extent that otherwise would not have been possible. He is in support of the Board approving both the MetroBase project and the EIR so METRO can move forward with this project, which is so vital to the preservation of the transit district. He pointed out that delays cost money and service cuts could have been avoided if the MetroBase facility had been in place.

Peter Scott spoke on behalf of the Campaign for Sensible Transportation. He came before the Board to express his support two weeks ago and to again today give the support of his group for the approval of the MetroBase EIR and project.

Larry Pederson, President and CEO of A Tool Shed Equipment Tools and Rentals, addressed the Board. His business is a 60-year old family business and serves four counties. He stated that he has had no correspondence with anyone concerning what METRO's plans are for the future of the Tool Shed property. As plans move forward, he requested that communication

take place with him and his company officers. He expressed that he would like to stay at the location where the business is currently located.

Fahmey Ma'Awad spoke on behalf of the Doran Center for the Blind. He expressed the need for MetroBase in order to get people out of their cars and onto buses. He is in support of the MetroBase EIR and project.

Bonnie Morr, Chairperson of the UTU, Local 23. She spoke to encourage the Board to move quickly and get past the EIR so METRO can move on to other issues and onto the next step in the MetroBase process.

John Barthomew, bus operator, spoke in support of MetroBase and reiterated that METRO has two years in which to do this project (i.e. in order to have the entire fleet converted to alternative fuel). He added that he appreciates the concerns of the Tool Shed, however, it is easier to move one business than to move a bus terminal.

Tom Hiltner, President of SEA, spoke on behalf of 67 METRO employees and members of the union who strongly support the MetroBase project. He asked that the Board pass the resolution approving the EIR. He reiterated that in 1999 there were \$32 million available for the MetroBase project, however, \$12 million of these funds were lost due to delays. "If MetroBase were in existence now, the upcoming service reductions would not be necessary since METRO's operating costs would be lower." He urged the Board to approve the EIR and project and to move to the next steps quickly to build MetroBase.

Brent Bouchard, representing the Asa family, spoke regarding the Golf Club Drive property. He is the owner and operator of the Surf City Produce business. He explained his family's history with this business and location and expressed how difficult it will be to leave that location. Even though his business will continue running once they are relocated, he told the Board that a part of his family will always be with the original location.

Chairperson Reilly took this opportunity to thank those people in attendance who will be adversely affected by the MetroBase project for the generosity and graciousness with which they spoke to the Board during this difficult time for them.

Manny Martinez, Transit Supervisor and Chairperson of PSA, spoke regarding his personal experience with relocating a family business on the East Coast and his understanding of what the Tool Shed and Surf City Produce owners are going through. He added that METRO staff has already been working under challenging conditions on a daily basis just to keep the buses on the streets. He stated that PSA is 100% behind the MetroBase project and Mr. Martinez encouraged the Board to do whatever possible to make this project happen.

Will Regan of VMU fully supports the building of MetroBase along with the 20+ VMU members he represents. He stated that it is a hard decision no matter where the project is built as it will affect someone and he understands the comments and feelings of others who spoke today. He supports the approval of the EIR and project and hopes it will move forward quickly.

Paul Marcelin, MUG member and transit rider, spoke in favor of approving the MetroBase project and stated that he feels METRO and its consultant have done a stellar job on the EIR and on responding to comments made. He urged the Board to accept the EIR.

Mr. White concluded the discussion by stating that METRO has a responsibility to provide relocation and to make those businesses affected whole. He added that relocation does not mean replication, however, METRO would do everything possible to handle these issues with sensitivity and to minimize the disruptions associated with that kind of relocation. He assured the Board that staff would be communicating with those affected business owners going forward. He further added that communication with the property owners has been minimal to date, except for what was necessary for the EIR. Since this was the third preferred alternative, staff delayed extensive conversations with business owners until it was determined that this site would be approved. With recommendations from the Board regarding property acquisition, staff will provide relocation assistance to the Tool Shed and Surf City Produce within the next two months.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR HINKLE

Moved passage of the Resolution to certify the final Environmental Impact Report (EIR) for the MetroBase project and adopt Legal Findings and Mitigation Measures and Mitigation Monitoring and Reporting Program by a unanimous voice vote in lieu of a roll call.

Director Rotkin added that the eastern access to the university was taken out of the City's Master Plan and that there is no legal obligation that METRO should study something just because someone thinks it is a good idea. Mr. White reiterated that staff is on schedule with the MetroBase project as outlined in the monthly status report, which will be in next month's agenda packet.

Motion passed unanimously. No dissents were registered.

18. CONSIDERATION OF APPROVAL OF THE METROBASE PROJECT

Summary:

Les White reported that now that the EIR and the Mitigation Plan have been approved by the Board for the MetroBase project, the next step is for the Board to approve the project itself as outlined in the EIR. Once the project is approved, staff can begin on the design/construction documentation.

ACTION: MOTION: DIRECTOR BEAUTZ SECOND: DIRECTOR AINSWORTH

Move approval of the MetroBase project.

Discussion:

Jim Larson of PG&E's Cleaner Transportation Program thanked the staff for choosing the CNG alternative fuel for the fleet, which exceeds emissions requirements, and the Board for

supporting the vision and commitment from PG&E. PG&E will continue to support the MetroBase project through the transition over to natural gas.

Will Regan of VMU stated that he is looking forward to working with management during the design phase. He reiterated the tight constraints imposed by the California Air Resources Board to have alternative-fueled buses on the road. Bonnie Morr thanked the Board on behalf of all the drivers for approving the EIR and project today. Director Phares, as one of the newest Board members, thanked METRO employees and the bus riding public for their incredible patience during this process. Celia Scott congratulated the METRO Board and staff that this day of approval finally arrived. Director Norton expressed his feelings with “It’s a wonderful day in the neighborhood”.

Motion passed unanimously.

19. CONSIDERATION OF REMOVAL OF OWNER FROM LEASE FOR TENANT’S BUSINESS AT WATSONVILLE TRANSIT CENTER

Summary:

Margaret Gallagher reported that the Taqueria El Torito currently has three people on the lease. It was requested that Maria Uribe be deleted from the lease so she can direct her efforts to a new business. The business has been in the Watsonville Transit Center for over five years and they have maintained the terms and conditions of their lease.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute an Amendment to the Lease allowing Juan Valdivia and Maria de Lourdes Valdivia to take their mother’s name, Maria Uribe, off the lease for Taqueria El Torito, currently doing business at the Watsonville Transit Center.

Director Keogh confirmed that METRO is not losing a financial guarantee by deleting this partner from the lease.

Motion passed unanimously.

20. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN EXTENSION TO THE CURRENT LEASE FOR THE PROPERTY LOCATED AT 111 DUBOIS STREET FOR AN ADDITIONAL ONE-YEAR PERIOD

Summary:

Margaret Gallagher reported that this is the lease that involves the Fleet Maintenance facility with the bays. The lease extension would be for one year. The current lease expires today. A CPI adjustment would be made on the rent.

This item will include the emergency add-on item as specified under Item #6 as follows:

CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE LEASE AGREEMENT FOR 120 DUBOIS

Summary:

This lease expired on February 14, 2003. Staff is requesting a three-year lease with two one-year extensions. This lease would also contain a CPI adjustment on the rent.

Discussion:

There was concern that there might be interest in leasing it to someone else since the lease has lapsed. Ms. Gallagher confirmed that the facility landlord missed the deadline as well and that they are not interested in leasing to anyone else.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR AINSWORTH

Authorize the General Manager to execute an extension to the current lease between the METRO and the 1977 Juliano Trust for the properties located at 111 Dubois Street as indicated above. Authorize the General Manager to execute a three-year lease with two one-year extensions for the property located at 120 Dubois Street with the Hinshaw landlord.

Motion passed unanimously.

21. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN ADDENDUM TO THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT'S LEASE WITH FREDERICK ELECTRONICS CORPORATION, DATED DECEMBER 1, 2000 TO LEASE AN ADDITIONAL 1,000 SQUARE FEET OF SPACE

Summary:

Ms. Gallagher reported that the staff report is erroneous and should state 9,600 sq. ft. instead of 1,000 sq. ft.

Discussion:

Director Ainsworth questioned that cost of this with the new information of 9,600 sq. ft. and was informed that Ms. Gallagher would speak with the landlord and return to the Board with the correct price changes.

ACTION: MOTION: DIRECTOR ROTKIN SECOND: DIRECTOR REILLY

Approve space up to 10,000 sq. ft. at \$.06 per sq. ft. and authorize Counsel to develop an amendment in this regard. Modify the terms of the agreement to read “up to” six months.

It was confirmed that the timeframe of six months for which this additional space is needed might be shortened by working on a quick disposal of the excess vehicles that are awaiting auction.

Motion passed unanimously.

22. CONSIDERATION OF AUTHORIZING THE BOARD CHAIR TO TRANSMIT A LETTER TO THE CONGRESSIONAL DELEGATION EXPRESSING THE BOARD'S DISAPPROVAL OF THE BUSH ADMINISTRATION'S PROPOSED CHANGES IN THE STRUCTURE OF THE FEDERAL TRANSIT PROGRAM

Summary:

Les White reported that during their trip to Washington, DC for the APTA Legislative Conference next week, he and Directors Reilly and Keogh will encourage the Bay Area members of the delegation to support earmarking of \$8.6 million over five years for the Metro Center Redevelopment project. The current administration's budget would eliminate the "discretionary bus money" which would be a major structural change in the program. If this occurred, the funds would be redirected to "rail systems" and METRO would not be a viable candidate for these funds. Staff recommends that he and Directors Reilly and Keogh communicate to key members of the transportation and infrastructure committees that elimination of this program would create a hardship for the District.

ACTION: MOTION: DIRECTOR AINSWORTH SECOND: DIRECTOR ALMQUIST

Authorize the Chair to transmit a letter to members of Congress from the Bay Area expressing disapproval of the structural changes in the Federal Transit Program proposed by the Bush Administration.

Discussion:

Director Almquist asked if METRO's efficiency tier proposal made it into the Administration's proposal and was told that an efficiency tier was utilized but it was different from the one proposed by METRO – the Office of Management and Budget and the White House did not use METRO's criteria. The criteria utilized was strictly contingent on ridership growth.

Motion passed unanimously.

23. CONSIDERATION OF AMENDING MEMORANDUM OF UNDERSTANDING BETWEEN THE SANTA CRUZ METROPOLITAN TRANSIT DISTRICT AND THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 415

Summary:

Bryant Baehr reported that staff came to a tentative agreement with SEIU Local 415 and PSA regarding the Transit Supervisor/Scheduler position. The basic language is included in the staff report. It was specified that this is a "meet and confer" on this particular issue only.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR NORTON

Authorize the General Manager to enter into a side agreement with the SEIU Local 415 modifying the MOU between METRO and SEIU Local 415.

Motion passed unanimously.

24. CONSIDERATION OF AWARD OF CONTRACT FOR LEGAL SERVICES IN THE AREA OF WORKER'S COMPENSATION

Summary:

Tom Stickel reported that last year METRO had over \$1 million in Workers' Compensation claims. To assist in processing these claims, staff has completed and sent out a Request for Proposal for legal assistance. Staff ranked each respondent and this ranking is included in the staff report. Staff recommends that the Board authorize execution of a contract with the law offices of Marie Sang in Campbell, California.

ACTION: MOTION: DIRECTOR ALMQUIST SECOND: DIRECTOR ROTKIN

Authorize the General Manager to execute a contract for legal services in the area of Workers' Compensation with the law offices of Marie F. Sang. Request that Ms. Sang's office use laymen's terms when corresponding with METRO.

Motion passed unanimously.

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

Margaret Gallagher stated that the existing litigation cases of Frank Cousins, Steve Davidson and Soretta Chatman vs. METRO would be discussed in Closed Session. Ms. Gallagher asked that the existing litigation case of Carrie Weech Rose vs. METRO be removed from the Closed Session agenda at this time.

26. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None

SECTION II: CLOSED SESSION

Chairperson Reilly adjourned to Closed Session at 10:33 a.m. Chairperson Reilly reconvened to Open Session at 11:50 a.m.

SECTION III: RECONVENE TO OPEN SESSION

21. REPORT OF CLOSED SESSION

There was nothing to report at this time.

ADJOURN

There being no further business, Chairperson Reilly adjourned the meeting at 11:50 a.m.

Respectfully submitted.

Dale Carr
Administrative Services Coordinator