

# Agenda

## Regular Board Meeting Board of Directors

One Gateway Plaza  
3<sup>rd</sup> Floor Board Room

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### Call to Order

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### Directors

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

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### Officers

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



Los Angeles County  
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](http://www.mta.net)  
TDD line (800) 252-9040

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

**SUMMARY OF AGENDA ITEMS  
LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY**

**REGULAR BOARD MEETING  
THURSDAY, FEBRUARY 22, 2007**

<b>CONSENT CALENDAR ITEMS</b>	<b>COMMITTEE AUTHORITY</b>	<b>NON-CONSENT ITEMS</b>	<b>CLOSED SESSION</b>
2	29	3	27
6		4	
8		7	
9		14	
10		21	
11		42	
15**			
16			
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34**			
35**			
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41			
<b>**REQUIRES 2/3 VOTE OF THE BOARD</b>			

1. APPROVE **Consent Calendar** Items: 2, 6, 8, 9, 10, 11, 15\*\*, 16, 17, 30, 33, 34\*\*, 35\*\*, 36, 37, 40 and 41.

## CONSENT CALENDAR

2. APPROVE **Minutes** of Regular Board Meeting held January 25, 2007.
6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) finding that 88 jurisdictions are in **conformance with the Congestion Management Program (CMP)** for Los Angeles County, and determining that the City of Industry intends to come back into conformance with the CMP by April 20, 2007.
8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):
  - A. approving the priority ranking and packaging of the Post 1989 Phase I, Priority 2 Soundwalls;
  - B. programming \$5.9 million in Proposition C 25% and Regional Surface Transportation Program funds for the development of the Supplemental Noise Barrier Scope Summary Report, final design and right-of-way support for the **Post 1989, Phase I, Priority 2 Soundwalls**, Design Packages 8 through 10; and
  - C. authorizing the Chief Executive Officer to enter into a Funding Agreement with Caltrans for an amount not to exceed \$5.9 million to fund Caltrans for this work.
9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving:
  - A. the **Proposition A Incentive Reserve Fund fiscal year 2008 Mini Call application** for locally funded transit operator vehicle replacement projects; and
  - B. evaluation criteria.

10. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving an **updated financial forecast and baseline analysis that supports the 2007 Long Range Transportation Plan Update process.**
11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to enter into a **Joint Development Agreement, Ground Lease and other ancillary agreements with Vermont/Santa Monica, LLC** (“Developer”), for the purpose of leasing approximately 1.1 acres of Los Angeles County Metropolitan Transportation Authority (“Metro”) owned property, located at the Vermont/Santa Monica Metro Red Line station, for development, in conjunction with adjacent property owned by Developer, of a mixed-use residential/retail project, in accordance with key terms and conditions.
15. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a non-competitive, firm fixed price Contract No. PS92401958 to Hess & Associates to provide **Payroll System enhancements** and implementation services for a period of 12 months for an amount not to exceed \$240,000, effective April 1, 2007.

**REQUIRES 2/3 VOTE OF THE BOARD**

16. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0):
  - A. adopting a resolution authorizing the **creation of an Other Post Employment Benefits (OPEB) trust;**
  - B. authorizing the deposit of monetary assets on hand at June 30, 2007, that are restricted for the payment of retiree medical benefits into the OPEB trust;  
and
  - C. approving the OPEB funding strategy, “pay-as-you-go” basis, for FY08, 09 and 10 budget planning parameters.

17. FINANCE AND BUDGET COMMITTEE RECOMMENDED (3-0):
- A. amending the FY07 budget to add 14 FTEs (full-time equivalents) to Risk Management with no increase of expense or funding; and
  - B. authorizing the Chief Executive Officer to negotiate and execute a ten-year contract with Valley Oak Systems for a **Workers' Compensation Claims System** for a cost not to exceed \$1.6 million.
30. CONSTRUCTION COMMITTEE RECOMMENDED (4-0) authorizing the following actions:
- A. program \$3,890,894 in State Traffic Congestion Relief Program Funds, as approved by the State for the **Metro Gold Line Eastside Extension Project, to fund ongoing project enhancements and mitigations** that are beyond the original scope of Project 800088 (Metro Gold Line Eastside Extension) to include:
    - 1. Excavation activities of the east portal;
    - 2. I-710 Freeway Bridge mitigation costs;
    - 3. City and County of Los Angeles enhancements, including, but not limited to, historical and pedestrian lighting, business mitigations; and
    - 4. Metro operational enhancements.
  - B. increase the life-of-project budget for Project 800288 (Metro Gold Line Eastside Extension Enhancements and Mitigations) by \$3,890,894, increasing the life-of-project budget from \$38,109,106 to \$42,000,000; and
  - C. amend the FY 2007 budget for Project 800288 (Metro Gold Line Eastside Extension Enhancements and Related Mitigations) to include anticipated expenditures.
33. OPERATIONS COMMITTEE RECOMMENDED (5-0) approving implementation of **Metro Rapid Express Pilot Program**.

34. OPERATIONS COMMITTEE RECOMMENDED (5-0):

- A. finding that awarding design/build contracts pursuant to Public Utilities Code Section 130242(b) will achieve certain private sector efficiencies in the integration of the design, project work and components related to the **real property renovation, repair and construction work at Metro facilities in Los Angeles County**; and
- B. authorizing the Chief Executive Officer to solicit and award design/build contracts for renovation, repair and construction at Metro facilities, pursuant to Public Utilities Code Section 130242 (a), (c), (d) and (e).

**REQUIRES 2/3 VOTE OF THE BOARD**

35. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a sole source, ten year unit rate Contract No. PS07643022 to Yamas Controls Southern California, Inc. for **maintenance, repair and support services for the Gateway Headquarters Building Management System** for an amount not to exceed \$640,000, effective April 1, 2007.

**REQUIRES 2/3 VOTE OF THE BOARD**

36. OPERATIONS COMMITTEE RECOMMENDED (3-0-1) authorizing the Chief Executive Officer to award a firm fixed price contract under Bid No. OP-34101916 with Peterson Hydraulics, Inc., the only responsive and responsible bidder, for fourteen **3-axis pneumatic personnel lifts** in the amount of \$470,703, inclusive of sales tax.
37. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 24-month firm fixed price requirements contract under Bid Number 06-0016 with Alvarez Graffiti Guards, the lowest responsive and responsible bidder, for **rail window vandal protection sheets** for an amount not to exceed \$298,036.
40. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (3-0) adopting the **following positions on State Legislation:**

**SB 9 (Lowenthal)** – Would establish conditions for allocating goods movement project funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (**November 2006**). **WORK WITH AUTHOR**  
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**SB 19 (Lowenthal)** – Would establish conditions for allocating air quality improvement funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**

**SB 45 (Perata)** – Would establish conditions for allocating transit security funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**

**SB 47 (Perata)** – Would establish conditions for allocating State and Local Partnership Program funds from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act (November 2006). **WORK WITH AUTHOR**

41. CONSTRUCTION COMMITTEE RECOMMENDED (4-0):

- A. approving an extension of time from the previous Board-approved deadline of February 15, 2007, to allow both parties to fulfill the obligations of the **Exchange Agreement With Escrow Instructions, Funding and Reimbursement Agreement and Development Agreement** Between LACMTA and LAUSD (the “Agreement”); and
- B. authorizing the CEO to execute an amendment to the Agreement to extend the close of escrow beyond the current February 15, 2007 closing date, to a date agreed upon by both parties, subject to both parties fulfilling the conditions to close under the Agreement.

**COMMITTEE AUTHORITY**

29. APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY:

- A. authorizing the Chief Executive Officer to execute Modification No. 4 to Contract No. PS-8510-1762 with LaBelle-Marvin Incorporated for the **continuation of pavement engineering services for the Metro Orange Line Project**, for an amount not to exceed \$130,000, increasing the total contract value from \$150,400 to \$280,400; and
- B. Contract Modification Authority to provide funding for future contract modifications that are within the Board-delegated authority in the amount of \$100,000.



## NON-CONSENT

3. Chair's Report
  - Adjourn in memory of Summer Kempton, daughter of Will Kempton, Caltrans Director.
4. Chief Executive Officer's Report
7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0)  
AS AMENDED by **Burke and Lowenthal** adopting a set of Guiding Principles to frame Metro's outreach effort currently underway for the **Countywide Congestion Mitigation Fee Feasibility Study**.

**Lowenthal Amendment** that in keeping with the level of communication that has been established, staff circulate the Guiding Principles, as a draft document, to the COGs, cities, and the Policy Advisory Committee for review and comment before returning to Planning and Programming for approval.

**Burke/Lowenthal Amendment** that staff be instructed to research this program, meet with the Statewide Community Infrastructure Program (SCIP) personnel and examine its applicability with the CMP Mitigation Fee and report back to this Committee after a review with the Policy Advisory Committee and other interested parties.

14. RECEIVE AND FILE AND CONSIDER POSSIBLE ACTION on **Multi-County Goods Movement Action Plan**.
21. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) approving VILLARAIGOSA MOTION that the MTA Board direct the CEO to:
  1. Complete a preliminary feasibility assessment (scoping) of how to provide **Wi-Fi service on the Red Line, Green Line, Blue Line and Orange Line**;
  2. Work with cellular carriers and other wireless service providers to determine if there is a no-cost alternative to provide Wi-Fi service that provides "open access" to customers, regardless of their service provider; and
  3. Report back to the Board in April 2007 with recommendations on how to proceed.

42. APPROVE the following nominee for membership on the **Westside/Central Service Sector Governance Council**:

Terri Slimmer – New appointment to fill seat vacated by Ann D. Semonco.  
Appointed by: Westside Cities Council of Governments  
Term ending: February 2010

27. **CLOSED SESSION:**

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

1. Seraj Razavi v. LACMTA Case No. BC352358
2. Tutor-Saliba-Perini v. LACMTA, Case No. BC123559

B. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

- Board Secretary

C. Conference Regarding Potential Threats to Public Services or Facilities – G.C. 54957(a):

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

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**