

SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

Minutes- Board of Directors

June 10, 2011

A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on Friday, June 10, 2011 at the District's Administrative Office located at 110 Vernon Street in Santa Cruz, California.

Vice Chair Robinson called the meeting to order at 9:33 a.m.

SECTION 1: OPEN SESSION

1. ROLL CALL:

DIRECTORS PRESENT

Margarita Alejo - arrived after roll call
Hilary Bryant
Dene Bustichi
Ron Graves
Donald Hagen
Michelle Hinkle - arrived after roll call
John Leopold
Ellen Pirie
Lynn Robinson
Ex-Officio Donna Blitzer

DIRECTORS ABSENT

Daniel Dodge
Mark Stone

STAFF PRESENT

Ciro Aguirre, Operations Manager	Debbie Kinslow, Asst Finance Manager
Pat Aviles, Asst Human Resources Manager	Dave Moreau, Asst Paratransit Superintendent
Frank Cheng, IT & MB Project Manager	Robyn Slater, Human Resources Manager
Bob Cotter, Maintenance Manager	April Warnock, Paratransit Superintendent
Mary Ferrick, Fixed Route Superintendent	Leslie R. White, General Manager
Margaret Gallagher, District Counsel	

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

John Daugherty, SEA
Manny Martinez, PSA
Eduardo Montesino, UTU
Larry Pageler, UCSC

2-1. ORAL AND WRITTEN COMMUNICATION TO THE BOARD OF DIRECTORS

Written:

- | | |
|-------------------|------------------------------------|
| a. Wendy King | re: Accessible Service Coordinator |
| b. Virginia Fette | re: Accessible Service Coordinator |

Oral:

Director Hagen thanked staff for the outreach to the Watsonville community regarding service reductions. Director Bustichi asked that the topic of a marketing program for leasing METRO properties be added to the next Agenda. Director Bustichi announced the June 18 Grand Opening of the Scotts Valley Library and issued an invitation to the celebration.

DIRECTOR HINKLE ARRIVED.

2-2. ORAL AND WRITTEN COMMUNICATION REGARDING SERVICE REDUCTIONS

None.

3. LABOR ORGANIZATION COMMUNICATIONS

None.

4. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Vice Chair Robinson noted that item #10.1 was available.

CONSENT AGENDA

- 5-1. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF ANN SCHWARTZ, CLAIM #11-0013**
- 5-2. NOTICE OF ACTIONS TAKEN IN CLOSED SESSION REGARDING SETTLEMENT WITH STATE FARM INSURANCE (SUBROGATING FOR DIAS, PHYLLIS); SETTLEMENT WITH ALBERTO BARRAGAN; PAYMENT AGREEMENT WITH PACIFIC GAS AND ELECTRIC; PAYMENT AGREEMENT WITH RON ANDERSON; AND PAYMENT AGREEMENT WITH JOYCE MATTOS**
- 5-3. ACCEPT AND FILE MINUTES OF APRIL 20, 2011 METRO ADVISORY COMMITTEE (MAC) MEETING; RECEIVE AND FILE RECOMMENDATION FROM MAC MEETING OF MAY 18, 2011; ACCEPT AND FILE MAC AGENDA FOR JUNE 2011**
- 5-4. ACCEPT AND FILE MINUTES REFLECTING VOTING RESULTS FROM APPOINTEES TO THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION FOR PREVIOUS MEETINGS**
- 5-5. CONSIDERATION OF AUTHORIZING THE GENERAL MANGER TO EXECUTE A WAIVER AND RELEASE AND TO EXERCISE AN OPTION TO PURCHASE ELEVEN (11) FORTY-FOOT LOW FLOOR COMPRESSED NATURAL GAS INTERCITY COACHES FROM THE METROPOLITAN TRANSIT SYSTEM (MTS) OF SAN DIEGO CALIFORNIA CONTRACT WITH NEW FLYER OF AMERICA**
- 5-6. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT TO PROVIDE INSTALLATION AND PROCUREMENT WITH COATS CONSTRUCTION COMPANY FOR NATURAL GAS SENSORS**

5-7. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH ALLIANT INSURANCE SERVICES, INC., FOR EXCESS WORKERS COMPENSATION

5-8. CONSIDERATION OF DECLARING TROLLEY SPARE PARTS AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR GRAVES

Vice Chair Robinson requested that item #5-3 be added to the next agenda. Director Hagen asked if the funds for item #5-5 were in the budget. Ciro Aguirre affirmed that the funds are in the budget.

Approve Consent Agenda.

Motion passed unanimously with Directors Alejo, Dodge and Stone being absent.

DIRECTOR ALEJO ARRIVED.

REGULAR AGENDA

6. CONSIDERATION OF ACCEPTING PUBLIC COMMENTS AND ISSUING A DECLARATION OF FISCAL EMERGENCY

Summary:

Leslie R. White stated that the Directors are being asked to accept public comments and to issue a declaration of fiscal emergency. Mr. White said that the declaration of a fiscal emergency is necessary when transit agencies contemplate making significant cuts in service, and must do so in order to maintain financial integrity.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD

Approve issuing Declaration of Fiscal Emergency.

Motion passed unanimously with Directors Dodge and Stone being absent.

7. ACCEPT AND FILE PUBLIC COMMENTS PERTAINING TO THE PROPOSED FIXED ROUTE SERVICE REDUCTIONS FOR FALL 2011

Summary:

Ciro Aguirre said that the Board was being asked to accept public comments pertaining to the proposed service reductions for Fall 2011.

Discussion:

Vice Chair Robinson thanked staff for the layout of the presentation. Chair Pirie also thanked staff for their efforts. Director Leopold gave thanks to staff and said it was a victory for the public that the process worked.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD

Accept and file public comments pertaining to the proposed fixed route service reductions for Fall 2011.

Motion passed unanimously with Directors Dodge and Stone being absent.

8. CONSIDERATION OF PROPOSED METRO FIXED ROUTE SERVICE REDUCTIONS FOR FALL 2011 INCLUDING CONSIDERATION OF PUBLIC COMMENTS RECEIVED

Summary:

Ciro Aguirre said that the Board was being asked to consider proposed service reductions for Fall 2011. Carolyn Derwing presented the proposed service reductions and said that it totaled an 8.2% reduction in service.

Discussion:

Director Leopold said that he appreciated the restoration of trips that were previously slated to be cut. Director Bryant noted that Route #3 was very important. Director Hinkle said that the improvements to the route 69A/W would be appreciated. Larry Pageler, UCSC TAPS, asked if routes #3 and #4 would retain their current routes, and detailed the Night Owl service that UCSC will operate.

Eduardo Montesino, UTU, said that one trip of route #69 per hour on the weekends is not sufficient. Manny Martinez, PSA, voiced his concern about the lack of adequate supervision when loading Night Owl buses. Chair Pirie asked Erich Friedrich for ridership numbers on the weekend route 69.

NO ACTION TAKEN.

9. CONSIDERATION OF THE REVISED PROPOSED FY12 FINAL BUDGET

Summary:

Leslie R. White briefly summarized the proposed final budget for the Board's consideration, and said that a 5-year outlook had been developed. Mr. White noted that there were no provisions for labor agreement wage adjustments.

Discussion:

Director Leopold said that the 5-year outlook was very helpful, and asked if METRO might need to hire more drivers in light of the many retirements. Mr. White said that METRO would have to hire if necessary. Director Hagen asked if ParaCruz fare would be increased. Leslie R. White said that ParaCruz fares would go up proportionally.

Larry Swain, UTU-Paratransit, said that he was concerned that ParaCruz not become even more understaffed, and he asked the Board to allow ParaCruz to maintain service. Eduardo Montesino, UTU, said that the Union envisioned that everyone would be making sacrifices due to the deficit, and he implored SEIU and Management to give up their 3% increases.

NO ACTION TAKEN.

10. CONSIDERATION OF ENTERING INTO A CONTRACTUAL ARRANGEMENT WITH THE CITY OF SANTA CRUZ AND/OR THE CITY OF SANTA CRUZ REDEVELOPMENT

AGENCY FOR NECESSARY FUELING OF THE TROLLEY AND UTILIZATION OF CERTAIN METRO BUS STOPS FOR THE TROLLEY'S OPERATION

Summary:

Margaret Gallagher said that the Board was being asked to consider an arrangement with the Downtown Trolley Consortium to provide back-up fueling services and for the use of METRO bus stops.

Discussion:

Bill Tysseling, Downtown Trolley Consortium, said that \$50,000 had been raised for operating the trolley. Vice Chair Robinson asked about liability. Mr. Tysseling said that the operator, First Transit, had a \$15 million umbrella liability policy. John Daugherty, SEA, asked if the operator was a union shop. Mr. Tysseling said he did not know. Mr. Daugherty said that there would be a philosophical conflict if the operator was not unionized, and asked for the information at a later time.

Manny Martinez, PSA, said that METRO is a union shop and that First Transit is not, and he did not approve of non-union personnel at METRO facilities. Eduardo Montesino said he was not in favor of the agreement and noted that Lift Line operators are union. Mr. Tysseling said that Lift Line had withdrawn their bid.

There was a discussion about how the trolley would be fueled. Leslie R. White said that only trained METRO personnel would be refueling. Director Bustichi asked if there was a conflict of interest with METRO's collective bargaining agreement, and whether METRO employees could refuse to refuel the trolley. Mr. White said that employees could probably not refuse. Chair Pirie asked if METRO has policies that require METRO to work with agencies that are union shops. Mr. White said METRO uses prevailing wage requirements in construction contracts, but there is nothing that requires that METRO only work with union shops. Mr. White said that having non-union employees do a like job on a vehicle that used to be owned by METRO will generate questions about why METRO is not being contracted to provide the trolley service as was the original plan when METRO purchased the trolley on behalf of the city of Santa Cruz.

Director Bustichi said his motion would be that the General Manager maybe work with the Chair, being an attorney, and other counsel to put together a lease agreement and review all the indemnifications and insurances so that they all feel comfortable to move into an agreement to allow the use of both the bus stop facilities as well as the CNG refueling on an emergency basis only. Chair Pirie added that the General Manager was authorized to sign the agreement. Director Hagen said that in light of upcoming negotiations, he felt that METRO should not be working in the face of the Unions. Vice Chair Robinson pointed out that the agreement is for one year with the current provider, and she encouraged the consortium to reconsider that in a year.

ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR BRYANT

Authorize General Manager to enter into an agreement with the Downtown Trolley Consortium for the use of METRO bus stop facilities, and for CNG refueling on an emergency basis only.

Motion passed with Directors Alejo and Hagen voting no, and with Directors Dodge and Stone being absent.

11. ORAL ANNOUNCEMENT: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD FRIDAY JUNE 24, 2011 AT 9:00 A.M. AT THE SANTA CRUZ CITY COUNCIL CHAMBERS LOCATED AT 809 CENTER STREET, IN SANTA CRUZ.

12. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Margaret Gallagher stated that the Board of Directors would have a conference with its Labor Negotiators Robyn Slater, Human Resources Manager; Angela Aitken, Acting Assistant General Manager/Finance Manager, Ciro Aguirre, Operations Manager; and Mary Ferrick, Fixed Route Superintendent. Ms. Gallagher said that the Employee Organizations are the United Transportation Union (UTU), Local 23 (Fixed Route and Paracruz) and Service Employees International Union (SEIU), Local 521.

13. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Vice Chair Robinson adjourned to Closed Session at 9:42 a.m. and reconvened to Open Session at 9:51 a.m.

SECTION III: RECONVENE TO OPEN SESSION

14. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there was no reportable action taken in Closed Session.

ADJOURN

There being no further business, Vice Chair Robinson adjourned the meeting at 9:51 a.m.

Respectfully submitted,



ANTHONY TAPIZ
Administrative Services Coordinator