

Agenda

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Call to Order

Directors

Antonio Villaraigosa, Chair
Gloria Molina, 1st Vice Chair
Pam O'Connor, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Don Knabe
Bonnie Lowenthal
Bernard Parks
Frank Roberts
Zev Yaroslavsky
Doug Failing, non-voting member

Officers

Roger Snoble, Chief Executive Officer
Michele Jackson, Board Secretary
Karen Gorman, Ethics Officer
William Waters, Inspector General
County Counsel, General Counsel



Metropolitan Transportation Authority

METROPOLITAN TRANSPORTATION AUTHORITY BOARD RULES (ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

The meetings of the Metropolitan Transportation Authority Board are open to the public. A member of the public may address the Board on agenda items, before or during the Board or Committee's consideration of the item for up to 5 minutes per item, or at the discretion of the Chair. A request to address the Board should be submitted in person at the meeting to the Board Secretary prior to the start of the meeting.

The public may also address the MTA on non-agenda items within the subject matter jurisdiction of the MTA during the public comment period, which will be held at the end of each meeting. Each person will be allowed to speak for one minute and may speak no more than once during the Public Comment period. Public Comment will last a maximum of 30 minutes, or as otherwise indicated by the Chair. Speakers will be called according to the order in which the speaker request forms are received until the Public Comment period has expired. Elected officials, not their staff or deputies, may be called out of order and prior to the Board's consideration of the relevant item.

At the discretion of the Chair, the Board may limit public input on any item, based on the number of people requesting to speak and the business of the Board.

In the interest of hearing from as many members of the public as possible, if at the time your name is called, your issue has been addressed or your opinion expressed by a previous speaker, please simply state that fact and your name for the record.

In accordance with State Law (Brown Act), all matters to be acted on by the MTA Board must be posted at least 72 hours prior to the Board meeting. In case of emergency, or when a subject matter arises subsequent to the posting of the agenda, upon making certain findings, the Board may act on an item that is not on the posted agenda.

CONDUCT IN THE BOARD ROOM - The following rules pertain to conduct at Metropolitan Transportation Authority meetings:

REMOVAL FROM THE BOARD ROOM The Chair shall order removed from the Board Room any person who commits the following acts with respect to any meeting of the MTA Board:

Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
Any other unlawful interference with the due and orderly course of said meeting.

INFORMATION RELATING TO AGENDAS AND ACTIONS OF THE BOARD

Agendas for the Regular MTA Board meetings are prepared by the Board Secretary and are available prior to the meeting in the MTA Records Management Department and on the Internet.

Every meeting of the MTA Board of Directors is recorded on cassette tapes, and duplicate tapes are available for a nominal charge. A Spanish language translator is available at all Board Meetings. Translators for other languages must be requested 72 hours in advance. After each Board meeting, a record is prepared which indicates the actions taken by the Board. This record is available on the second business day following the meeting.

DISCLOSURE OF CONTRIBUTIONS

The State Political Reform Act (Government Code Section 84308) requires that a party to a proceeding before an agency involving a license, permit, or other entitlement for use, including all contracts (other than competitively bid, labor, or personal employment contracts), shall disclose on the record of the proceeding any contributions in an amount of more than \$250 made within the preceding 12 months by the party, or his or her agent, to any officer of the agency, additionally PUC Code Sec. 130051.20 requires that no member accept a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. Persons required to make this disclosure shall do so by filling out a "Disclosure of Contribution" form which is available at the LACMTA Board and Committee Meetings. Failure to comply with this requirement may result in the assessment of civil or criminal penalties.

ADA REQUIREMENTS

Upon request, sign language interpretation, materials in alternative formats and other accommodations are available to the public for MTA-sponsored meetings and events. All requests for reasonable accommodations must be made at least three working days (72 hours) in advance of the scheduled meeting date. Please telephone (213) 922-4600 between 8 a.m. and 5 p.m., Monday through Friday. Our TDD line is (800) 252-9040.

HELPFUL PHONE NUMBERS

Copies of Agendas/Record of Board Action/Cassette Tapes of Meetings - (213) 922-4880 (Records Management Department)
General Information/Rules of the Board - (213) 922-4600
Internet Access to Agendas - www.mta.net
TDD line (800) 252-9040

NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA

1. APPROVE Consent Calendar Items: 2, 7, 8, 19, 20, 21, 24, 32, 33, 34, 35, and 37.

NOTE **Committee Authority** Items: 23, 25 and 26.

CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held June 23, 2005.
7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) establishing **Capital Reserve Accounts** for the City of Cudahy for \$300,000, the City of San Marino for \$900,000 and the City of South El Monte for \$478,000 from their Proposition C 20% Local Return funds, so that allocated funding may be used to finance street improvement projects for an extra three years.
8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
 - A. recertifying \$302.918 million in existing FY 2005-06 commitments from previous **Call for Projects** and authorize the expenditure of funds to meet these commitments;
 - B. receiving and filing \$161.021 million worth of time extensions;
 - C. deobligating \$8.720 million of previously approved Call for Projects;
 - D. authorizing:
 1. changes in scopes of work for the City of Los Angeles Hyperion Avenue Widening and Waverly Drive Bridge Replacement (Call for Projects #8036) and Sepulveda Boulevard and Bike Lane Intersection Improvement (Call for Projects #6425) projects funded through previous Calls for Projects;
 2. a six-month extension for multi-year projects which had a forty-two month lapsing deadline, but are now covered under the Board approved thirty-six month deadline, to allow for June 30th cut-off dates;

3. a change in the terms, from 15 to 25 years, for the City of El Segundo's Douglas Street Gap Closure project Line-of-Credit, utilizing the City's Proposition A and/or C Local Return funds repayment; and
 - E. amending the FY 2005-06 budget, as necessary, to include the 2005 Call for Projects Recertification projects in the Fiscal Year 2006 Regional Programs budget and Metro grantee projects in the appropriate cost center budgets.
19. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute an amendment to the **El Monte Parking Lot Agreement** between the State of California Department of Transportation and LACMTA in order to provide MTA access for construction of the New Division 9 Transportation Building.
20. OPERATIONS COMMITTEE RECOMMENDED (3-0) increasing the life-of-project budget for the **Metro Green Line Elevator and Escalator Sumps and Clarifiers Project** by \$421,123 from \$715,000 to \$1,136,123.
21. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to execute Modification No. 2 to Contract No. PS000641014 with American Reclamation, Inc. to:
 - A. **provide recycling/trash hauling services for the Metro Orange Line Facilities** through the end of the contract period, for an amount not to exceed \$14,000; and
 - B. increase the amount for the existing facilities as a result of increased service needs and fees charged by various waste disposal sites and governmental agencies for an amount not to exceed \$282,261.

These actions increase the contract value by an amount not to exceed \$296,261 from \$1,919,986 to \$2,216,247.

24. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) award of a 24-month, firm fixed-price contract under Bid No. 05-0005 to Coast to Coast Safety Inc., the lowest responsive, responsible bidder **for safety gloves** for an amount not to exceed \$551,821 inclusive of sales tax and one-year option.

32. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving:
 - A. 15% **Small Business Enterprise Program Goal** for Fiscal Year 2006 and Fiscal Year 2007; and
 - B. **Bi-Annual Small Business Enterprise Program Goal** Review beginning Fiscal Year 2007.

33. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving:
 - A. 8% as the **Federal Transit Administration Disadvantaged Business Enterprise Annual Overall Goal** for Federal Fiscal Year 2006; and
 - B. 8% as the **Federal Highway Administration Disadvantaged Business Enterprise Annual Overall Goal** for Federal Fiscal year 2006.

34. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-1) authorizing the Chief Executive Officer to execute a **Memorandum of Understanding with Southern California Regional Rail Authority** for Right-of-Way law enforcement services for an amount not to exceed \$8,470,506 for three years, inclusive of an additional two-year option effective August 1, 2005.

35. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to approve a **Memorandum of Understanding with the Los Angeles to Pasadena Metro Blue Line Construction Authority** setting forth the understanding of the parties as to the timing for the development of a revised Master Cooperative Agreement covering the next segment of the Gold Line.

37. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to sign a petition **to establish the Art District Business Improvement District** contingent upon Metro's successful negotiation of a reduced assessment commensurate with the benefit to Metro property.

APPROVED UNDER COMMITTEE AUTHORITY

23. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) execution of a five-year, firm fixed-price Contract No. FSP05-1650 to WebTech Wireless Inc. for the **provision, operation and maintenance of a "turnkey" Automatic Vehicle Location** and fleet monitoring system for an amount not to exceed \$792,805 inclusive of a 10% contingency amount.
25. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a firm fixed-price contract under IFB No. OP34341663 with Terex Utilities **for two Highway/Rail Utility Two-Person Single Bucket Trucks** for a firm fixed price of \$395,593 inclusive of sales tax.
26. APPROVED UNDER OPERATIONS COMMITTEE AUTHORITY (4-0) award of a 4-month, firm fixed price contract under Bid No. OP34341666 with Mattman Specialty Vehicles, the lowest responsive, responsible bidder for **a High-Rail Emergency Response Vehicle** for an amount not to exceed \$405,135 inclusive of sales tax.

NON-CONSENT

3. Chair's Report.
4. Chief Executive Officer's Report.

11. APPROVE negotiation and execution of a change order to Contract Work Order No. 7 to Contract PM022, **Project Management Assistance** with URS Corporation in an amount not-to-exceed \$225,000, increasing the total CWO funding value from \$675,000 to \$900,000.

14. FINANCE AND BUDGET COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS (2-0):
 - A. adopting a resolution authorizing the Chief Executive Officer to price and deliver up to \$310 million of **auction rate securities, the Proposition A, Series 2005 Refunding Bonds**, in one or more series to refund certain outstanding Proposition A bonds and to enter into one or more related interest rate swaps; and
 - B. approving documents on file with the Board Secretary for the negotiated bond sale and competitive swap provider selection.

Requires separate, simple majority Board vote.

22. OPERATIONS COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS approving the **acquisition of 490 Bauchet Street** from Sempra Energy Utilities for a total purchase price of \$2,500,000 plus any required title and escrow fees.

31. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following position on **State Legislation AS AMENDED**:

OPPOSE SUPPORT WITH AMENDMENTS SB 801 (Simitian) – Senate Bill which would change the way Small Businesses remit their sales taxes to the State.

36. **CLOSED SESSION:**

A. **Conference with Legal Counsel – Existing Litigation – G.C. 54956.9(a):**

1. Herzer v. MTA BC312947
2. Labor/Community Strategy Center v. MTA CV 94-5936

B. **Conference regarding Potential Threats to Public Services or Facilities - G.C. 54957:**

While there may be no immediate threat, this is to provide the Board with a confidential update by Captain Finkelstein, Chief of Security and Law Enforcement, on security related matters.

38. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting the following position on **State Legislation AS AMENDED:**

~~WORK WITH AUTHOR~~ **SUPPORT WITH AMENDMENTS** SB 682 (Simitian) - Senate bill regarding Identity Information Protection Act of 2005.

39. RECEIVE AND FILE the **Service Sector three-year progress report.**

40. APPROVE the following nominee for membership on the **San Fernando Valley Sector Governance Council:**

Mel Wilson – a former MTA Board member and resident of San Fernando Valley replacing David Fleming.

41. AWARD **Excess Liability insurance policies**, excluding major construction risks, at a cost of \$5,104,858 for a 12-month period effective August 1, 2005 through July 31, 2006.

Consideration of items not on the posted agenda, including: items to be presented and (if requested) referred to staff; items to be placed on the agenda for action at a future meeting of the Committee or Board; and/or items requiring immediate action because of an emergency situation or where the need to take immediate action came to the attention of the Committee subsequent to the posting of the agenda.

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN
COMMITTEE'S SUBJECT MATTER JURISDICTION

ADJOURNMENT