

MINUTES

Los Angeles County
Metropolitan Transportation Authority

Regular Board Meeting Board of Directors

One Gateway Plaza
3rd Floor Boardroom

Called to Order at 10:10 a.m.

Directors present:

Frank Roberts, Chair
James Hahn, 1st Vice Chair
Gloria Molina, 2nd Vice Chair
Mike Antonovich
Yvonne B. Burke
John Fasana
Don Knabe
Tom LaBonge
Martin Ludlow
Pam O'Connor
Beatrice Proo
Zev Yaroslavsky

Officers

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



Metropolitan Transportation Authority

Metro

NOTE: Members voting are reflected on the attached "RECAP OF PROCEEDINGS" matrix.

1. APPROVED Consent Calendar Items: 2, 10, 11, 26, and 27
Items 6 and 18 were removed from Consent Calendar.
2. APPROVED ON CONSENT CALENDAR **Minutes** of Regular Board Meeting held September 23, 2004.
3. Chair's Report - NONE
4. RECEIVED Chief Executive Officer's Report
 - Security Efforts
 - UCLA Symposium on Goods Movement
 - California Transportation Association Annual Fall Conference and Expo November 2 - 4, 2004, at the Sheraton Universal Hotel. The Conference is chaired by Deputy CEO, John Catoe.
6. CARRIED OVER TO DECEMBER 13 BOARD MEETING DUE TO CONFLICTS authorizing the Chief Executive Officer to enter into a six-month Exclusive Negotiation Agreement with C. Chavez/Soto, LLC for the **development of approximately 3.5 acres of Metro-owned properties located in the proximity of the intersection of Cesar Chavez Blvd. And Soto. St.**
10. APPROVED ON CONSENT CALENDAR adopting the following **positions on Federal Legislation:**
 - A. H.R. 5025 (Istook) – a bill making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes. **WORK WITH AUTHOR**

- B. S. 2806 (Shelby) – a bill making appropriations for the Departments of Transportation and Treasury, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 2005 and for other purposes. **WORK WITH AUTHOR**
- C. H.R. 5082 (Young) – The Public Transportation Terrorism Prevention and Response Act of 2004, authorizing the U.S. Secretary of Transportation to award grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes. **SUPPORT**

11. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to execute Modification Number 4 to Contract No. PS-5420-0653 with Images in Foil, Inc. for Additional Fare Media Pass and Stamp Production Services for **Metro Passes and Stamps, Regional Transit Passes and Stamps and Day Passes** in the amount of \$260,189 revising the Total Contract Value from \$5,442,137 to \$5,702,326.

12. CLOSED SESSION:

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

a) Reese v. MTA BC304707

AUTHORIZED settlement in the amount of \$1.5 million.

b) Citizens Organized for Smart Transit v. MTA BS075103

NO REPORT.

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

Agency Negotiators: Roger Snoble and Brenda Diederichs
Employee Organization: ATU

NO REPORT.

C. Conference regarding Potential Threats to Public Services or Facilities - G.C. 54957:

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

NO REPORT.

D. Personnel Matters – G.C. 54957:

Public Employee Performance Evaluation – Chief Executive Officer

NO REPORT.

18. REFERRED TO NOVEMBER CONSTRUCTION COMMITTEE receipt and filing of **ordinance establishing procedures for processing construction change orders** at the October Board meeting and adopting it at the next meeting.

19. APPROVED execution of Contract Modification No. 37 to Contract No. C0675 Design/Build with Shimmick Construction Co., Inc/Obayashi Corp., J. V., **to furnish and install a storm drainage system between Tyrone Avenue and Hazeltine Avenue for the Metro Orange Line Project** in the amount of \$1,299,825 (which incorporates Change Orders 47.00 and 47.01 previously issued in an amount not-to-exceed \$980,000). This action is within the current Board-authorized total contract authority of \$168,059,040.

Amendment: To allow staff time to negotiate with the City of Los Angeles regarding reimbursement of storm drainage cost.

20. CARRIED OVER TO DECEMBER 13 BOARD MEETING authorizing the Chief Executive Officer to execute a Recovery Agreement to Contract No. 0675 Design/Build with Shimmick Construction Co., Inc/Obayashi Corporation J.V. (SOJV) **to recover schedule delays and settle time related claims in lieu of compensable time extensions for the Metro Orange Line Project** for an amount not to exceed \$7.9 million.

Amendment: To require Best Efforts in lieu of Exemption of DBE requirements on recovery work.

26. APPROVED ON CONSENT CALENDAR authorizing MTA Security Officers, consistent with appropriate federal, state and local laws, **to issue parking citations for violations occurring on MTA property.**

27. APPROVED ON CONSENT CALENDAR authorizing the Chief Executive Officer to negotiate and execute Modification No. 25 to Contract No. OP-02-4610-10 with Cubic Transportation Systems, Inc. to provide the **Municipal Operators /UFS Regional Central Data Computer System** for an amount not to exceed \$6.1 million increasing the total contract value from \$92,849,312 to \$98,949,312.

28. APPROVED MOLINA MOTION – that the Board direct MTA staff to work with Metrolink Board members and staff to identify a plan that would **increase inspections of the commuter rail lines** using ultrasonic technology and other techniques that would identify fatigued rail tracks and report back to the Board within 30 days;

Further move, that the Board direct County Counsel to request the commercial rail operators and the National Transportation Safety Board to submit to the Board a safety plan and status report on their inspection of railroad tracks in Los Angeles County.

29. APPROVED **MTA response to Writ of Mandate** in Citizens Organized for Smart Transit v MTA, Los Angeles Superior Court Case Number BS075103.

The Board adopted Resolution recommended by County Counsel.

30. AUTHORIZED the Chief Executive Officer to execute a successor **Collective Bargaining Agreement with the Transportation Communications Union ("TCU")**, effective July 1, 2003.

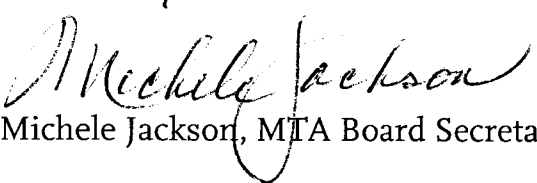
ADDED TO THE AGENDA BY A 2/3 VOTE OF THE BOARD:

31. **FAILED - VILLARAIGOSA MOTION - that staff prepare and implement a plan to offer riders free rides on MTA buses and trains to their polling place and back who show proof of intent to vote or proof of having voted on election day, November 2, 2004;**

and that this plan also include retention of full service and, when possible, provision of enhanced service during the evening off-peak period until the polls close to accommodate voters during a traditionally high-turnout part of election day.

RECEIVED public comment.

Prepared by: Christina Lumba-Gamboa
Recording Secretary


Michele Jackson, MTA Board Secretary

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING												
ITEM NO.	SUBJECT ITEM	O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	LABONGE	WONG
	<u>ACTION TAKEN</u>													
1	APPROVE CONSENT CALENDAR ITEMS: 2, 10, 11, 26, AND 27 ITEMS 6 AND 18 WERE REMOVED FROM CONSENT CALENDAR	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	
2	APPROVE MINUTES OF REGULAR BOARD MEETING HELD SEPTEMBER 23, 2004.													
3	CHAIR'S REPORT													
4	CHIEF EXECUTIVE OFFICER'S REPORT	P	A	A	A	A	P	P	P	A	P	P	A	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE			P	P	P	P	P	P	P	P	P	P	P	P	A
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	VAROSLAVSKY	KNABE	PROO	LABONGE	WONG
6	AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A SIX-MONTH EXCLUSIVE NEGOTIATION AGREEMENT WITH C. CHAVEZ/SOTO, LIC FOR THE DEVELOPMENT OF APPROXIMATELY 3.5 ACRES OF METRO-OWNED PROPERTIES LOCATED IN THE PROXIMITY OF THE INTERSECTION OF CESAR CHAVEZ BLVD. AND SOTO. ST.	CARRIED OVER TO DECEMBER 13 BOARD MEETING DUE TO CONFLICTS	P	C	P	P	C	C	P	C	P	A	P	C	
10	ADOPT THE FOLLOWING POSITIONS ON FEDERAL LEGISLATION: A. H.R. 5025 (ISTOOK) - A BILL MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION AND TREASURY, AND INDEPENDENT AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005, AND FOR OTHER PURPOSES. WORK WITH AUTHOR	APPROVED ON CONSENT CALENDAR													

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

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ITEM NO.	SUBJECT ITEM	O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	LABONGE	WONG
	<u>ACTION TAKEN</u>													
	B. S. 2806 (SHELBY) - A BILL MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF TRANSPORTATION AND TREASURY, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2005 AND FOR OTHER PURPOSES. WORK WITH AUTHOR													
	C. H.R. 5082 (YOUNG) - THE PUBLIC TRANSPORTATION TERRORISM PREVENTION AND RESPONSE ACT OF 2004, AUTHORIZING THE U.S. SECRETARY OF TRANSPORTATION TO AWARD GRANTS TO PUBLIC TRANSPORTATION AGENCIES AND OVER-THE-ROAD BUS OPERATORS TO IMPROVE SECURITY, AND FOR OTHER PURPOSES. SUPPORT													

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE		DIRECTORS VOTING												
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	P	P	P	P	P	P	P	P	P	P	P	A
11	AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE MODIFICATION NUMBER 4 TO CONTRACT NO. PS-5420-0653 WITH IMAGES IN FOIL, INC. FOR ADDITIONAL FARE MEDIA PASS AND STAMP PRODUCTION SERVICES FOR METRO PASSES AND STAMPS, REGIONAL TRANSIT PASSES AND STAMPS AND DAY PASSES IN THE AMOUNT OF \$260,189 REVISING THE TOTAL CONTRACT VALUE FROM \$5,442,137 TO \$5,702,326.	APPROVED ON CONSENT CALENDAR												
12-A	CLOSED SESSION: A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - G.C. 54956.9 (A): A) REESE V. MTA BC304707	AUTHORIZED SETTLEMENT IN THE AMOUNT OF \$1.5 MILLION	Y	A	Y	Y	A	A	A	Y	Y	A	A	Y

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE		P	P	P	P	P	P	P	P	P	P	P	A	
ITEM NO.	<u>SUBJECT ITEM</u>	O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	LABONGE	WONG
	<u>ACTION TAKEN</u>													
12-B	B) CITIZENS ORGANIZED FOR SMART TRANSIT V. MTA BS075103 CONFERENCE WITH LABOR NEGOTIATOR - G.C. 54957.6 AGENCY NEGOTIATORS: ROGER SNOBLE AND BRENDA DIEDERICHS EMPLOYEE ORGANIZATIONS: ATU													
12-C	CONFERENCE REGARDING POTENTIAL THREATS TO PUBLIC SERVICES OR FACILITIES - G.C. 54957: WHILE THERE MAY BE NO IMMEDIATE THREAT, THIS IS TO PROVIDE THE BOARD WITH A CONFIDENTIAL UPDATE BY CAPTAIN FINKELSTEIN, CHIEF OF SECURITY AND LAW ENFORCEMENT, ON SECURITY RELATED MATTERS.													

LEGEND: Y-YES, N-NO, C-CONFLICT OF INTEREST, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE		ACTION TAKEN	P	P	P	P	P	P	P	P	P	P	P	A
ITEM NO.	SUBJECT ITEM		O'CONNOR	LUDLOW	PASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	LABONGE
19	CONSTRUCTION COMMITTEE FORWARDED TO THE FULL BOARD WITHOUT RECOMMENDATION AS AMENDED BY MOLINA/BURKE (3-0-1) EXECUTION OF CONTRACT MODIFICATION NO. 37 TO CONTRACT NO. C0675 DESIGN/BUILD WITH SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORP., J. V., TO FURNISH AND INSTALL A STORM DRAINAGE SYSTEM BETWEEN TYRONE AVENUE AND HAZELTINE AVENUE FOR THE METRO ORANGE LINE PROJECT IN THE AMOUNT OF \$1,299,825 (WHICH INCORPORATES CHANGE ORDERS 47.00 AND 47.01 PREVIOUSLY ISSUED IN AN AMOUNT NOT-TO-EXCEED \$980,000). THIS ACTION IS WITHIN THE CURRENT BOARD-AUTHORIZED TOTAL CONTRACT AUTHORITY OF \$168,059,040.	APPROVED	N	Y	Y	Y	A	C	Y	A	Y	A	Y	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

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ATTENDANCE		DIRECTORS VOTING													
ITEM NO.	SUBJECT ITEM	ACTION TAKEN	P	P	P	P	P	P	P	P	P	P	P	A	
	AMENDMENT: TO ALLOW STAFF TIME TO NEGOTIATE WITH THE CITY OF LOS ANGELES REGARDING REIMBURSEMENT OF STORM DRAINAGE COST.		O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	VAROSLAVSKY	KNABE	PROO	LABONGE	WONG

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE		P	P	P	P	P	P	P	P	P	P	P	P	P	A
ITEM NO.	<u>SUBJECT ITEM</u>														
20	<p><u>ACTION TAKEN</u></p> <p>CARRIED OVER TO DECEMBER 13 BOARD MEETING</p> <p>CONSTRUCTION COMMITTEE RECOMMENDED (3-0-1) AS AMENDED BY BURKE AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE A RECOVERY AGREEMENT TO CONTRACT NO. 0675 DESIGN/BUILD WITH SHIMMICK CONSTRUCTION CO., INC/OBAYASHI CORPORATION J.V. (SOJV) TO RECOVER SCHEDULE DELAYS AND SETTLE TIME RELATED CLAIMS IN LIEU OF COMPENSABLE TIME EXTENSIONS FOR THE METRO ORANGE LINE PROJECT FOR AN AMOUNT NOT TO EXCEED \$7.9 MILLION.</p> <p>AMENDMENT: TO REQUIRE BEST EFFORTS IN LIEU OF EXEMPTION OF DBE REQUIREMENTS ON RECOVERY WORK.</p>	CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	VAROSLAVSKY	KNABE	PROO	LABONGE	WONG	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

RECAP OF PROCEEDINGS

LOS ANGELES COUNTY, METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING

THURSDAY, OCTOBER 28, 2004

DIRECTORS VOTING

ATTENDANCE			P	P	P	P	P	P	P	P	P	P	P	A	
ITEM NO.	SUBJECT ITEM	<u>ACTION TAKEN</u>	O'CONNOR	LUDLOW	FASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	VAROSLAVSKY	KNABE	PROO	LABONGE	WONG
26	CONSIDER AUTHORIZING MTA SECURITY OFFICERS, CONSISTENT WITH APPROPRIATE FEDERAL, STATE AND LOCAL LAWS, TO ISSUE PARKING CITATIONS FOR VIOLATIONS OCCURRING ON MTA PROPERTY.	APPROVED ON CONSENT CALENDAR													
27	AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE MODIFICATION NO. 25 TO CONTRACT NO. OP-02-4610-10 WITH CUBIC TRANSPORTATION SYSTEMS, INC. TO PROVIDE THE MUNICIPAL OPERATORS /UFS REGIONAL CENTRAL DATA COMPUTER SYSTEM FOR AN AMOUNT NOT TO EXCEED \$6.1 MILLION INCREASING THE TOTAL CONTRACT VALUE FROM \$92,849,312 TO \$98,949,312.	APPROVED ON CONSENT CALENDAR												C	

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

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ITEM NO.	SUBJECT ITEM	O'CONNOR	LUDLOW	PASANA	BURKE	MOLINA	HAHN	ROBERTS	ANTONOVICH	YAROSLAVSKY	KNABE	PROO	LABONGE	WONG
	<u>ACTION TAKEN</u>													
28	MOLINA MOTION - THAT THE BOARD DIRECT MTA STAFF TO WORK WITH METROLINK BOARD MEMBERS AND STAFF TO IDENTIFY A PLAN THAT WOULD INCREASE INSPECTIONS OF THE COMMUTER RAIL LINES USING ULTRASONIC TECHNOLOGY AND OTHER TECHNIQUES THAT WOULD IDENTIFY FATIGUED RAIL TRACKS AND REPORT BACK TO THE BOARD WITHIN 30 DAYS;	Y	A	Y	Y	A	Y	Y	A	Y	A	Y	Y	
28	FURTHER MOVE, THAT THE BOARD DIRECT COUNTY COUNSEL TO REQUEST THE COMMERCIAL RAIL OPERATORS AND THE NATIONAL TRANSPORTATION SAFETY BOARD TO SUBMIT TO THE BOARD A SAFETY PLAN AND STATUS REPORT ON THEIR INSPECTION OF RAILROAD TRACKS IN LOS ANGELES COUNTY.													

LEGEND: Y-YES, N-NO, C-CONFLICT, AB-ABSTAIN, A-ABSENT, P-PRESENT

