

Agenda

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Pam O'Connor, Chair
Antonio Villaraigosa, 1st Vice Chair
Don Knabe, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
David Fleming
Richard Katz
Bonnie Lowenthal
Gloria Molina
Ara J. Najarian
Bernard Parks
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



Metro

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

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General Information/Rules of the Board - (213) 922-4600
Internet Access to Agendas - www.mta.net
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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, SEPTEMBER 27, 2007**

CONSENT CALENDAR ITEMS	COMMITTEE AUTHORITY	NON-CONSENT ITEMS	CLOSED SESSION
2		3	32
6		4	
7**		10	
8		20	
9		24	
11		26	
14		29	
15		34	
16		35	
21		36	
22		47	
25		48	
39*		49	
40		50	
41*			
42			

***REQUIRES 2/3 VOTE OF THE BOARD
REQUIRES 3/4 VOTE OF THE BOARD

1. APPROVE **Consent Calendar** Items: 2, 6, 7**, 8, 9, 11, 14, 15, 16, 21, 22, 25, 39*, 40, 41*, and 42.

***NOTE:** Items 39 and 41 require 2/3 vote of the Board.

****NOTE:** Item 7 requires 3/4 vote of the Board.

CONSENT CALENDAR

2. APPROVE **Minutes of Regular Board Meeting held July 26, 2007** and of **Special Board Meeting held August 16, 2007**.

6. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):

- A. **approving the Average Cash Fare Reimbursement Method for the EZ Transit Pass** Program; and
- B. authorizing the Chief Executive Officer to negotiate and execute all necessary agreements between Metro and EZ Transit Pass operators to implement the revised reimbursement method, effective July 1, 2007.

7. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):

- A. delegating to the Chief Executive Officer the authority to make **technical changes to the Soundwall Implementation Policy**; and
- B. canceling Final Design for Soundwall Phase I, Priority 2, Package 9, and add 0.1 mile to Phase I, Priority 2, Package 11.

(REQUIRES 3/4 VOTE OF THE BOARD)

8. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:

- A. execute contract modification No.8 to Contract No. C0729 with D.W. Powell Construction, Inc. for modification to **delete replacement of Overhead Sign No. 25 on the SR 134 Soundwall Project** for a credit of \$212,363; and

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- B. approve Contract Modification Authority under Contract No. C0729 to provide funding for modifications that are within Board-delegated authority, in the amount of \$590,000.
9. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) approving:
- A. [three Very Small Starts projects for submittal to the Federal Transit Administration](#) for their consideration in the FY 2009 federal funding cycle:
 - 1. Wilshire Boulevard Bus-Only Lane
 - 2. Van Nuys Corridor Bus Speed Improvement
 - 3. Sepulveda Corridor Bus Speed Improvement
 - B. \$10.3 million in Transit Congestion Relief Program funds as local match funds for the Van Nuys and Sepulveda Corridor Bus Speed Improvement projects.
11. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0):
- A. increasing the life-of-project (LOP) budget for the Expo Phase 1 LRT Project by \$23.3 million, increasing the LOP budget from \$640 million to \$663.3 million;
 - B. approving \$9.7 million of Proposition A 35% and \$13.6 million of Proposition C 25% sales tax funds to [fund the additional scope for Expo Phase I](#); and
 - C. amending the FY08 budget to add \$6.5 million of expenditures and revenues to the budget for Project #890001 Expo Phase I.
14. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0):
- A. [adopting the Debt Policy](#);
 - B. adopting the Interest Rate Swap Policy; and
 - C. receiving and filing the Annual Report on Interest Rate Swaps.

15. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0):
- A. adopting a resolution **authorizing the creation of an irrevocable trust for the investment of Workers' Compensation and General Liability reserves**; and
 - B. authorizing the deposit of monetary assets equal to the General Liability and Workers' Compensation booked liabilities into the Workers' Compensation and General Liabilities Trust.
16. FINANCE AND BUDGET COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to **award a seven year firm fixed price Contract No. PS07511019 to Thompson, Cobb, Bazilio and Associates for Proposition A and Proposition C annual audits** in the amount of \$230,000 inclusive of two, one-year options effective September 1, 2007.
21. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) amending the FY08 **budget to add \$184,000 to cost center #7110 Public Relations which includes Employee Activities** and fund with balances generated from prior year employee activities and retail sales.
22. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) adopting a position on S. 1926 (Dodd) – **A bill to establish a National Infrastructure Bank to provide funding for qualified infrastructure projects.**
SUPPORT – WORK WITH AUTHOR.
25. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (4-0) **authorizing the Chief Executive Officer to renew group insurance policies** covering Non-Contract, AFSCME and EXPO employees for a one-year period beginning January 1, 2008.
39. OPERATIONS COMMITTEE RECOMMENDED (3-0):
- A. **finding that the procurement of 45' lightweight composite buses under Public Utilities Code § 130232 does not constitute a procurement method adequate for Metro's needs** and authorizing procurement of these 45' lightweight composite buses pursuant to Public Contracts Code (PCC) § 20217 for procurement by competitive negotiation; and

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- B. authorizing the Chief Executive Officer to **solicit a proposal for a two-year contract for up to two-hundred sixty lightweight transit buses as a competitive negotiation** pursuant to PCC § 20217 and Metro's Procurement Policies and Procedures.

(REQUIRES 2/3 VOTE OF THE BOARD)

- 40. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer **to award a firm fixed price contract under Bid No. OP-3434-2058 with Victor Buick Pontiac GMC Truck, Inc.,** the lowest responsive and responsible bidder, for 135 four-door sedan vehicles for an amount not to exceed \$2,362,013, inclusive of sales tax.
- 41. OPERATIONS COMMITTEE RECOMMENDED (3-0):
 - A. **finding that the single bid received for one hi-rail stake bed truck with articulated crane under Public Utilities Code (PUC) § 130232 has been rejected** and may be purchased at a lower price on the open market and authorizing the purchase of one hi-rail stake bed truck with articulated crane on the open market pursuant to PUC § 130233; and
 - B. authorizing the Chief Executive Officer **to award a firm fixed price contract to the firm that can offer the best price and availability for one hi-rail stake bed truck with articulated crane for a firm fixed amount not to exceed \$250,000 inclusive of sales tax.**

(REQUIRES 2/3 VOTE OF THE BOARD)

- 42. OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer **to award a five-year, indefinite delivery/indefinite quantity Contract No. PS07643032 to McAllister Office Pavilion for Space Planning/Installation Services and Herman Miller Furniture** for an amount not to exceed \$1,000,000, effective October 1, 2007.

NON-CONSENT:

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

10. PLANNING AND PROGRAMMING COMMITTEE FORWARDED WITHOUT RECOMMENDATION DUE TO CONFLICTS authorizing the Chief Executive Officer to enter into an Exclusive Right to Negotiate with Lowe Enterprises, the most qualified "firm", **to develop a mixed-use project on Metro properties adjacent to the Metro Red and Orange Lines termini in North Hollywood.**

20. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED WITHOUT RECOMMENDATION and OPERATIONS COMMITTEE RECOMMENDED (3-0) **AS AMENDED adopting the five-year Metro Ridership Plan:**

FASANA/BURKE **AMENDMENT** authorizing the CEO to:

- a. direct staff to return to the October 2007 full Board with an amended Plan that includes TAP technology options that clearly promote ridership growth opportunities. TAP staff are to include and discuss recognized examples in the Plan such as:
 - opportunities for sponsorship from local and national businesses to underwrite cost of TAP cards with co-branding and advertising.
 - ability to implement multi-use TAP card with transit oriented development projects (TOD) at retail stores, parking, hotels, restaurants (site examples in operation in Europe and Asia).
 - ways to implement TAP at senior centers, schools, recreation centers near TODs and Metro bus/rail hubs.
 - strategies to work with theater chains, destination points such as theme parks, museums, etc. using TAP.
 - strategies for use of TAP for off-site parking to sporting and musical/entertainments and to ride Metro to the venue, i.e. Rose Bowl, Dodger Stadium, Staples, Coliseum, Convention Center, Hollywood Bowl, Long Beach Auditorium, etc.

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- strategies to implement cell-phone technology to work on TAP system.
 - strategies to implement low-cost paper smart cards for ridership opportunities with tourism agencies, convention centers, etc.
 - other TAP opportunities that present ridership growth potential.
- b. Amend the funding plan to be limited to Year 1, including TAP initiatives, and to clearly define in the Plan an annual process to measure the progress of programs and their impacts to ridership growth. Staff are directed to identify additional yearly funding needed for continuation of initiatives undertaken after Year 1, or to add and amend the funding plan for new initiatives being recommended.
- c. Staff to return quarterly to report on the progress of each adopted year's Plan to the Executive Management and Audit Committee and Operations Committee.

24. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION DUE TO CONFLICTS AND ABSENCES authorizing the Chief Executive Officer to execute:

- A. **two five-year fixed rate multiple award agreements, one bench for state and locally funded work and one bench for federally funded work with the firms listed below**, inclusive of two one-year options, effective October 1, 2007 for a cumulative total amount not to exceed \$8,300,000; and

	Contractor	STATE	FEDERAL
1.	BDO Seidman, LLP	X	X
2.	Chung & Chung Accountancy Corp. CPAs	X	X
3.	James P. Richardson, CPA	X	X
4.	Jefferson Wells International	X	X
5.	Jones & Company Professional Consultants	X	X
6.	KNL Support Services	X	X
7.	KPMG, LLP	X	X
8.	Lopez and Company, LLP	X	X

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9.	Macias Consulting Group, Inc.	X	X
10.	Macias Gini & O'Connell, LLP	X	X
11.	Mayer Hoffman McCann, P.C.	X	X
12.	P.M. Chestang and Associates	X	X
13.	QIU Accountancy Corporation	X	X
14.	Simpson & Simpson CPA's	X	X
15.	Sox Solutions	X	
16.	Thompson, Cobb, Bazilio & Associates, PC	X	X
17.	Vasquez & Company LLP	X	X
18.	Wang Professional Corporation	X	X

- B. task orders under these contracts for audit services for a total amount not to exceed \$8,300,000.
26. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION and OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
- A. [establish a Bus Accident Investigative Unit under the direction of the Director for Corporate Safety;](#)
 - B. amend the FY08 budget to add four full-time equivalent employees to the Safety department for the Bus Accident Investigation Unit; and
 - C. amend the FY08 budget to add \$570,000 of expenses and reprogram funding sources to assign available revenues for funding overall safety department budget expenditures.
29. RECEIVE AND FILE a report on [Metro's Fare Checking Plan](#).
34. AUTHORIZE the Chief Executive Officer to [execute Contract Modification No. 103.00 in the credit amount of \\$3,551,447 to Contract No. C0803 with Eastside LRT Constructors to decrease unit price items](#) on tunneling work completed, as well as unit price items for which no work was performed for tunneling activities, which will decrease the total contract price from \$622,502,292 to \$618,950,845.

35. AUTHORIZE an increase in an amount not to exceed \$4,500,000 to Contract No. EN074 with CH2M Hill Constructors, Inc. **to issue additional Contract Work Orders for Environmental Hazardous Materials and Construction Services through fiscal year 2008**, increasing the total contract value from \$5,900,000 to \$10,400,000.
36. AUTHORIZE the Chief Executive Officer to execute:
- A. **Contract Modification No. 16.00 in the amount of \$525,000 to Contract PS-4310-0964 with Eastside LRT Partners**, a Joint Venture of Parsons Brinckerhoff, Jenkins/Gales & Martinez, and Barrio Planners, Inc. for engineering and environmental services on the Pomona/Atlantic parking structure, which will increase the total contract value from \$41,527,829 to \$42,052,829; and
 - B. **future contract modifications to Contract No. PS-4310-0964 for the Metro Gold Line Eastside Extension for an amount not to exceed \$52,500.**
47. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED WITHOUT RECOMMENDATION:
- VILLARAIGOSA MOTION TO RECEIVE** verbal report from the Inspector General on the status of the Board motion approved on March 22, 2007 directing the Office of the Inspector General to **conduct a performance and compliance audit of Access Services, Inc.** and its contractors, including those charged with determining eligibility for paratransit services.
48. **MOLINA MOTION** that the Board **directs the Chief Executive Officer, notwithstanding any other efforts, to take all steps necessary to protect State transportation funds.** The Chief Executive Officer shall be authorized to explore potential legislation including ballot initiatives to be submitted to the voters and litigation against the State in order to protect transportation funding.

49. CONSIDER:

- A. approving staff recommendations regarding Call for Projects, Technical Advisory Committee motions, public comments and additional staff funding recommendations;
- B. [programming \\$454.520 million, in eight modal categories for the 2007 Countywide Call for Projects](#), including \$8.148 million in FY 2007-2008, and FY 2008-2009 Supplemental Call funding and advancing \$5 million from the 2009 Countywide Call for Projects to the 2007 Countywide Call for Projects in the time period of FY 2010-2013, to fund Project #1178, I-710 Early Action Plan – Intersection Improvements for the City of South Gate, with the expectation that the cash flow requirements can be met through first priority for funding from deobligated or delayed projects;
- C. approving all projects for potential nomination to the California Transportation Commission for 2008 State Transportation Improvement funds as necessary;
- D. amending the recommended 2007 Countywide Call for Projects Program of Projects in the FY 2008/09-2013/14 Los Angeles Regional Transportation Improvement Program;
- E. administering the 2007 Countywide Call for Projects as a project-specific grant program with the requirement that project sponsors bear all cost increases;
- F. authorizing Metro to administratively provide project sponsors with funding earlier than scheduled if the project sponsor can demonstrate project readiness to proceed and such funds are available; and
- G. adopting the resolution required by the Southern California Association of Governments which certifies that Los Angeles County has the resources to fund the projects in the FY 2008/09-2013/14 Regional Transportation Improvement Plan and affirms its commitment to implement all of the projects in the program.

Amendment: Include the stipulation that in view of the fact that there was a scoring error which caused four projects to be eliminated from the present certification, that those projects be first in line for funding from any lapsed or delayed projects.

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

Appointee: **Shelby Jordan**
Appointed by: Supervisor Yvonne B. Burke, Board of Supervisors,
County of Los Angeles
Term ending: June 2010

32. **CLOSED SESSION:**

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

1. Eleanor Connor v. LACMTA, Case No. BC0358268
2. Yolanda Vasquez v. LACMTA, Case No. BC344283
3. Ernest Bassett v. LACMTA, Case No. SC088225
4. Diana Akwaboah v. LACMTA, Case No. BC363268

B. Conference with Labor Negotiator – G.C. 54957.6

Agency Negotiator – Carolyn Flowers
Employee Organization – AFSCME

C. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation

- Chief Executive Officer

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