



Minutes- Board of Directors

December 7, 2012

A special meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District was convened on the above date at the Administrative Offices of Santa Cruz METRO, located at 110 Vernon Street, in Santa Cruz, California.

SECTION I:

1. CALL TO ORDER / ROLL CALL

1-1. Chair Robinson called the meeting to order at 9:13 a.m.

1-2. The following Directors were present:

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| Director Margarita Alejo | <input checked="" type="checkbox"/> |
| Director Hilary Bryant | <input checked="" type="checkbox"/> |
| Director Dene Bustichi | <input checked="" type="checkbox"/> |
| Director Daniel Dodge | <input checked="" type="checkbox"/> |
| Director Ron Graves | <input checked="" type="checkbox"/> |
| Director Michelle Hinkle | <input checked="" type="checkbox"/> |
| Director Deborah Lane | <input checked="" type="checkbox"/> |
| Director John Leopold | <input checked="" type="checkbox"/> |
| Director Ellen Pirie | <input checked="" type="checkbox"/> |
| Director Lynn Robinson | <input checked="" type="checkbox"/> |
| vacant | <input type="checkbox"/> |
| Ex-Officio Director Donna Blitzer | <input type="checkbox"/> |

STAFF PRESENT

Anthony Tapiz, Administrative Services Coordinator
Leslie R. White, General Manager
Margaret Gallagher, District Counsel

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

Tove Beatty, Grants/Legislative Analyst
Mike Schoenfeld, LC Nelson & Sons, Inc.
Colby Powell, C. Overaa Co.
Jerry Overaa, C. Overaa Co.
Dwight Nelson, LC Nelson & Sons, Inc.
Ned Van Valkenburgh, Carpenter's Union

Roberta Perkins, Carpenter's Union
Steve Kelly, TRC
Carolyn Derwing, SEA
Angela Aitken, Finance Mgr
Mary Ferrick, Fixed Route Superintendent
April Warnock, Paratransit Superintendent

2. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Margaret Gallagher submitted two resolutions needed for items #6 and #7.

CONSENT AGENDA

3-1. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH OJO TECHNOLOGY, INC. FOR SECURITY SYSTEM INSTALLATIONS IN AN AMOUNT NOT TO EXCEED \$810,198

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD

Approve Consent Agenda as presented.

Motion passed unanimously.

REGULAR AGENDA

4. CONSIDERATION OF APPOINTING LESLYN SYREN TO THE POSITION OF METRO DISTRICT COUNSEL AND AUTHORIZING THE CHAIR OF THE BOARD OF DIRECTORS TO EXECUTE AN EMPLOYMENT AGREEMENT FOR THE PERIOD DECEMBER 17, 2012 THROUGH DECEMBER 31, 2015

Chair Robinson presented the staff report and noted that the Board would not be approving any contractual items related to compensation. Chair Robinson expressed her thanks to everyone involved in the recruitment process. It was noted that compensation for executives cannot be considered at a special meeting.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR GRAVES

Appoint Leslyn Syren to the position of METRO District Counsel and authorize the Chair of the Board of Directors to execute an employment agreement for the period December 17, 2012 through December 31, 2015, excepting from the agreement any terms relating to compensation.

Motion passed unanimously.

5. PUBLIC HEARING: IFB 12-23 Construction of Judy K. Souza Operations Facility, Parking Structure and Related Site Work

CHAIR ROBINSON OPENED THE PUBLIC HEARING AT 9:19 A.M.

Chair Robinson announced that a court reporter was present.

6. CONSIDERATION OF DECLARING WEST BAY BUILDERS AS NONRESPONSIVE, AND REJECTING THEIR BID FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY

Leslie R. White presented that staff report and documentation regarding the West Bay Builders bid. Margaret Gallagher advised that West bay Builders had been provided with notice of the opportunity to be heard regarding the matter.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR DODGE

Adopt the Resolution declaring West Bay Builders as nonresponsive and reject their bid for the Judy K. Souza Operations Building Facility.

Motion passed with Director Lane voting no.

7. CONSIDERATION OF DECLARING ZOVICH CONSTRUCTION AS NONRESPONSIVE AND REJECTING THEIR BID FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY

Leslie R. White presented that staff report and documentation regarding the Zovich Construction bid.

ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR GRAVES

Adopt the Resolution declaring Zovich Construction as nonresponsive and reject their bid for the Judy K. Souza Operations Building Facility.

Motion passed with Director Lane voting no.

8. CONSIDERATION OF DECLARING BIDS FROM LEWIS C. NELSON AND SONS, INC., C. OVERAA & CO., F & H CONSTRUCTION, OTTO CONSTRUCTION, SJ AMOROSO AND ROEBBELEN CONTRACTING, INC. TO BE RESPONSIVE AND THESE BIDDERS TO BE RESPONSIBLE PURSUANT TO THE BIDS SUBMITTED FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY, PARKING STRUCTURE AND RELATED SITE WORK ON SEPTEMBER 12, 2012 AND AWARD CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER

Leslie R. White presented the staff report. There was a discussion about District IFB 12-23.

ADJOURNMENT

Chair Robinson adjourned the METRO Board meeting to the Annual Meeting of the Santa Cruz Civic Improvement Corporation at 10:09 a.m.

RECONVENE

Chair Robinson reconvened the METRO Board meeting at 10:13 a.m.

There was a discussion about losing funding. There was a discussion about waiving deficiencies. Carolyn Derwing, SEA, strongly urged that the Board move forward and take action. There was a discussion about bid-shopping. Eduardo Montesino, UTU, urged that the Board moved forward on the project.

CHAIR ROBINSON CLOSED THE PUBLIC HEARING AT 11:14 A.M.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR GRAVES

Declare the Bids submitted by Bidders Lewis C. Nelson & Sons, Inc., C. Overaa & Co., F & H construction, Otto Construction, SJ Amoroso and Roebbelen Contracting as responsive and these Bidders as Responsible pursuant to the Bids submitted for the Construction of the Judy K. Souza Operations Facility, Parking Structure and Related Site Work and; conditionally award the contract to Lewis C. Nelson & Sons, Inc. as the lowest bidder in an amount not to exceed \$13,572,000 except for properly documented and approved change orders, provided Lewis C. Nelson & Sons, Inc. corrects deficiencies in their bid proposal and; identify C. Overaa & Co. as the second-lowest bidder and; should Lewis C. Nelson & Sons, Inc. fail to correct discrepancies in their bid, award the contract for the Judy K. Souza Operations Facility, Parking Structure and Related Site Work to C. Overaa & Co.

Motion passed with Directors Alejo, Dodge, Lane and Leopold voting no.

DIRECTOR BUSTICHI LEFT THE ROOM

9. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Margaret Gallagher said that the Board would have a conference with Legal Counsel regarding Existing Litigation in the case of Raymond Emme v. Bonnie Morr, et al.

10. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

SECTION II: CLOSED SESSION

Chair Robinson adjourned to Closed Session at 11:44 a.m. and reconvened to Open Session at 11:50 a.m.

SECTION III: RECONVENE TO OPEN SESSION

11. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there were no reportable actions taken in Closed Session.

12. ORAL ANNOUNCEMENT

Chair Robinson announced that the next regularly scheduled Board meeting will be held Friday, December 14, 2012 at 8:30 a.m. at the Santa Cruz METRO Offices, 110 Vernon Street, Santa Cruz, California.

13. ADJOURNMENT

There being no further business, Chair Robinson adjourned the meeting at 11:50 a.m. to the next regularly scheduled Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ
Administrative Services Coordinator