

Thursday, January 24, 2013 9:00 AM

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# REVISED AGENDA

## Regular Board Meeting Board of Directors

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

### Call to Order

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### Directors

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Michael Antonovich, Chair  
Diane DuBois, 1<sup>st</sup> Vice Chair  
Richard Katz, 2<sup>nd</sup> Vice Chair  
John Fasana  
José Huizar  
Don Knabe  
Gloria Molina  
Ara J. Najarian  
Pam O'Connor  
Mark Ridley-Thomas  
Antonio Villaraigosa\*  
Mel Wilson  
Zev Yaroslavsky  
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

\*Via Telephone  
1301 Pennsylvania Avenue, NW  
Ste. 400  
Washington, DC 20004



**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.

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 CD's and as MP3's and can be made available for a nominal charge.

### **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.

### **LIMITED ENGLISH PROFICIENCY**

A Spanish language interpreter is available at all Board Meetings. Interpreters for Committee meetings and all other languages must be requested 72 hours in advance of the meeting by calling (213) 922-4600.

### **HELPFUL PHONE NUMBERS**

Copies of Agendas/Record of Board Action/Recordings 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, JANUARY 24, 2013**

CONSENT CALENDAR ITEMS		NON-CONSENT ITEMS	CLOSED SESSION
2	66	3	105
9	67	4	
18	68	36	
19	70	47	
20	85	48	
23	86	51	
24	87	69**	
25	88	71	
26	89	<u>84</u>	
27		90	
28		91	
29		95	
30		96	
31		97	
32		98	
33		99	
34		100	
50		101	
52		102	
53**		103	
54		104	
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56**			
57**			
58			
59			
** REQUIRES 2/3 VOTE			

1. APPROVE **Consent Calendar** Items: 2, 9, 18, 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 50, 52, 53\*\*, 54, 55, 56\*\*, 57\*\*, 58, 59, 66, 67, 68, 70, 85, 86, 87, 88 and 89.

\*\*REQUIRES 2/3 VOTE

## **CONSENT CALENDAR**

2. APPROVE **Minutes of the Regular Board Meeting held December 13, 2012.**
  
9. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0):
  - A. adopting the **Investment Policy**;
  - B. approving the **Financial Institutions Resolution** authorizing financial institutions to honor signatures of LACMTA Officials; and
  - C. delegating to the Treasurer or his/her designees, the authority to invest funds for a one-year period, pursuant to California Government Code Section 53607.
  
18. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving the proposed updates and new projects for the **Measure R Highway Operational Improvement funding for the Arroyo Verdugo and Las Virgenes/Malibu Subregions, and for Interstate 405, I-110, I-105, and SR-91 Ramp and Interchange Improvements (South Bay).**
  
19. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to:
  - A. award and execute a cost plus fixed fee (CPFF) Contract No. PS4720-3004 to Cambridge Systematics, Inc. for an amount not to exceed \$7,662,203 for **Gateway Cities Transportation Strategic Plan Phase II**; and

(Continued on next page)

**CONSENT CALENDAR CONTINUED:**

(Item 19 – continued from previous page)

- B. executing individual contract modifications as required, but not to exceed a total of up to 15% of the total contract amount to cover the cost of any unforeseen issues that may arise during the performance of the contract.
20. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0-1) authorizing the Chief Executive Officer to:
- A. execute contract modification No. 12 to Contract No. PS4340-1939 with URS Corporation to **address public comments on the I-710 South Corridor Project Draft EIR/EIS, incorporate project changes, changes in state and federal approval requirements, evaluate a Preferred Alternative, re-circulate the Draft EIR/EIS and complete the Final EIR/EIS**, in an amount not to exceed \$9,190,276, increasing the total contract amount from \$29,521,327 to \$38,711,603, and a contract extension of 27 months;
  - B. execute contract modification No. 6 to Contract No. PS4340-1940 with Moore laconfano Goltsman, Inc., for the continued facilitation of community outreach services through the completion of the Final EIR/EIS, in an amount not to exceed \$863,028, increasing the total contract amount from \$2,329,284 to \$3,192,312, and a contract extension of 24 months;
  - C. increase Contract Modification Authority for PS4340-1939 by \$919,028 and PS4340-1940 by \$86,303, thus increasing total contract modification authority from \$2,521,000 to \$3,526,331, to cover the cost of any unforeseen issues that may arise during the performance of the contracts;
  - D. execute any necessary agreement(s) with third parties (e.g. Gateway Cities Council of Governments, Gateway Cities, Southern California Edison, Los Angeles County, U.S. Army Corps of Engineers) to provide coordination and technical support for the completion of the EIR/EIS and the development and implementation of individual I-710 Early Action Projects, in an amount not to exceed \$2,500,000, increasing the total amount from \$900,000 to \$3,400,000 for FY12 through FY15.

**CONSENT CALENDAR CONTINUED:**

23. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0):

- A. authorizing the Chief Executive Officer to execute modification No. 3 to Contract No. PS40102178-19-01-01 with Arellano Associates to provide **outreach services for the High Desert Corridor** environmental clearance for an additional term of 24 months in the firm-fixed amount of \$699,944 increasing the Total Contract Value from \$598,939 to \$1,298,883; and
- B. approving Contract Modification Authority specific to Contract No. PS40101178-19-01-01 with Arellano Associates in the amount of \$100,000.

24. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0-1):

- A. authorizing the Chief Executive Officer to:
  - 1. execute modification No. 2 to Contract No. PS-4370-2622 with KOA Corporation (Contractor) in the firm-fixed amount of \$1,090,851 to complete the Draft Environmental Impact Statement/Report (DEIS/R) for the **East San Fernando Valley North-South Rapidways project** increasing the total contract value from \$4,556,307 to \$5,647,158; and
  - 2. increase Contract Modification Authority to Contract No. PS4370-2622 in the amount of \$218,170;
- B. approving changing the name of the project from East San Fernando Valley North/South Rapidways to East San Fernando Valley Transit Corridors; and
- C. receiving and filing the alternatives being moved forward into the DEIS/R. **[HANDOUT]**

## **CONSENT CALENDAR CONTINUED:**

25. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) and CONSTRUCTION COMMITTEE RECOMMENDED (3-0) amending the **Funding Agreement between the Gold Line Construction Authority and the MTA for Phase 2A** to increase funds associated with CEQA/NEPA compliance, preliminary engineering and planning for Phase 2B along with revised conditions for payment of such funds based upon milestones.
  
26. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) and CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the CEO to amend the **Gold Line Foothill Extension Funding Agreement to allow projected savings on MTA Project Costs to pay for MTA requested operational and safety betterments** and other MTA Projects Costs. MTA will cap its Project Costs at \$173.6 million.
  
27. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to enter into an Exclusive Negotiation Agreement with a joint venture of Polis Builders, Ltd., The McGregor Company, and St. Nicholas Foundation, Inc. **to develop a mixed-use joint development project on a set of MTA-owned and private parcels situated immediately adjacent to the Vermont/Santa Monica Station on the Metro Red Line**; and amend the FY13 budget to allow any deposits that may be collected from Developer to offset support costs.
  
28. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to **sell approximately 80,000 square feet of surplus property located adjacent to the Orange Line Right-of-Way, west of the Balboa Orange Line station**, in Van Nuys to George E. Moss, or his assign, in accordance with the Purchase Term Sheet.

**CONSENT CALENDAR CONTINUED:**

29. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer to:
- A. execute a one (1) year Exclusive Negotiation Agreement and Planning Document, with an option to extend for up to an additional one (1) year, with McCormack Baron Salazar, Inc. ("MBS"), or a development entity controlled and managed by McCormack Baron Salazar, Inc. that is reasonably approved by the Chief Executive Officer, to, among other things, **explore the feasibility of developing a grocery store/market and associated parking on 1.56 acres of Metro property (the "Site") located on the south side of Cesar E. Chavez Avenue between Fickett and Matthews Streets, in Boyle Heights;** and
  - B. terminate an existing Joint Development Agreement with MBS to develop and construct on the Site a mixed-use project containing 73 affordable apartments and approximately 3,250 square feet of retail space.
30. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) adopting **the Conceptual Development Guidelines for 1.95 acres of Metro property located south of Cesar Chavez Avenue between Soto and Matthews Streets in Boyle Heights.**
31. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) adopting the **"Conceptual Development Guidelines" for the Metro Gold Line 1<sup>st</sup>/Soto Station site and the Metro-owned parcel on the opposite corner.**
32. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) adopting the **Conceptual Development Guidelines for the Metro Gold Line Mariachi Plaza Station site and the Metro-owned parcel on the southeast corner of Bailey Street and Pennsylvania Avenue.**



**CONSENT CALENDAR CONTINUED:**

33. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0-2) authorizing the Chief Executive Officer to:
- A. execute a twenty-four-month Exclusive Negotiating Agreement, with an option to extend for up to two additional (6)-month terms, with Cohen Brothers Realty Corporation of California (CBRCC) to:
    - 1. **explore the feasibility of developing a Master Plan for a proposed mixed-use development to co-exist with the Metro Division 7 Maintenance and Operations facility and the adjacent West Hollywood Sheriff's Station site**, both located north of the Pacific Design Center Campus in the City of West Hollywood, and
    - 2. negotiate the key terms and conditions of a Joint Development Agreement and Ground Lease(s) which respect MTA's interests relating to both interim and long-term operational and fiscal requirements associated with the proposed facilities and development; and
  - B. amend the FY13 budget to allow any deposits that may be collected from CBRCC to be expensed to cover any out-of-pocket costs that may be incurred. These deposits are currently estimated at \$50,000.
34. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) amending FY13 Budget to add one new **Civil Rights Analyst position at the H1L pay grade for Civil Rights Programs Compliance Division** to oversee federal grant subrecipient compliance with Federal Transit Administration Civil Rights regulations and guidance.
50. SYSTEM SAFETY AND OPERATION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to negotiate a **Memorandum of Understanding with the City of Los Angeles to add the Transit Access Pass to the City of Los Angeles City Service Card**. Provide a one-time, 7-day pass for the first 10,000 card holders as an incentive to promote transit use and encourage cardholders to purchase the card.

**CONSENT CALENDAR CONTINUED:**

52. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 24-month, firm fixed price contract under Bid Number 13-0006 to **Valley Power Systems, the lowest responsive and responsible bidder for bus manifolds** for an amount not to exceed \$2,501,314, inclusive of sales tax and a one year option.
53. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0):
- A. authorizing the Chief Executive Officer to **award a five-year firm fixed unit rate contract PS54302898 to Southern AM Engineering to provide Fare Collection System mid-life maintenance services** in an amount not-to-exceed \$1,470,034; and
  - B. finding that there is only a single source of procurement for these mid-life maintenance services, and the purchase of these services is for the sole purpose of maintaining existing equipment already in use. The Board hereby authorizes the purchase pursuant to Public Utilities Code section 130237.

(REQUIRES TWO-THIRDS VOTE)

54. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0):
- A. authorizing the Chief Executive Officer **to award a firm fixed price contract under RFP No. OP33202869 with New Flyer of America, Inc. for the manufacturing and delivery of 550 forty-foot CNG transit buses**, in the amount of \$302,094,182 for the base contract buy including tax and delivery, exclusive of contract Options for up to 350 additional buses for a total of 900 buses;
  - B. increasing the Life-Of-Project budget for capital project 201056 – 550 40-Foot Bus Buy from \$297,070,000 to \$304,943,000, an increase of \$7,873,000; and

(Continued on next page)

**CONSENT CALENDAR CONTINUED:**

(Item 54 – continued from previous page)

- C. amending the FY13 budget to add two new engineering FTE's in Strategic Vehicle and Infrastructure Delivery (Cost Center 3043) to support this project.

55. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to award a 24-month, firm fixed price contract under Bid Number 13-0008 to **The Jankovich Company, the lowest responsive and responsible bidder for synthetic oil** for an amount not-to-exceed \$2,282,526, inclusive of sales tax consisting of a base year and a one-year option.

56. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0):

- A. ratifying the **award of a firm fixed price contract to Ansaldo STS USA (formerly Union Switch & Signal (US&S)) (“Ansaldo”) for the upgrade of the existing solid-state train control equipment** for an amount not-to-exceed \$7,867,854; and
- B. finding that there is only a single source of procurement for the upgrade of the Metro Green Line (MGL) Train Control Equipment (MicroLok I) to Ansaldo’s MicroLok II system. The existing MGL MicroLok I Train Control Equipment is proprietary. The purchase is for the sole purpose of replacing existing equipment already in use. The Board hereby authorizes the purchase of Ansaldo MicroLok II pursuant to Public Utilities Code section 130237.

(REQUIRES TWO-THIRDS VOTE)

57. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0):

- A. ratifying the **award of a firm fixed price contract to Wabtec Passenger Transit for friction brake overhaul services of 52 P2000 Light Rail Vehicles (LRV)** for an amount not-to-exceed \$1,664,000; and

(Continued on next page)

**CONSENT CALENDAR CONTINUED:**

(Item 57 – continued from previous page)

- B. finding that there is only a single source of procurement for the overhaul of the friction brake equipment on the P2000 LRV fleet (P2000 LRV). The purchase is for the sole purpose of overhauling existing friction brake equipment for continued safe operations. The Board hereby authorizes the purchase of overhaul services for the P2000 LRV friction brakes equipment pursuant to Public Utilities Commission Code Section 130237.

(REQUIRES TWO-THIRDS VOTE)

- 58. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the CEO to award a five-year firm fixed unit rate contract, OP33672967 to Woods Maintenance Services Inc., the lowest responsive, responsible bidder, in an amount not-to-exceed \$810,000, effective January 1, 2013 for **Metro Red/Purple Line tunnel cleaning services**.
  
- 59. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer **to award a 36-month, firm fixed price contract under Bid Number 13-0013 to North American Bus Industries, the lowest responsive and responsible bidder for bus bellows assemblies** for an amount not-to-exceed \$4,449,563, inclusive of sales tax and two one-year options.
  
- 66. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **execute Contract Modification No. 52 to Contract No. C0942 with Sema Construction Inc. for a Mutual Release and Settlement Agreement** resolving all claims and disputes in the amount of \$1,750,000 increasing the total contract value from \$17,558,527 to \$19,308,527. This action does not increase the Life-of-Project Budget.

**CONSENT CALENDAR CONTINUED:**

67. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **enter into a bid stipend agreement with each of the pre-qualified proposers for the Regional Connector Transit Corridor Project in an amount of \$1,000,000 per stipend agreement for unsuccessful responsive proposers.** Upon contract award to the successful responsive and responsible proposer, the common construction industry practice is to pay a stipend to each unsuccessful responsive proposer because of the high cost of producing a competitive and comprehensive engineering and cost proposal.
68. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to enter into a **bid stipend agreement with each of the pre-qualified proposers for the Westside Subway Extension Project in the amount of \$1,500,000 per stipend agreement for unsuccessful responsive proposers.** Upon contract award to the successful responsive and responsible proposer, the common construction industry practice is to pay a stipend to each unsuccessful responsive proposer because of the high cost of producing a competitive and comprehensive proposal.
70. CONSTRUCTION COMMITTEE RECOMMENDED (3-0):
- A. approving and ratifying the decision to **proceed with work for value engineering and additional design for the Patsaouras Plaza Busway Station** pending contract change; and
  - B. authorizing the Chief Executive Officer to increase the cumulative contract modification authority from \$200,000 to \$500,000 to execute additional contract modifications, if required, to Contract No. PS0933432406A for additional design or professional services for the Patsaouras Plaza Busway Station.
85. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE RECOMMENDED (5-0) adopting the **proposed amendments to the Administrative Code relating to Title VI definitions.**

**CONSENT CALENDAR CONTINUED:**

86. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE  
RECOMMENDED (5-0) adopting **the proposed 2013 Federal and State Legislative Program.**
87. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE  
RECOMMENDED (5-0) approving **the revised Los Angeles - San Diego - San Luis Obispo Rail Corridor Agency Joint Powers Agreement.**
88. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE  
RECOMMENDED (5-0) authorizing the Chief Executive Officer to:
- A. **award a 30-month, firm fixed price contract under RFP No. PS92402983 to AST Corporation, the highest rated proposer, for the Oracle Enterprise Business Suite (FIS) upgrade project at a firm fixed price amount of \$3,779,900; and**
  - B. exercise options not to exceed \$1,873,100 for the implementation of Oracle Business Intelligence and Oracle Fusion Middleware software.
89. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE  
RECOMMENDED (5-0):
- A. approving a contract modification to Contract No. PO PS71302754, Holland & Knight, LLP, **for Federal Advocacy services for a six month schedule extension through August 30, 2013**, increasing the total contract value by \$74,000 from \$220,000 to \$296,000; and
  - B. receiving and filing **a new solicitation for Federal Legislative Advocacy.**

**END OF CONSENT CALENDAR**

## **NON-CONSENT**

3. Chair's Report.
4. Chief Executive Officer's Report.
  - Present Proclamation to the City of El Monte
36. RECEIVE AND FILE reports on a business plan to deliver the **High Desert Corridor (HDC) Project as a public-private partnership in the form of a toll concession with upfront public funding, and the feasibility of including other development opportunities and uses in the HDC.**
47. RECEIVE **report on System Safety.**
48. PRESENTATION on **LACMTA's safety culture – Findings and Recommendations** – Robert Torres.  
  
(CARRIED OVER FROM DECEMBER BOARD MEETING)
51. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) approval of **YAROSLAVSKY MOTION** that the monthly maintenance fee be waived for all participants who either work or reside in Los Angeles County; and  
  
FURTHER that Staff continue to gather and analyze data and provide the Board with quarterly updates.  
  
**FASANA AMENDMENT** to terminate accounts after 6 months of non-use.

**NON-CONSENT CONTINUED:**

69. CONSTRUCTION COMMITTEE FORWARDED WITHOUT RECOMMENDATION:

- A. finding that awarding design-build contracts pursuant to Public Utilities Code Section 130242 (b) will achieve **private sector efficiencies in the integration of the design, project work, and components related to the construction of an awning at Metro Blue Line Maintenance Facility** in Los Angeles County; and
- B. authorizing the Chief Executive Officer to solicit and award design-build contract for the awning construction at Metro Blue Line Maintenance Facility, pursuant to Public Utilities Code Section 130242 (a), (c), (d), & (e).

(REQUIRES TWO-THIRDS VOTE)

71. CONSTRUCTION COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to negotiate and execute a:

- A. Contract Modification No. 41 to Contract No. PS43502000 with Parsons Brinckerhoff, Inc. to provide engineering support services during the solicitation process, design for relocation of utilities, design support services during construction and continued **Advanced Preliminary Engineering for Section 1 of the Westside Subway Extension Project**, in an amount not to exceed \$18,845,160, increasing the total contract value from \$90,107,773 to \$108,952,933;
- B. Contract Modification No. 42 with Parsons Brinckerhoff, Inc. for a single source award to perform Final Design Services for Division 20 Yard Modifications to support the turn-back and other modifications to the existing yard and Shop facilities for the extension of the Metro Purple Line, in an amount not to exceed \$2,803,946, increasing the total contract value from \$108,952,933 to \$111,756,879;

(Continued on next page)



**NON-CONSENT CONTINUED:**

(Item 71 – continued from previous page)

CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD  
WITHOUT RECOMMENDATION:

- C. establishment of Project 865522 Westside Subway Extension Section 2 to Century City using CP 865518 FY13 unused funds to date; and authorize the CEO to negotiate and execute a Contract Modification No. 43 to Contract No. PS43502000 with Parsons Brinckerhoff, Inc. to provide continued Advanced Preliminary Engineering for Section 2 of the Westside Subway Extension Project, in an amount not to exceed \$8,879,740, increasing the total contract value from \$111,756,879 to \$120,636,619; and
- ~~D. establish Project 865523 Westside Subway Extension Section 3 to Westwood/VA Hospital using CP 865518 FY13 unused funds to date; and authorize the CEO to negotiate and execute a Contract Modification No. 44 to Contact No. PS43502000 with Parsons Brinckerhoff, Inc. to provide continued Advanced Preliminary Engineering for Section 3 of the Westside Subway Extension Project, in an amount not to exceed \$7,256,823, increasing the total contract value from \$120,636,619 to \$127,893,442 to include both Recommendations C and D.~~

84. **APPROVE continuation of first, second, and third decade Measure R project development work while we seek a viable financial strategy to allow acceleration of Measure R projects.**

90. EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE FORWARDED  
WITHOUT RECOMMENDATION:

- A. authorizing the CEO **to execute a Contract modification to Contract #OP2461010 with Cubic Transportation Systems, Inc. for an amount not to exceed \$610,000 to procure and install four Tap Ticket Vending Machines (TVMs) at El Monte Transit Center** increasing the value of the contract from \$160,416,339 to \$161,026,339;

(Continued on next page)

**NON-CONSENT CONTINUED:**

(Item 90 – continued from previous page)

- B. approving additional contract modification authority for Contract #OP2461010 with Cubic Transportation Systems, Inc., for an amount not to exceed \$500,000 for miscellaneous contract changes for the remainder of FY2013 increasing the value of the contract from \$161,026,339 to \$161,526,339; and
- C. approving an annual contract modification authority for Contract #OP2461010 with Cubic Transportation Systems, Inc., for the life of the contract in an amount not to exceed \$500,000 per year.

91. RECEIVE **Civil Rights update.**

95. RECEIVE oral presentation from **Gina Marie Lindsey regarding Airport Metro Connector Project ~~Los Angeles World Airports and the Regional Airport Connectivity Plan.~~**

96. CONSIDER:

- A. adopting **“Universal City/Studio City Station” as the official name for Metro Rail’s current Universal City Station;**
- B. adopting **“Civic Center/Grand Park/Tom Bradley Station” as the official name for Metro Rail’s current Civic Center/Tom Bradley station;**
- C. adopting **“Wilshire/Western/Alfred Hoyun Song Station” as the official name for Metro Rail’s current Wilshire/Western Station;**  
and
- D. approving the staff plan to implement the above changes at minimal cost without using operating funds.

97. **WITHDRAWN:RECEIVE I-405 and Orange Line Chronology and Status Update.**

**NON-CONSENT CONTINUED:**

98. **W/D:** FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0) approval of **KATZ MOTION regarding State Route North 710 Project** that the MTA Board consider the following:

A. Direct the Chief Executive Officer to report back at the ~~March~~ February 2013 MTA Board on the following:

1. a description of the study area and the limits of the project;
2. a complete project schedule that identifies major milestones;
3. the current scope of work being performed by staff and consultants;
4. a project cost breakdown related to all the alternatives being evaluated including:
  - a. Bus Rapid Transit (BRT)
  - b. Light Rail Transit (LRT)
  - c. surface freeway
  - d. underground tunnel
  - e. other options being considered
5. a report on consultant services and related costs to date; and

B. discontinue any technical ~~and public outreach~~ efforts until the Board receives a full report at the ~~March~~ February 2013 Board meeting.

99. CONSIDER:

A. holding a public hearing on the proposed Resolution of Necessity;  
and

(Continued on next page)

**NON-CONSENT CONTINUED:**

(Item 99 – continued from previous page)

- B. adopting the Resolution of Necessity authorizing the commencement of an **eminent domain action to acquire a full take on Parcel HS-2104 (APN 4015-019-005) for the Crenshaw LAX Transit Corridor Project.**

100. CONSIDER:

- A. holding a public hearing on the proposed Resolution of Necessity; and
- B. adopting the Resolution of Necessity authorizing the commencement of an **eminent domain action to acquire a full take on Parcels HS-2102 and 2103 (APN 4015-019-002, 4015-019-003, 4015-019-004) for the Crenshaw LAX Transit Corridor Project.**

101. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (5-0):

- A. authorizing the Chief Executive Officer to **finalize negotiations with the recommended banks and enter into reimbursement agreements and related documents for direct-pay letters of credit:**
  - 1. with Sumitomo Mitsui Banking Corporation ("Sumitomo") for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,135,000, including legal fees and other related expenses;
  - 2. with Union Bank for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,130,000, including legal fees and other related expenses;
- B. if unable to reach agreement with one or both of the recommended banks, authorizing the CEO to finalize negotiations with each successively ranked bank for agreements having three year terms and estimated costs; and

(Continued on next page)

**NON-CONSENT CONTINUED:**

(Item 101 – continued from previous page)

- C. adopting a resolution that approves the selection of Sumitomo and Union Bank or successor(s), a form of the reimbursement agreement on file with the Board Secretary and makes certain benefit findings in compliance with the Government Code.

(REQUIRES SEPARATE, SIMPLE MAJORITY BOARD VOTE)

(CARRIED OVER FROM DECEMBER REGULAR BOARD MEETING)

- 102. **YAROSLAVSKY MOTION** that this board direct Metro's counsel in conjunction with the CEO and the Inspector General/Ethics Officer, to amend the MTA Administrative Code, Board Member Code of Conduct and Employee Code of Conduct, and develop specific policies and procedures that define the allowable parameters of communications between the MTA CEO and Board members or their staff with regard to a pending procurement in order to protect the integrity and independence of MTA's procurement process; and

FURTHER that beginning immediately, the CEO be prohibited from discussing any procurements which are currently in its blackout period with any member of the Board or his/her staff until the proposed amendments to the Employee Code of Conduct are presented to the Board and acted upon.

- 103. DISCUSS **Los Angeles County proposed Clean Water, Clean Beaches Measure**, impact to Metro and possible direction by the Board related to this measure.
- 104. DISCUSS the possibility of **purchasing new chairs for the MTA Board room and MTA Board Conference room.**

**END OF NON-CONSENT ITEMS**

105. **CLOSED SESSION:**

- A. Public Employee Performance Evaluation – G.C. 54957  
Chief Executive Officer
  
- B. Conference with Real Estate Negotiator – G.C. 54956.8  
Property: Taylor Yards Parcel C, San Fernando Road, Los Angeles, CA  
Agency Negotiators: Roger Moliere and Greg Angelo  
Negotiating parties: Taylor Yards, LLC, a subsidiary of McCormack Baron Salazar, Inc.  
Under negotiation: Price and terms of payment
  
- C. Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(a)  
Today's IV, Inc. (Bonaventure Hotel) v. LACMTA, Case No. BS139540
  
- D. Conference with Legal Counsel – Anticipated Litigation- G.C. 54956.9(b)  
Significant Exposure to Litigation (2 cases)
  
- E. Conference with Legal Counsel – Anticipated Litigation- G.C. 54956.9(c)  
Initiation of Litigation (1 case)
  
- F. Conference Regarding Potential Threats to Public Services and Facilities - G.C. 54957:  
While there may be no immediate threat, this is to provide the Board with a confidential update by Ruthe Holden, Chief Auditor, and Paul Taylor, Deputy Chief Executive Officer, on security related matters.
  
- G. Conference with Labor Negotiator – G.C. 54957.6  
Agency Representative: Richard Hunt  
Employee Organizations: TCU, AFSCME
  
- H. Conference with Labor Negotiator – G.C. 54957.6  
Agency Representative: Don Ott  
Employee Organizations: ATU, UTU, TCU