

Thursday, February 28, 2013 9:00 AM

AGENDA

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Board Room

Call to Order

Directors

Michael Antonovich, Chair
Diane DuBois, 1st Vice Chair
Richard Katz, 2nd 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

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

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
TDD line (800) 252-9040

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

1. APPROVE **Consent Calendar** Items: 2, 10, 14, 15, 16, 17, 19, 23, 34, 35, 38, 41, 44, 53, 55, 57

CONSENT CALENDAR

2. APPROVE **Minutes of the Regular Board Meeting and Special Board Meeting held January 24, 2013.**

10. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED (4-0): approving an **amendment to the Measure R Local Return Guidelines to establish procedures for Local Return Borrowings.**

14. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to award **a five-year firm fixed price bench contract, under Contract No. PS12701049** with the contractors named below for vanpool lease services in an amount not to exceed \$33,237,000 inclusive of two one-year options effective March 1, ~~2014~~ 2013:
 - A. California Vanpool Authority
 - B. Enterprise Rent-a-Car Company of Los Angeles (dba Enterprise Rideshare)
 - C. VPSI, Inc. (dba vRide)

15. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0):
 - A. awarding \$9,443,997 in **Transit Oriented Development (TOD) Grants** to the 13 recommended project sponsors;
 - B. authorizing the Chief Executive Officer to execute Grant Agreements for the funds; and
 - C. amending the TOD Round 3 Grant Program Guidelines to allow 36 months for project completion.

CONSENT CALENDAR CONTINUED:

16. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **amend the FY13 budget to:**
- A. **add one full-time equivalent (FTE) non-contract Administrative Analyst position to Countywide Planning, cost center 4540** to perform vanpool customer formation and in-take in compliance with new Federal Transit Administration rules for vanpool eligibility and reporting; and
 - B. **add one FTE non-contract Senior Account Executive position to Communications, cost center 7140** to provide advanced customer service for Metro's employer annual pass sales program and manage the Youth On The Move program.
17. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (5-0) approving a **finding that all 88 cities and the County of Los Angeles are in conformance with the Congestion Management Program for Los Angeles County.**
19. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer to:
- A. execute **modification No. 3 to Contract No. PS10-4320-2618 with HDR Engineering, Inc. (Contractor) in the firm fixed amount of \$339,793 for the expanded scope of the Environmental Impact Report/Environmental Assessment (EIR/EA) for the Restoration of Historic Streetcar Service Project in Downtown Los Angeles,** increasing the total contract value from \$2,481,082 to \$2,820,875;
 - B. increase Contract Modification Authority for **Contract No. PS10-4320-2618, Restoration of Historic Streetcar Service in Downtown Los Angeles,** with the Contractor in the amount of \$250,000; and

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CONSENT CALENDAR CONTINUED:

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- C. execute appropriate agreements **with Los Angeles Streetcar, Inc. to ensure that Metro is advanced the funds to cover all incurred costs**, including staff and consultant services, for the preparation of the EIR/EA and Federal Transit Administration Small Starts application.
23. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0) authorizing the Chief Executive Officer **to enter into an amendment to the existing Revised Amended and Restated Joint Development Agreement with MacArthur Park Metro, LLC**, to modify the conceptual development plan for Phase B of the proposed joint development project such that it provides for:
- A. construction of 82 affordable apartments and 6,000 to 12,000 square feet of retail space;
 - B. closure of the existing north portal to the Westlake/MacArthur subway station and its adjoining, subterranean access; and
 - C. construction of a new subway portal at Westlake Avenue, all subject to appropriate operational approvals.
34. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to:
- A. **award a firm fixed price contract under Bid No. 13-0020 to North American Bus Industries, the lowest responsive and responsible bidder, for the procurement of 200 electric fan system units** for an amount not-to-exceed \$2,607,255 inclusive of sales tax; and
 - B. **exercise an option with North American Bus Industries to purchase up to 121 additional electric fan system units subject to availability of funding** for an amount not-to-exceed \$1,640,484 inclusive of sales tax.

CONSENT CALENDAR CONTINUED:

35. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **award a 24-month, indefinite delivery/indefinite quantity, firm fixed price contract under Bid Number 13-0019 to the following lowest responsive and responsible bidders for turbochargers for an amount not-to-exceed \$2,697,251 inclusive of sales tax and a one-year option:**
- A. Performance Turbochargers, LLC for line item 1 (Turbocharger Asm. – Series 50G Gas) for a total contract value of \$1,350,605; and
 - B. Cummins Cal Pacific, LLC for line item 2 (Turbocharger Asm. – Engine, Cummins ISL) for a total contract value of \$1,346,646.
38. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (3-0) approving **the appointment of Sierra Madre City Councilmember John Harabedian to the Metro San Gabriel Valley Service Council.**
41. SYSTEM SAFETY AND OPERATIONS COMMITTEE RECOMMENDED (4-0) AND EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (3-0) amending **Title 6, Chapter 6-05 of the LA County Metropolitan Transportation Authority Administrative Code**, otherwise known as the Metro Customer Code.
44. CONSTRUCTION COMMITTEE RECOMMENDED (3-0-1) these modifications for **the I-405 Sepulveda Pass Improvements Project contract to:**
- A. approve a **decrease to the Life of Project (LOP) budget of \$3.4 million to reflect reduced funding from the City of Los Angeles** for overlapping areas of the City's Reversible Lane Project, decreasing the LOP budget from \$1,048 million to \$1,044.6 million;
 - B. accept \$26.1 million; for project enhancements from the State of California Proposition 1B Corridor Mobility Improvement Account, increasing the LOP budget from \$1,044.6 million to \$1,070.7 million; and

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CONSENT CALENDAR CONTINUED:

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- C. authorize the Chief Executive Officer to execute a Contract Modification to Contract No. C0882, with Kiewit Infrastructure West Company, to increase funding for Contract Schedule C Provisional Items in the amount of \$15 million increasing the Total Contract Value from \$828,151,774 to \$843,151,774, with no change in the LOP budget

- 53. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (5-0) authorizing the Chief Executive Officer **to award a contract under RFP# PS92402982 to AVI-SPL, the highest rated proposer, for the Boardroom Audio-Video System Upgrade** in an amount not-to-exceed \$974,000.

- 55. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (3-0) authorizing the Chief Executive Officer to **award a 20-year revenue-generating contract to InSite Wireless, LLC the highest-rated, responsive and responsible proposer** to act as Neutral Host Provider for the Underground Cell Phone and Data Services Provider for a total minimum annual revenue guarantee of \$360,000. This amount is subject to a 3% annual escalation.

- 57. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (3-0) amending **Section 6.6 (Board Travel Expenses), Board Rules and Procedures of the Los Angeles County Metropolitan Transportation Authority.**

END OF CONSENT CALENDAR

NON-CONSENT

- 3. Chair’s Report.

- 4. Chief Executive Officer’s Report.
 - ExpressLanes Recognition

NON-CONSENT CONTINUED:

9. FINANCE, BUDGET AND AUDIT COMMITTEE RECOMMENDED
(3-0-1):

A. adopting a resolution that:

1. approves the **selection of Bank of the West and a form of the reimbursement agreement on file with the Board Secretary;**
2. approves the **selection of Wells Fargo Bank, National Association;** and
3. **makes certain benefit findings in compliance with the Government Code.**

B. authorizing the Chief Executive Officer to finalize negotiations with the proposing bank and:

1. **enter into reimbursement agreement for direct-pay letter of credit with Bank of the West for a commitment amount of \$75 million for a three-year term at an estimated cost of \$1,500,000,** including legal fees and other related expenses; and
2. **negotiate with Wells Fargo and prepare documents for a direct purchase revolving credit facility of \$75 million for a three-year term at an estimated cost of \$1,530,000,** including legal fees and other related expenses; or
3. **if unable to reach agreement with one or both of the recommended proposers, negotiate with each successively ranked proposer for agreements** having the terms and estimated costs for each bank.

(REQUIRES SEPARATE, SIMPLE MAJORITY VOTE)

NON-CONSENT CONTINUED:

18. PLANNING AND PROGRAMMING COMMITTEE RECOMMENDED (4-0)
AS AMENDED BY WILSON, HUIZAR, DUBOIS AND FASANA:

- A. **deobligating \$12.918 million of previously approved Countywide Calls for Projects funding;**
- B. approving changes to the scope of work and reprogramming funding for the City of Long Beach – Downtown Long Beach Pine Avenue Streetscape Improvement Project (#F5609);
- C. receiving and filing status report on the Call for Projects with redevelopment funds.

AMENDMENT that the MTA Board direct the CEO to approve the following and report back no later than the April 2013 Board cycle:

- 1. Report back on the quality of active transportation projects submitted in the 2013 Call, with a recommendation for funding marks based on determined quality for the 2013 funding cycle.
- 2. Prepare a report on the current state of all Call for Projects funding cycles, including a measure of effectiveness of each modal category and levels of funding, and work with stakeholders to make recommendations for what should be adjusted for the 2015 Call for Project cycle.
- 3. Consider including a “complete streets” modal category in the 2015 Call for Projects cycle, or adjusting scoring criteria to give greater weight to projects that integrate all modes of transportation and foster complete streets.
- 4. Report back on how each MTA transit corridor project currently in design or under construction is working with cities to incorporate robust bicycle and pedestrian improvements to facilitate first mile / last mile transit access.

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NON-CONSENT CONTINUED:

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5. Report back on MTA's existing project initiation checklist for major capital projects and analyze best practices to include any additional active transportation elements.
 6. Evaluate and propose changes to MTA's current design criteria to make it easier to incorporate stair channels or ramps so that bicyclists can wheel their bikes safely up and down staircases.
 7. Work with cities across Los Angeles County to collect mode-split, economic, safety, and other relevant data to further justify the need for active transportation projects and demonstrate before and after results.
 8. Look at reductions in station area parking to fund active transportation linkages and infrastructure around MTA stations.
22. PLANNING AND PROGRAMMING COMMITTEE FORWARDED WITHOUT RECOMMENDATION authorizing the Chief Executive Officer to increase the cumulative Contract Modification Authority from \$680,067 to \$2,680,067 to execute additional contract modifications, if required, to Contract No. PS4370-2316, **Public-Private Partnership Consulting Services**, with InfraConsult LLC, (Consultant) to:
- A. evaluate the feasibility of a transit and/or highway facility through the **Sepulveda Pass as a Public-Private Partnership (P3) project**; and
 - B. continue P3 work on development of the Accelerated Regional Transportation Improvements project.
32. RECEIVE **report on System Safety**

NON-CONSENT CONTINUED:

46. FORWARDED WITHOUT RECOMMENDATION **HUIZAR MOTION** THAT the Board direct the CEO to underground the electric utility poles along Cesar Chavez Avenue as part of the Division 13 bus maintenance facility construction project to be funded under the existing LOP/contingency approved by the board.

FURTHERMOVE that the contingency be maintained at a minimum of 3% and if additional funding is needed outside the LOP/contingency report back to the board on additional funding sources.

58. RECEIVE **Civil Rights Compliance Update**.

59. EXECUTIVE MANAGEMENT COMMITTEE RECOMMENDED (3-0) adopting:

- A. **AB 160 (Alejo)** – would exempt from the Public Employees’ Pension Reform Act, by exempting from the definition of public retirement system, employer plans whose employees’ collective bargaining rights are protected by a specific provision of federal law. **NEUTRAL WORK WITH AUTHOR**; and

EXECUTIVE MANAGEMENT COMMITTEE FORWARDED WITHOUT RECOMMENDATION:

- B. **SCA 4 (Liu) and SCA 8 (Corbett)** – would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires 55% approval. **SUPPORT**

60. EXECUTIVE MANAGEMENT COMMITTEE FORWARDED WITHOUT RECOMMENDATION **KNABE, ANTONOVICH AND DUBOIS MOTION** that the MTA Board:

- A. formally oppose the Los Angeles County Flood Control Districts Clean Water, Clean Beaches Measure;

(Continued on next page)

NON-CONSENT CONTINUED:

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- B. direct staff to send in the completed protest forms for all properties owned by the MTA; and
 - C. instruct staff to continue to work with the District to address the issues raised by the Measure.
61. 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
 - 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 JANUARY REGULAR BOARD MEETING)

NON-CONSENT CONTINUED:

62. **ANTONOVICH MOTION** that the MTA Board support the Mobility 21 Goods Movement Initiative and authorize the CEO to make the necessary financial contribution for MTA to be a funding partner.

END OF NON-CONSENT ITEMS

63. **CLOSED SESSION:**

- A. Public Employee Performance Evaluation – G.C. 54957
Chief Executive Officer
- B. Conference with Legal Counsel – Existing Litigation – G.C. 54956.9(a)
 - 1. Piratra Roongrawee v. LACMTA, Case No. BC 437204
 - 2. Albert Barajas v. LACMTA, Case No. GC 048229
 - 3. Ebrahim Setareh v. LACMTA, Case No. EC 054584
- C. Conference with Labor Negotiator – G.C. 54957.6
Agency Representative: Richard Hunt
Employee Organizations: TCU, AFSCME
- D. Conference with Real Property Negotiator – G.C. 54956.8
 - 1. Property Description: 405 and 407 E. Florence Ave, Inglewood, CA
Agency Negotiator: Velma Marshall
Negotiating Party: Moses Unah
Under Negotiation: Price and terms
 - 2. Property Description: 9320 - 9430 Bellanca Ave, Los Angeles, CA
Agency Negotiator: Velma Marshall
Negotiating Party: NSHE Lebanon, LLC
Under Negotiation: Price and terms

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CLOSED SESSION CONTINUED

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3. Property Description: Parcel Nos.: RC-469, 470, 471, 477, 486, 488, 489, 490:
Agency Negotiator: Velma Marshall
Negotiating Party: City of Los Angeles
Under Negotiation: Price and terms

E. 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.