

Wednesday, November 16, 2011 1:00 PM

# Agenda

## Planning and Programming Committee Meeting

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

### Call to Order

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### Directors

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Diane DuBois, Chair  
Zev Yaroslavsky, Vice Chair  
Michael Antonovich  
Richard Katz  
Pam O'Connor  
Michael Miles, non-voting member

### Officers

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Arthur T. Leahy, Chief Executive Officer  
Michele Jackson, Board Secretary  
Karen Gorman, Ethics Officer  
Karen Gorman, Acting Inspector General  
County Counsel, General Counsel



Los Angeles County  
Metropolitan Transportation Authority

**Metro**

## **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:

- a. Disorderly behavior toward the Board or any member of the staff thereof, tending to interrupt the due and orderly course of said meeting.
- b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting.
- c. Disobedience of any lawful order of the Chair, which shall include an order to be seated or to refrain from addressing the Board; and
- d. 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.metro.net](http://www.metro.net)

TDD line (800) 252-9040      **NOTE: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA**

11. CONSIDER:

- A. finding that it is in MTA's best interest to amend an existing **Joint Development Agreement ("JDA") with Taylor Yards**, LLC, a development entity created by McCormack Baron Salazar, Inc. ("MBS"), to, among other things,
1. increase the projected number of for-rent, affordable, family apartments proposed for the 20.2-acre portion of Taylor Yard depicted on the Site Plan (the "Site") by 77 units;
  2. reduce the projected number of for-sale, condominiums proposed for the Site by 157 units;
  3. add 10, for-rent, live/work units to the proposed product mix for the Site;
  4. provide for a new ground lease (the "Infrastructure Ground Lease") for all of the Site's street and utility infrastructure that will not be dedicated to the City of Los Angeles and all of the Site's common area and open space;
  5. allow the Chief Executive Officer ("CEO") certain flexibility with respect to the form of the completion bonds or guarantees required for each phase of the multi-phase development project;
  6. extend the initial term of the JDA two years to April 2, 2015 and provide the CEO with the authority to extend the term of the JDA to July 1, 2019;
  7. change MTA's method of reimbursement for Taylor Yards, LLC's cost to remediate certain hazardous materials present on the Site;
  8. resolve a disagreement regarding Holding Rent due MTA under the JDA and the method of payment of the same;

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(ITEM 11 – CONTINUED FROM PREVIOUS PAGE)

9. eliminate the requirement that MTA receive a resale transfer fee equal to 1.5% of the resale price of each condominium for all sales occurring after the initial sale to the original homeowner;
  10. amend the date the appraisal of the Site will be performed and change the definition of the Value of the Site; and
  11. acknowledge that certain affordable housing funding sources may require the recordation of long-term affordability covenants against all or a portion of the Site (including MTA's fee interest therein), and agree to review and consider such covenants in good faith. The specific terms of the JDA amendment will be in substantial accordance with the key terms and conditions;
- B. authorizing the CEO to execute and enter into the JDA amendment, ground leases (including the Infrastructure Ground Lease noted above), and other related documents and agreements with Taylor Yards, LLC, MBS or their affiliates relating to the proposed development of the Site in substantial accordance with the terms and conditions approved by the Board in March 2008;
- C. authorizing the CEO to execute prior to or after Taylor Yards, LLC, MBS or their affiliates entering into any ground leases for the development of the Site (other than the Infrastructure Ground Lease):
1. dedications (and other grants of real property rights) to the City of Los Angeles for public streets and utilities related to the proposed development, and
  2. affordable housing and other covenants encumbering the Site (including MTA's fee interest in the Site) for purposes related to the proposed development, in each case subject to conditions to be determined by the CEO.
- D. authorizing the Chief Executive Officer to amend the FY12 budget to add up to \$800,000 to revenues and an equal amount to expenses in cost center 2210, New Business Development for the purpose of funding MTA's obligation to reimburse the developer for its cost to remediate the Site.

12. CONSIDER:

- A. awarding \$5 million in **Transit Oriented Development Grants** to the 5 eligible jurisdictions; and
- B. authorizing the Chief Executive Officer to execute Memorandums of Understanding for the grant funds.

13. RECEIVE AND FILE the **Regional Rail Update** for October 2011. [HANDOUT]

14. RECEIVE AND FILE status report on **prioritization and transfer process of state-owned park and ride lots** to LACMTA. [HANDOUT]

15. RECEIVE AND FILE report regarding the Draft Environmental Impact Statement/Environmental Impact Report for the **High Desert Corridor**. [HD]

16. RECEIVE **report of the 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

